

LEVENTHAL, SENTER & LERMAN P.L.L.C.

Ms. Magalie R. Salas

March 19, 2001

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bc (w/encl.): Mr. Dan Hollingsworth
Ross G. Greenberg, Esq.

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ORIGINAL

**BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554**

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MAR 19 2001

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations)	
)	
(Saint Joseph, Louisiana))	MM Docket No. 01-19
)	RM-10048
)	
(Wisner, Louisiana))	MM Docket No. 01-27
)	RM-10056

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL

Ruston Broadcasting Company, Inc. ("RBC"), licensee of broadcast Station KNBB(FM), Channel 257C3, Ruston, Louisiana, by its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby submits its comments and counterproposal in the above-captioned separate proceedings.^{1/} RBC hereby requests that Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, be amended to substitute Channel 257C2 for Channel 257C3 at Ruston, Louisiana; delete Channel 257A at Clayton, Louisiana, and assign Channel 266A for use at Clayton; allot Channel 300C3 at Saint Joseph, Louisiana, rather than Channel 257C3 as proposed by Saint Joseph Broadcasting Company ("SJBC") in MM Docket

^{1/} The deadline for comments and counterproposals is March 19, 2001 in MM Docket No. 01-19 and March 26, 2001 in MM Docket No. 01-27. This pleading is therefore timely filed.

No. 01-19; and allot Channel 279A at Wisner, Louisiana, rather than Channel 300C3 as proposed by Wisner Broadcasting Company (“WBC”) in MM Docket No. 01-27.^{2/}

Submitted herewith on behalf of RBC as **Attachment 1** is the Engineering Statement of du Treil, Lundin & Rackley, Inc. demonstrating that this counterproposal is in full accord with Commission minimum distance separation and city grade coverage requirements.^{3/} The substitution of Channel 257C2 for Channel 257C3 can be made in accord with the Commission’s separation requirements provided that the vacant allotment at Clayton is changed from Channel 257A to Channel 266A and that the changes at Saint Joseph and Wisner proposed herein are made. The allotments of Channel 300C3 at Saint Joseph and Channel 279A at Wisner, Louisiana can be made in accord with the Commission’s separation requirements without any additional changes to the Commission’s FM Table of Allotments.

^{2/} A counterproposal requesting, inter alia, a co-channel station upgrade in response to a proposal to allot a new channel is acceptable for filing and does not open the counterproposal to competing expressions of interest. See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Avra Valley, Comobabi, Florence, Oracle, Oro Valley, and San Carlos, Arizona), 12 FCC Rcd 1202, 1204 (1997) (approving a “counterproposal [which] invoke[s] the provisions of Section 1.420(g) and (i) of the Commission’s Rules, which permits the modification of a station authorization to specify a higher class channel and/or a new community of license without affording other interested parties an opportunity to file competing expressions of interest”).

^{3/} The Engineering Statement notes that this counterproposal conflicts with a counterproposal to add Channel 257C1 to Linden, Texas, in MM Docket No. 00-228, RM-9991, withdrawal of which has been requested pursuant to a March 15, 2001 Withdrawal of Counterproposal. Even if the withdrawal request is not granted, the Linden counterproposal is believed to be defective and has been ignored. See January 17, 2001 Reply to Counterproposal filed by RBC in MM Docket No. 00-228.

The proposed KNBB(FM) upgrade from a Class C3 to a Class C2 channel at the station's current site would result in a service gain area of 4,730 square kilometers containing 91,607 persons and no loss area. See **Attachment 1** at p.2. If Channel 257C3 is upgraded to Channel 257C2 at Ruston, RBC will apply for the upgraded channel and, if authorized, build the station promptly.

Channel 257A at Clayton, Louisiana is vacant, and its deletion and assignment of Channel 266A will not result in any loss of service or loss of allotments to the community of Clayton.

Allotment of Channel 300C3 at Saint Joseph will result in Saint Joseph's first local service. As noted in the Commission's *Notice of Proposed Rule Making*, DA 01-192, SJBC states that Saint Joseph is an incorporated town located in Tensas Parish and has a 1990 U.S. Census population of 1,517 persons. RBC's proposed Channel 300C3 facility at Saint Joseph would result in service to 4,798 square kilometers containing 35,217 persons. See **Attachment 1** at p.3. The allotment of Channel 257C3 at Saint Joseph proposed by SJBC in MM Docket No. 01-19 would result in service to 4,732 square kilometers containing 61,987 persons. See **Attachment 1** at p.3. SJBC's Saint Joseph proposal therefore anticipates service to 66 fewer square kilometers containing 26,770 more persons than RBC's proposal. However, there are at least five other aural services available within the entire theoretical "gain" area, and this theoretical "gain" in coverage of 26,770 persons (in an area of 66 fewer square kilometers) is more than offset by the service gain area of 4,730 square kilometers containing 91,607 persons associated with RBC's KNBB(FM) upgrade from a Class C3 to a Class C2 channel, as proposed herein. The allotment of a C3 channel at Saint Joseph was proposed by SJBC in MM Docket No.

01-19, and RBC's counterproposal preserves a Class C3 allotment at Saint Joseph, for which SJBC has already said it will apply. In any event, if Channel 300C3 is allotted to Saint Joseph, RBC will apply for it and, if authorized, build the station promptly. See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kerman, California), 11 FCC Rcd 2887, 2888 (1996) (counterproposal preferred because it presented an "allotment plan . . . determine[d] to be more conducive to serving the public interest").

Allotment of Channel 279A at Wisner will result in Wisner's first local service. As noted in the Commission's *Notice of Proposed Rule Making*, DA 01-251, WBC states that Wisner, located in Franklin Parish, has a 1990 U.S. Census population of 1,148 persons. RBC's proposed Channel 279A facility would result in service to 2,501 square kilometers containing 16,454 persons. See **Attachment 1** at p.4. The allotment of a C3 channel at Wisner proposed by WBC in MM Docket No. 01-27 would result in service to 4,789 square kilometers containing 33,076 persons. See **Attachment 1** at p.4. WBC's Wisner proposal therefore anticipates service to 2,288 more square kilometers containing 16,622 more persons than RBC's proposal. However, there are at least five other aural services available within the entire theoretical "gain" area, and this theoretical "gain" area of 2,288 square kilometers containing 16,622 persons is more than offset by the service gain area of 4,730 square kilometers containing 91,607 persons associated with RBC's KNBB(FM) upgrade from a Class C3 to a Class C2 channel, as proposed herein. If Channel 279A is allotted to Wisner, RBC will apply for it and, if authorized, build the station promptly.

In sum, the reallocations proposed herein will result in: (i) an upgrade of KNBB(FM) from Class C3 to Class C2 facilities and an extension of service to 91,607 persons;

(ii) the allotment of a channel providing first local service to Saint Joseph; and (iii) the allotment of a first local service to Wisner. The theoretical coverage “loss” areas created by allotting Channel 300C3 rather than Channel 257C3 at Saint Joseph and a Class A channel rather than a Class C3 channel at Wisner (aggregate “loss” of 43,392 persons in 2,222 square kilometers) are more than offset by the gains resulting from upgrading KNBB from a Class C3 to a Class C2 facility (gain of 91,607 persons in 4,730 square kilometers). RBC’s proposal will therefore preserve new first local service at Saint Joseph and Wisner and bring new service to more than twice as many people as will the proposals of SJBC and WBC. Accordingly, RBC respectfully submits that the arrangement of allotments proposed herein is clearly preferential, would serve the public interest, and should be expeditiously approved.

WHEREFORE, for the reasons stated above, Section 73.202(b) should be amended to substitute Channel 257C2 for Channel 257C3 at Ruston, Louisiana, to delete Channel 257A at Clayton, Louisiana, and assign Channel 266A for use at Clayton, and to assign Channel 300C3 for use at Saint Joseph, Louisiana, and Channel 279A for use at Wisner, Louisiana.

Respectfully submitted,

RUSTON BROADCASTING COMPANY, INC.

By: 

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March 19, 2001

ATTACHMENT 1

ENGINEERING EXHIBIT
PREPARED FOR
RUSTON BROADCASTING COMPANY, INC.
STATION KNBB
RUSTON, LOUISIANA

Comments in MM Docket Nos. 01-19 and 01-27

This engineering exhibit has been prepared on behalf of Ruston Broadcasting Company, Inc., ("RBC") licensee of FM broadcast station KNBB Ruston, Louisiana. Station KNBB operates on channel 257C3. By means of this exhibit, which provides engineering data regarding proposed FM allotments, RBC seeks an upgrade for KNBB from Class C3 to Class C2.

Station KNBB can change classification to C2 at its existing site and meet all separation requirements except for the proposed allotment of Channel 257C3 to St. Joseph, Louisiana and vacant allotment 257A at Clayton, Louisiana. These channel allotments are proposed in MM Docket No. 01-19, RM-10048. RBC continues to propose that the Clayton channel will be changed to 266A as described in RM-10048. RBC, however, proposes to substitute channel 300C3 at St. Joseph, which is proposed for allotment at Wisner, Louisiana in MM Docket No. 01-27, RM 10056. Channel 279A will be substituted for channel 300C3 at Wisner.

KNBB Ruston, Louisiana

As shown in the tabulation, Figure 1, KNBB can be upgraded to Class C2 provided the proposed allocation of channel 257C3 is eliminated at St Joseph, LA, and vacant allotment 257A at Clayton, LA is replaced by channel 266A, as the upgraded channel then meets the separation requirements of 47 CFR 73.207.

Currently KNBB provides 1 mV/m (60 dBu) service to 70,885 persons in an area of 3,772 square kilometers. The proposed maximum class C2 operation would provide service to 162,492 persons in an area of 8,502 square kilometers. A gain of 91,607 persons in 4,730 square kilometers represents a 129 percent gain in population and a 125 percent gain in area. The KNBB gain area receives at least five other aural services. All population figures are from the 1990 census.

Saint Joseph, Louisiana

MM Docket No. 01-19, RM-10048, proposes to allot channel 257C3 to St. Joseph, LA and to substitute channel 266A for vacant allotment 257A at Clayton, LA. RBC herein proposes to modify that proposal by substitution of channel 300C3 for 257C3 at St. Joseph, LA. Figure 2 lists pertinent separations associated with allotment of the channel, and demonstrates that with the change in the proposed new allotment at Wisner described below, they are met.

The proposed channel 300C3 station at St. Joseph, located at a site approximately 20 kilometers northwest of

the city at 32-04-01 North Latitude, 91-21-29 West Longitude, would provide 70 dBu service to all of St. Joseph and 60 dBu service to 35,217 persons in an area of 4,798 square kilometers.¹ This allotment would provide a first local service to St. Joseph. The proposed station would not provide service to any area not already receiving at least five full-time aural services.

Wisner, Louisiana

Channel 300C3 is proposed for allotment to Wisner, LA in MM Docket No. 01-27, RM-10056. RBC proposes changing that allotment to 279A, at reference coordinates 31-58-26 North Latitude, 91-29-31 West Longitude. From that location, the separation requirements of 47 CFR 73.207 are met as shown in Figure 3.

The area in which to locate channel 279A is approximately 12 square kilometers. In order to provide the required 70 dBu signal to Wisner, the transmitter must be located in the extreme western portion of the usable zone. From this location, the furthest city limits for Wisner are 16.2 kilometers, indicating that the proposed allotment can meet the principal community requirements of the FCC rules. It has been determined that with use of the Longley-Rice propagation model, 70 dBu coverage of Wisner can easily be achieved at any location within the usable zone, due to the flatness of the earth in the area. The 70 dBu contour

¹ A channel 257C3 facility at geographic coordinates specified in the rule making would provide 60 dBu service to 61,987 persons in an area of 4,732

location based on the Longley-Rice propagation model will extend approximately six kilometers beyond the FCC predicted 70 dBu contour.

Other than Wisner, there are no cities located within 16.2 kilometers of the usable site area; therefore if this channel is not allotted to Wisner it will lie fallow, as there is no principal community to which it can be allotted.

Use of channel 279A at the reference coordinates results in 60 dBu coverage to 16,454 persons in an area of 2,501 square kilometers. Channel 300C3 as proposed in RM-10056 would provide 60 dBu service to 33,076 persons in an area of 4,789 square kilometers. Within the entire 60 dBu difference area, there are at least five other full time aural services available.

Population and Area Summary

The RBC proposal, when adopted will result in a net gain of services as indicated below:

square kilometers. All of this area receives at least five full time aural services.

<u>Channel/Location</u>	<u>Gains or (Loss) in 60 dBu Coverage</u>	
	<u>Population</u>	<u>Area</u>
257C2 Ruston, LA	91,607	4,730
300C3 St. Joseph, LA	(26,770)	66
279A Wisner, LA	(16,622)	(2,288)
Total	48,215	2,508

Allotment Summary

Adoption of the RBC proposal will result in the following change in the FM Table of Allotments, 47 CFR 73.202:

<u>Community</u>	<u>Channel</u>	
	<u>Present</u> ²	<u>Proposed</u>
Ruston, Louisiana	241A, 257C3 298C	241A, 257C2 298C
St. Joseph, Louisiana	257C3	300C3
Clayton, Louisiana	257A	266A
Wisner, Louisiana	300C3	279A

² Including those channels proposed in RM-10048 and RM-10056.

Summary

The RBC proposal will result in a preferential arrangement of FM channels that meets the FCC's technical requirements and serves the public interest:

1. KNBB Ruston would upgrade from a Class C3 to a Class C2 station, thereby providing additional substantial service to the public.
2. St. Joseph, LA would receive a first local service from assignment of Channel 300C3 to the community.
3. Wisner, LA would receive a first local service from assignment of Channel 279A to the community. Channel 279A would lie fallow if not allotted to Wisner as there are no other cities to which the channel could be allotted.



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March 16, 2001

ENGINEERING EXHIBIT
PREPARED FOR
RUSTON BROADCASTING COMPANY, INC.
STATION KNBB
RUSTON, LOUISIANA

FM SEPARATION STUDY CHANNEL 275C2
RUSTON, LOUISIANA
32-28-53 92-40-37

Call Id	City St	File Status	Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
961031	JONESBORO	BPED		203 A	2.000	N	32-15-11	N	187.6	25.54	15.0
83981	LA APP C	19961031MA		88.5	33		092-42-46			10.54	Close
KBMQ	MONROE	BPED		204 C3	25.000	N	32-29-15	N	89.1	55.15	17.0
22172	LA CP C	19950111MA		88.7	54		092-05-25			38.15	Clear
KLBQ	EL DORADO	BLH		254 C3	14.000	N	33-12-30	N	359.3	80.62	56.0
19090	AR LIC C	19940318KH		98.7	91		092-41-16			24.62	Clear
KTUX	CARTHAGE	BLH		255 C1	100.000	N	32-23-19	N	265.7	126.68	79.0
35688	TX LIC C	19850412KC		98.9	219		094-01-10			47.68	Clear
970407	WALDO	BPH		256 A	6.000	N	33-24-17		334.6	113.56	106.0
86171	AR APP C	19970407MQ		99.1	100		093-12-07			7.56	Close
DKAHV	WALDO			256 A	0.000	N	33-23-47	N	329.2	118.49	106.0
64709	AR VAC C			99.1			093-19-52			12.49	Close
KNBB	RUSTON	BLH		257 C3	15.500		32-28-53		97.0	0.00	177.0
5065	LA LIC C	19990602KA		99.3	100		092-40-37			-177.00	Short
96506	CLAYTON			257 A	0.000	N	31-46-05	N	127.2	130.46	166.0 ¹
	LA VAC C			99.3			091-34-39			-35.54	Short
0	CLAYTON	RM		257 A	0.000		31-46-05		127.2	130.46	166.0 ¹
	LA DEL C	10048		99.3			091-34-39			-35.54	Short
0	ST. JOSEPH	RM		257 C3	0.000		31-51-44		115.9	155.75	177.0 ²
	LA ADD C	10048		99.3			091-11-41			-21.25	Short
KIXK	LINDEN	BLH		257 C2	50.000	N	33-07-22	N	291.7	197.46	190.0
78631	TX LIC C	20001116AA		99.3	150		094-38-37			7.46	Close
KZYP	PINE BLUFF	BLH		257 A	3.000	N	34-11-33	N	17.0	198.68	166.0
33726	AR LIC C	19841129LP		99.3	48		092-02-42			32.68	Clear
0	WHITE OAK	RM		257 C2	0.000		32-30-32		271.4	203.76	190.0
	TX ADD C	9991		99.3			094-50-41			13.76	Close
0	LINDEN	RM		257 C1	0.000		33-01-20		287.4	208.16	224.0 ³
	TX ADD C	KS160		99.3			094-48-14			-15.84	Short
KUEZ	LUFKIN	BLH		257 C2	25.000	N	31-24-28	N	239.3	230.52	190.0
63327	TX LIC C	19901015KF		99.3	213		094-45-53			40.52	Clear

¹ Channel 266A to be substituted for channel 257A

² Channel 300C3 to be substituted for channel 257C3

³ This proposed rule making was modified on March 15, 2001 thereby removing the potential short-spacing.

ENGINEERING EXHIBIT
PREPARED FOR
RUSTON BROADCASTING COMPANY, INC.
STATION KNBB
RUSTON, LOUISIANA

FM SEPARATION STUDY CHANNEL 275C2
RUSTON, LOUISIANA
32-28-53 92-40-37

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. km)
0	LUFKIN TX DEL	RM C 9991	257 C2 99.3	0.000		31-24-28 094-45-53		239.3	230.52 40.52	190.0 Clear
KHMB 34020	HAMBURG AR LIC	BLH C 19990819KA	258 A 99.5	3.200 95	28701	33-17-19 091-52-45		39.5	116.56 10.56	106.0 Close
KHLA 53643	LAKE CHARLE LA APP	BPH C 19980602IJ	258 C 99.5	100.000 429	N	30-23-43 093-00-08	N	187.7	233.35 45.35	188.0 Clear
KHLA 53643	LAKE CHARLE LA VAC	C	258 C 99.5	0.000	N	30-23-43 093-00-08	N	187.7	233.35 45.35	188.0 Clear
KMJJ-F 63929	SHREVEPORT LA LIC	BMLH C 19951208KB	259 C2 99.7	50.000 141	N	32-36-27 093-46-24	N	278.1	103.93 45.93	58.0 Clear

ENGINEERING EXHIBIT
 PREPARED FOR
 RUSTON BROADCASTING COMPANY, INC.
 STATION KNBB
 RUSTON, LOUISIANA

FM SEPARATION STUDY - CHANNEL 300C3
 ST. JOSEPH, LOUISIANA
 32-04-01 91-21-29

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
KXKZ 58273	RUSTON LA LIC C	BLH 19880324KB	298 C 107.5	100.000	N	32-26-38	N	288.6	134.23	96.0
				325		092-42-42			38.23	Clear
WAZA 82529	LIBERTY MS LIC C	BLH 19980702KE	299 C3 107.7	25.000	N	31-17-12	N	148.4	101.51	99.0
				100		090-47-53			2.51	Close
0	WISNER LA ADD C	RM 10056	300 C3 107.9	0.000		32-05-28		282.9	12.05	153.0 ¹
						091-28-57			-140.95	Short
KRKA 54650	ERATH LA LIC C	BLH 19980817KA	300 C1 107.9	100.000	N	30-12-06	Y	191.0	210.62	211.0 ²
				263		091-46-37			-0.38	Short
KVMA-F 12414	MAGNOLIA AR LIC C	BMLH 19870218KB	300 C1 107.9	100.000	N	33-17-59	N	308.5	222.70	211.0
				107		093-13-57			11.70	Close
0	ERATH LA ADD C	RM 8976	300 C1 107.9	0.000	N	29-59-38	N	188.8	232.55	211.0
						091-43-45			21.55	Clear
WFCA 22628	ACKERMAN MS LIC C	BLH 19901207KB	300 C 107.9	100.000	N	33-25-25	N	49.9	237.04	237.0
				307		089-24-13			0.04	Close
KVMA-F 12414	MAGNOLIA AR APP C	BPH 19990617IC	300 C1 107.9	44.000	Y	32-54-06	Y	293.2	242.68	211.0
				416	30598	093-44-41			31.68	Clear
KVMA-F 12414	MAGNOLIA AR APP C	BPH 19990617IC	300 C1 107.9	44.000	Y	32-54-06	Y	293.2	242.75	211.0
				416	16010	093-44-44			31.75	Clear
WZKX 17477	BAY ST. LOU MS LIC C	BMLH 19960329KF	300 C 107.9	100.000	N	30-44-48	N	123.3	263.17	237.0
				445		089-03-30			26.17	Clear

¹ Channel 279A to be substituted for 300C3.

² Distance rounds to 211 kilometers.

ENGINEERING EXHIBIT
 PREPARED FOR
 RUSTON BROADCASTING COMPANY, INC.
 STATION KNBB
 RUSTON, LOUISIANA

FM SEPARATION STUDY - CHANNEL 279A
 WISNER, LOUISIANA
 31-58-26 91-29-31

Call Id	City St	File Status	File Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
KQID-F 9751	ALEXANDRIA LA	BLH LIC C	19870406KA	226 C 93.1	100.000 464	N	31-38-20 092-12-18	N	241.3	77.06 48.06	29.0 Clear
KYEA 67283	COLUMBIA LA	BLH LIC C	19931208KA	276 C3 103.1	22.000 106	Y	32-08-02 14198 092-10-13	Y	285.7	66.47 24.47	42.0 Clear
KYEA 67283	COLUMBIA LA	BPH CP C	19990809IC	276 C3 103.1	25.000 100	Y	32-11-44 16060 092-09-48	Y	291.5	67.98 25.98	42.0 Clear
KLAA 8166	TIOGA LA	BLH LIC C	19950607KA	278 C2 103.5	50.000 145	N	31-25-39 092-24-18	N	235.1	105.65 -0.35	106.0 ¹ Short
WUSW 54611	HATTIESBURG MS	BLH LIC C	19860609KD	279 C 103.7	100.000 322	N	31-31-37 089-08-07	N	102.0	228.73 2.73	226.0 Close
0	BORDELONVIL LA	RM C	ADS11	280 A 103.9	0.000		31-10-18 091-43-09		193.6	91.53 19.53	72.0 Clear
KJLO-F 48632	MONROE LA	BLH LIC C	19880812KE	281 C 104.1	100.000 310	N	32-39-36 092-05-15	N	323.9	94.52 -0.48	95.0 ² Short
WMJU 76262	BUDE MS	BPH CP C	19950511MI	282 C3 104.3	25.000 100	N	31-33-33 090-40-26	N	120.6	90.11 48.11	42.0 Clear

¹ Distance rounds to 106 kilometers

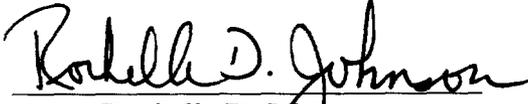
² Distance rounds to 95 kilometers

CERTIFICATE OF SERVICE

I, Rochelle D. Johnson, hereby certify that true copies of the foregoing *Comments and Counterproposal* were mailed, United States first-class postage prepaid, this 19th day of March, 2001, to the following:

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Rochelle D. Johnson