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September 5, 2000

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SEP 5 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
The Portals II  
445 Twelfth Street, S.W.  
TW-A325  
Washington, D.C. 20554

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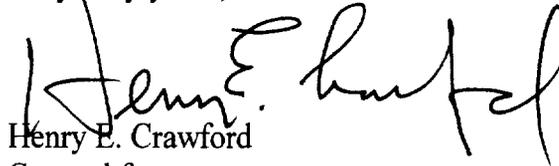
Re: MM Docket No. 00-116  
RM-9877  
Saga Quad States Communications, Inc.

Dear Ms. Salas:

Transmitted herewith, on behalf of Saga Quad States Communications, Inc., licensee of KOAM-TV, Pittsburg, Kansas, are an original and four copies of its Reply Comments in response to the Comments filed on July 19, 2000 by KMBC Hearst-Argyle Television, licensee of KMBC(TV), Kansas City, Missouri, in connection with the *Notice of Proposed Rule Making*, DA-00-1411, released June 28, 2000.

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Henry E. Crawford  
Counsel for

**SAGA QUAD STATES COMMUNICATIONS, INC.**

HEC/pn.09052000A  
Enc.

cc: As per Certificate of Service  
Saga Quad States Communications, Inc.

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Before the  
**Federal Communications Commission** RECEIVED  
Washington, DC 20554

SEP 5 2000

In the Matter of )  
)  
Amendment of Section 73.622(b), )  
Table of Allotments, )  
Digital Television Broadcast Stations. )  
(Kansas City, Missouri) )

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

MM Docket No. 00-116  
RM-9877

To: Chief, Video Services Division

**REPLY COMMENTS OF SAGA QUAD STATES COMMUNICATIONS, INC.**

Saga Quad States Communications, Inc. ("Saga") licensee of KOAM-TV, Pittsburg, Kansas, by counsel, pursuant to Sections 1.415 and 73.623 of the Commission's Rules and the *Notice of Proposed Rule Making*, DA 00-1411, released June 28, 2000 ("NPRM"), hereby files its *Reply Comments* in response to the *Comments* filed on July 19, 2000 by KMBC Hearst-Argyle Television ("KMBC"), licensee of television station KMBC(TV), which operates on NTSC Channel 9 at Kansas City, Missouri.

In its *Comments*, KMBC claims a public interest basis for its proposal, speculating that it would eliminate the "potential adverse impact" to "many" land mobile facilities that are licensed for operation within 50 miles of KMBC's tower site. *Comments*, p. 1. However, as already pointed out by Saga in its *Comments*, no specific mobile facility is shown as being compromised by the present allotment. Moreover, there does not seem to be any practical reason for altering the present allotment scheme because KMBC has stated its intention to return to Channel 9 for DTV operation at the conclusion of the transition period. See *Petition for Rulemaking*,

Engineering Statement, p. 5. Therefore, the proposal advanced by KMBC in its *Comments* is entirely speculative and of no practical effect.

KMBC also argues in comments that the proposed substitution of DTV Channel 7 for DTV Channel 14 can be accomplished within the framework of the Commission's Rules. *Comments*, p. 2. However, the KMBC proposal is inconsistent with Saga's ability to operate without restrictions on its own DTV station on Channel 7 at Pittsburg, Kansas. According to the DTV rules, Saga has the vested right to make such an election at some future date. That election would be precluded by KMBC's proposal herein. Therefore, the channel substitution could not be effectuated without the need for a hearing in accordance with *Ashbacker Radio Corp. v. FCC*, 326 U.S. 327 (1945).

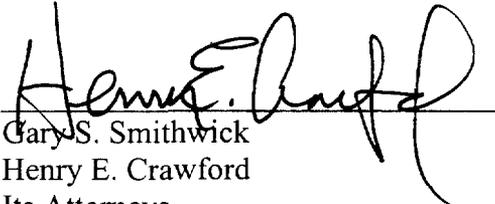
As an additional matter, KMBC asserts that it has a present intention to apply for and construct a DTV facility on Channel 7. *Comments*, p. 2. As already noted, however, KMBC apparently intends to ultimately operate its DTV facility on Channel 9. Therefore, KMBC is not committed to long-term operation on Channel 7 and its proposal herein would only needlessly disrupt the DTV table of allotments for purely speculative reasons to allow the creation of a DTV facility that will ultimately be abandoned by the petitioner.

For the foregoing reasons, Saga respectfully requests the Commission to deny KMBC's proposal to reallocate Channel 7 to Kansas City, Missouri. In the alternative, Saga requests that the Commission adopt the counterproposal set out in its own Comments which provides for the

allotment of DTV Channel 26 or any of 5 other alternate channels that Saga has demonstrated may be allotted at Kansas City without adverse impact to any land mobile facilities.

Respectfully submitted,

Saga Quad States Communications, Inc.

By:   
Gary S. Smithwick  
Henry E. Crawford  
Its Attorneys

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September 5, 2000

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., do hereby certify that copies of the foregoing Reply Comments of Saga Quad States Communications, Inc., have been served by United States mail, postage prepaid, this 5th day of September, 2000 upon the following:

Ms. Pam Blumenthal\*  
Mass Media Bureau  
Federal Communications Commission  
The Portals II  
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Washington, DC 20554

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\*Hand Delivered

  
Patricia A. Neil