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November 30, 2000

**Via Federal Express**

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Portals II Building  
Room TW-A325  
Washington, DC 20554

Re: MM Docket No. 00-195  
Amendment of FM Table of Allotments  
(Clinton, Tennessee and Oliver Springs, Tennessee)

Dear Ms. Salas:

Enclosed please find an original and four copies of the comments and counterproposal of Oliver Springs Broadcasting Company to be filed in the above FM allotment proceeding.

Also enclosed is an additional copy of the comments and counterproposal to be returned to the undersigned in the enclosed postage-paid self-addressed envelope after it has been date-stamped by your office.

No. of Copies rec'd  
List ABCDE

074

Ms. Magalie Roman Salas  
November 30, 2000  
Page 2

Questions concerning the enclosed should be directed to the undersigned. Thank you for your assistance.

Sincerely yours.

MCCAMPBELL & YOUNG, P.C.  
A PROFESSIONAL CORPORATION

A handwritten signature in black ink that reads "Robert S. Stone". The signature is written in a cursive style with a large, sweeping initial "R".

Robert S. Stone

RSS/cs

Enclosures: As stated

cc: Oliver Springs Broadcasting Company (with enclosures)  
John S. Neely, Esq. (with enclosures)

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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In the matter of:

Amendment of Section 73.202(b)	)	MM Docket No. 00-195
Table of Allotments,	)	
FM Broadcast Stations.	)	RM No. 9973
(Clinton, Tennessee and	)	
Oliver Springs, Tennessee)	)	

To: Chief Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**COMMENTS AND COUNTERPROPOSAL OF  
OLIVER SPRINGS BROADCASTING COMPANY**

Oliver Springs Broadcasting Company ("OSBC"), by counsel, in response to the Commission's *Notice of Proposed Rule Making*, DA00-2301, released October 11, 2000 ("*NPRM*") in the above-captioned rule making proceeding, hereby respectfully submits its comments and counterproposal. OSBC respectfully requests the allotment of Channel 291A to the community of Oliver Springs, Tennessee instead of Clinton, Tennessee. In support whereof, the following is shown:

1. Petitioner, Clyde Scott, Jr., dba EME Communications ("Petitioner"), proposes the allotment of Channel 291A to the community of Clinton, Tennessee as that community's third local FM transmission service and fourth local aural service. In his petition, petitioner claims that the Commission's standard F 50:50 curve "indicates that the 70 dBu contour of a full height, full power class A facility extends 16.2 km" and that the proposal would therefore comply with Section 315 of the Commission's rules because, "from the proposed site, the city of Clinton is located 12.8

km along the 102.1 degree radial." *Petition* at p. 2. Contrary to Petitioner's claims, however, his proposal would not comply with the Commission's coverage requirements for FM allotments due to severe shadowing between the proposed site and the community of Clinton. Exhibit 1 to the attached engineering statement submitted on behalf of OSBC depicts the terrain from Petitioner's reference site to Clinton, based upon a radiation center height above average terrain of 100 meters, representing a "full height" class A facility consistent with Petitioner's proposal. As reported by Exhibit 1, line-of-sight from the proposed site to the community of Clinton cannot be achieved.

2. Section 315(b) of the Commission's rules clearly states, "[T]he location of the antenna should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path." Petitioner's proposal is therefore not in compliance with the Commission's technical standards and should therefore be denied on this basis alone.

3. OSBC's counterproposal is fully consistent with the Commission's technical requirements. As set forth in the technical exhibit attached hereto in support of OSBC's counterproposal, FM Channel 291A may be allotted to the community of Oliver Springs in full compliance with all spacing requirements of the Commission while providing for principal community coverage throughout the community. The allotment would not create or exacerbate any shortspacing to existing assignments, vacant allotments, pending applications, or proposed allotments. From OSBC's requested allotment reference site, an existing broadcast antenna tower structure, over 170,000 persons within a 2,440 square km area will receive new service. Full line-of-sight and city grade contour service to all of the community of Oliver Springs will also be accomplished from this site.

4. According to the U.S. Census Bureau's Population Estimates program (internet release date: October 20, 2000), Clinton, Tennessee's population as of July 1, 1999 was 9,755 (Petitioner's population estimate of 21,075 in 1990 is in error). Clinton is already the community of license for WDVX(FM), WYFC(FM), and WYSH(AM), all full-time aural services. Thus, Clinton does not qualify for allotment priorities for first full-time aural service, second full-time aural service, or first local service. *See, Revision of FM Policies and Procedures ("FM Priorities")*, 90 FCC 2d 88 (1982). Oliver Springs, on the other hand, is the community of license for only one aural service, WSMJ(FM).

5. The city of Oliver Springs has been incorporated since 1903, and has an estimated population as of July 1, 1999 of 3,450 persons according to the U.S. Census Bureau. Its city officers consist of a mayor and board of aldermen, a city judge and a finance office/city court clerk. As such, the community is clearly deserving of a first competitive broadcast voice. Neither Oliver Springs nor Clinton lie within any urbanized area. Thus, consistent with the Commission's fourth allotment criteria, "other public interest matters", as set forth in *FM Priorities*, Oliver Springs is more deserving of FM Channel 291A than Clinton.

6. OSBC hereby states its commitment to promptly apply for a construction permit consistent with the allotment of FM Channel 291A to Oliver Springs, Tennessee should the instant counterproposal be adopted. OSBC further states its commitment to prompt construction of broadcast facilities in accordance with the terms of the construction permit issued by the Commission therefor, so that the community of Oliver Springs may receive its first competitive local broadcast service at the earliest possible date.

WHEREFORE, premises considered, Oliver Springs Broadcasting Company respectfully urges the Commission to amend its *Table of FM Allotments* so as to allot FM Channel 291A to the community of Oliver Springs, Tennessee.

Dated this 30th day of November, 2000.

Respectfully Submitted,

OLIVER SPRINGS BROADCASTING COMPANY

MCCAMPBELL & YOUNG, PC  
Its Attorneys

By:   
Robert S. Stone

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**Counterproposal to  
MM Docket No. 00-194 RM-9972  
Oliver Springs Broadcasting Company  
Oliver Springs, Tennessee  
November 2000**

This Counterproposal to MM Docket No. 00-194 is filed on behalf of Oliver Springs Broadcasting Company, (OSBC) to allot Channel 291 A to Oliver Springs, TN rather than Clinton, TN. EME Communications is the Clinton, TN proponent.

OSBC takes this opportunity to demonstrate that the Clinton proposal it is in violation of §73.315 (b):

The location of the antenna should be so chosen that line-of-sight can be obtained from the antenna over the principal city or cities to be served; in no event should there be a major obstruction in this path."

Exhibit 1 is a depiction of the terrain from the EME proposed reference site to Clinton, TN. The elevation necessary to create a height above average terrain of 100 meters was used as the center of radiation in this exhibit. A line-of-sight is not achieved due to major obstructions.

Exhibit 2 is a similar depiction of the terrain from the OSBC reference site to Oliver Springs, the proposed alternate city of license. There is no obstruction in this path.

North Latitude 36° 06' 33" and West Longitude 84° 20' 17" is the requested allocation reference site. All allocation requirements of §73.207 are met or exceeded from this site. It is necessary to be located North of Oliver Springs in order to clear WNGC, 291 C1 at Toccoa, Georgia. Exhibit 3 is a spacing study indicating this compliance. This allocation reference site is an existing broadcast tower, Structure Registration Number 1044870. From this requested allocation reference to the FCC reference coordinate of Oliver Springs is only a distance of 7.2 KM at an azimuth of 184°. This is well within the 16.16 KM standard city grade contour of a class A FM station. Oliver springs will be completely served by the 70 dBu city grade contour.

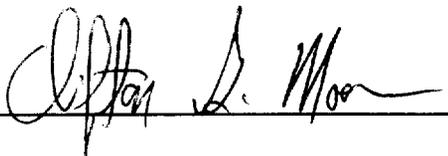
Oliver Springs is a community deserving of broadcast stations. In fact, WSMJ, 254 C3 is presently allocated to Oliver Springs. This request to add 291 A will make the second service to Oliver Springs. Because of the mountainous terrain, the Oliver Springs allocation reference is greater than 100 meters HAAT. However, when the power is reduced to become the equivalent class maximum

facility, the proposed facility will serve 170,628 persons in the 2,440 square KM within the 60 dbu contour<sup>1</sup>.

The City of Oliver Springs is actually located in three different counties (Anderson, Morgan and Roane). The combined 1990 population is 3,433 persons.

In summary, because the proposed Clinton, TN allocation of 291 A is technically flawed due to major line-of-sight obstructions, it is requested that Channel 291 A be allocated at Oliver Springs, TN instead. When allocated, OSBC will file any necessary forms or paperwork to be authorized to construct this new station.

All information contained herein is thought to be true and accurate to the knowledge of the undersigned.

A handwritten signature in black ink, appearing to read "Clifton G. Moor", is written over a horizontal line.

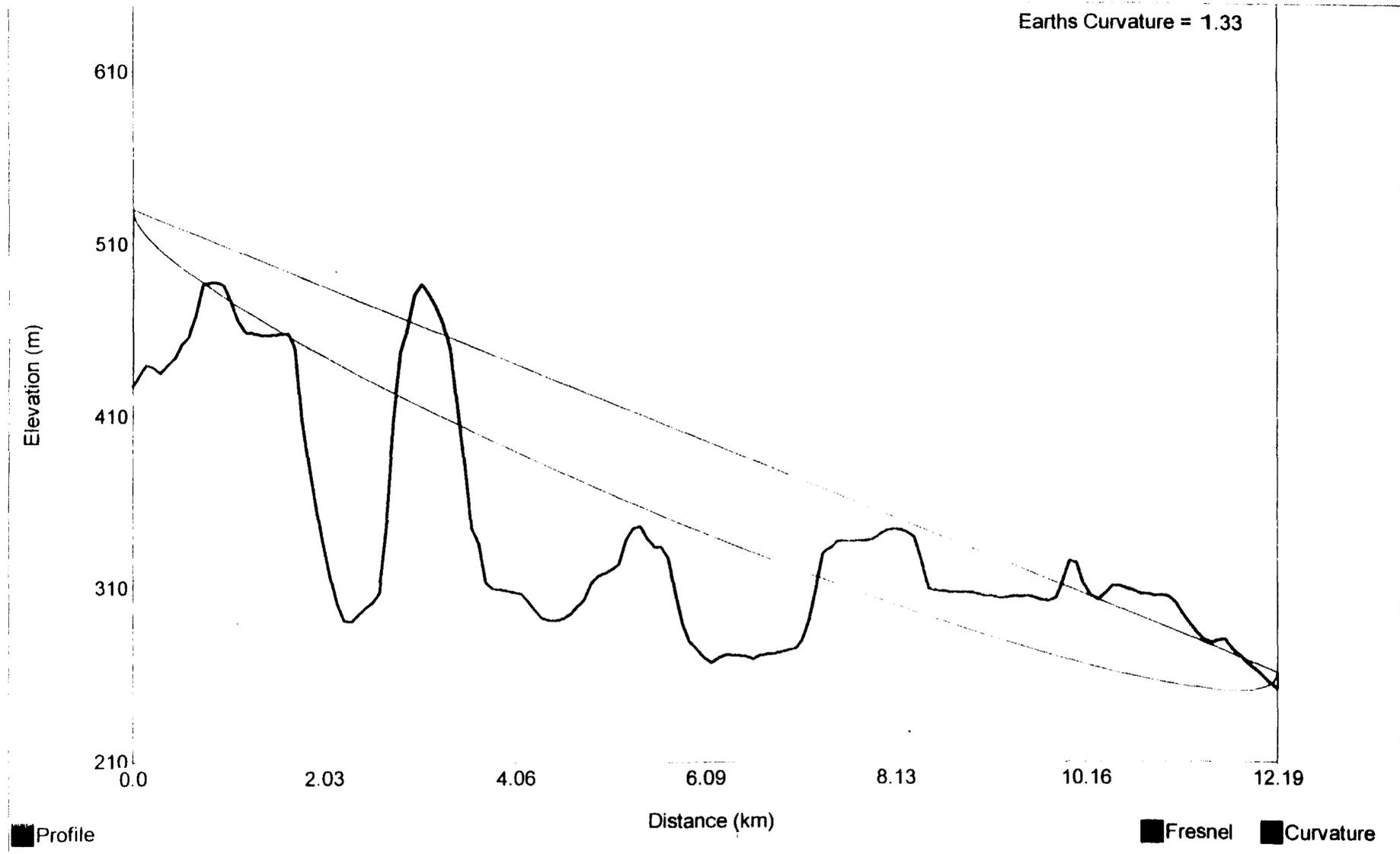
November 29, 2000

Clifton G. Moor, Technical Consultant  
Bromo Communications, Inc.

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<sup>1</sup> The 03-second NGDC database used in all terrain calculations.

# Path to Clinton from Allocation Site



Starting Latitude: 36-06-39 N  
 Starting Longitude: 084-15-54 W

End Latitude: 36-06-14.69 N  
 End Longitude: 084-07-47.42 W

Distance: 12.19 km  
 Bearing: 93.48 deg

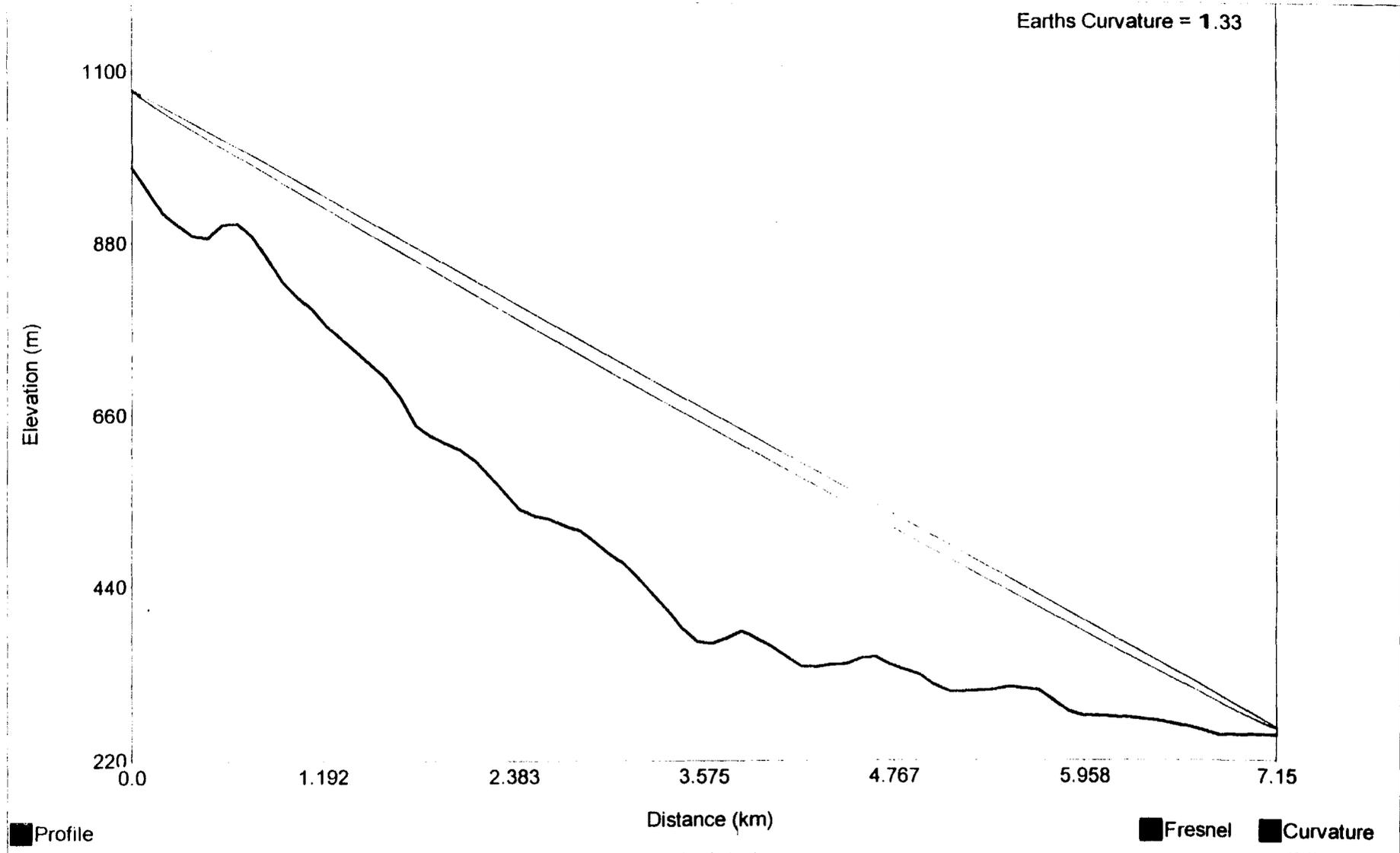
Transmitter Height (AG) = 102.0 m  
 Receiver Height (AG) = 9.1 m

Receiver Elevation = 251.3 m

Frequency = 106.1 MHz  
 Fresnel Zone: 0.6

**Exhibit 1**

# Path to Oliver Springs from Proposed Allocation Site



Starting Latitude: 36-06-33 N  
 Starting Longitude: 084-20-17 W

End Latitude: 36-02-41.98 N  
 End Longitude: 084-20-41.50 W

Distance: 7.15 km  
 Bearing: 184.92 deg

Transmitter Height (AG) = 100.0 m  
 Receiver Height (AG) = 9.1 m

Receiver Elevation = 250.2 m

Frequency = 509.5 MHz  
 Fresnel Zone: 0.6

**Exhibit 2**

Searching at Proposed Allocation Site  
Oliver Springs Tennessee

REFERENCE  
36 06 33 N  
84 20 17 W

CLASS = A  
Current Spacings

DISPLAY DATES  
DATA 11-26-00  
SEARCH 11-28-00

----- Channel 291 - 106.1 MHz -----

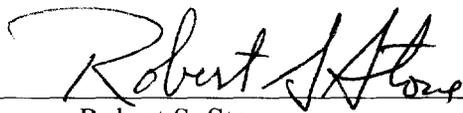
Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 291A	Clinton	TN	6.58	88.4	115.0	-108.42
RDEL	DEL 291C1	Toccoa	GA	201.77	162.0	200.0	1.77
RADD	ADD 291C1	Sugar Hill	GA	201.77	162.0	200.0	1.77
RADD	ADD 291C1	Lawrenceville	GA	201.77	162.0	200.0	1.77
WNGC	LIC 291C1	Toccoa	GA	201.77	162.0	200.0	1.77
WNGC.A	APP 291C1	Toccoa	GA	201.84	162.0	200.0	1.84
AVAC	VAC 290A	Tazewell	TN	77.97	59.8	72.0	5.97
WXVO.C	CP 294A	Norris	TN	37.21	88.0	31.0	6.21
WXVO.C	CP 294A	Norris	TN	37.57	85.6	31.0	6.57
WOFEFM	LIC 289A	Rockwood	TN	43.45	231.5	31.0	12.45
WYFC	LIC 237A	Clinton	TN	28.78	98.1	10.0	18.78
WRIL.C	CP 292A	Pineville	KY	91.26	38.0	72.0	19.26
WRIL.C	CP 292A	Pineville	KY	91.27	38.0	72.0	19.27
WANYFM	LIC 292A	Albany	KY	97.87	312.3	72.0	25.87
WSKZ	LIC 293C	Chattanooga	TN	137.61	220.3	95.0	42.61

**Exhibit 3**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Comments and Counterproposal of Crossroads Broadcasting has been served, this 30th day of November, 2000 upon all counsel or parties as listed below at interest in this cause by delivering a true and exact copy to the offices of said counsel or parties or by placing a copy in the United States mail addressed to said counsel or parties at his/her office, with sufficient postage to carry it to its destination, or by special overnight courier.

John S. Neely, Esq.  
Miller & Miller, P.C.  
P.O. Box 33003  
Washington, D.C. 20033

  
Robert S. Stone