

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Emmetsburg and Sibley, Iowa, )  
and Brandon, South Dakota) )

MM Docket No. 01-65  
RM-10078  
RM-\_\_\_\_\_

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APR 23 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

COUNTERPROPOSAL

Saga Communications of Iowa, LLC ("Saga"), by its attorneys and pursuant to Sections 1.415 and 1.420(d) of the Commission's Rules, hereby files this counterproposal to the Commission's proposed amendment of Section 73.202(b) of the Rules as set forth in the Commission's *Notice of Proposed Rule Making*, DA 01-564, released March 2, 2001 ("NPRM"). That NPRM proposes to (a) delete Channel 262A from Sibley, Iowa, and (b) substitute Channel 261C3 for Channel 261A at Emmetsburg, Iowa, with a corresponding modification of the license of KDWD (formerly KEMB), Emmetsburg, to operate on Channel 261C3. Instead, Saga proposes to substitute Channel 261C3 for vacant Channel 261A at Brandon, South Dakota.<sup>1</sup> In support whereof, Saga shows the following:

**Counterproposal**

The attached study entitled "Technical Comments," incorporated herein by reference, provides the technical information to support Saga's counterproposal.

<sup>1</sup> This Counterproposal is mutually-exclusive with the proposal of Eisert Enterprises, Inc., as set out in the NPRM. Comments and counterproposals are due by April 23, 2001, so this Counterproposal is timely filed.

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List A B C D E

### **Emmetsburg, Iowa**

Emmetsburg, Iowa<sup>2</sup>, had a 1990 population of 3,940. According to the Technical Comments, Emmetsburg had a 1980 population of 4,621. The U.S. Census estimated the 1999 population of Emmetsburg at 3,694, a loss in population of 20.1% since 1980. Figures for the 2000 Census have not yet been released for Emmetsburg. The community is currently served by Class A FM Station KDWD operating on Channel 261A, which is licensed to Eisert Enterprises, Inc. (“Eisert”). This docket was initiated by Eisert’s petition for rule making. The NPRM reiterates Eisert’s statement that upgrading its station from Class A to Class C3 would provide service to an additional 24,193 persons while continuing to place a city grade signal over Emmetsburg. In order to accommodate its proposal, Eisert requested the deletion of vacant channel 262A at Sibley, Iowa. The Commission noted its belief that Eisert’s proposal would serve the public interest; however, if an expression of interest is filed during the comment cycle in this proceeding, the Commission stated it would retain the channel in Sibley.

### **Sibley, Iowa**

Sibley, Iowa, had a 1990 population of 2,815. It is proposed to delete Channel 262A from Sibley. Channel 262A became vacant with the expiration December 21, 2000, of a construction permit (File No. BPH-19960521JA) to operate on the channel. No opportunity has become available for parties to file applications for use of the channel. If Channel 262A is deleted, Channel 282A will remain at Sibley, although it is also vacant.

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<sup>2</sup> The coordinates for Channel 262C3 at Emmetsburg are 43-07-24 and 94-51-29.

## **Brandon, South Dakota**

As an alternative to Eisert's proposal, Saga proposes the upgrade of vacant<sup>3</sup> Channel 261A at Brandon, South Dakota,<sup>4</sup> to Channel 261C3. Brandon had a 1990 population of 3,543. Brandon had a 1980 population of 2,598, and the U. S. Census estimates that the 1999 population was 5,392, a gain of 108% since 1980. The Technical Comments indicate that the upgrade would be mutually-exclusive with the Eisert proposal and would also require the deletion of Channel 262A at Sibley, Iowa. From the allocation site, a city grade signal would be placed over Brandon.

## **Comparison of Proposals**

Saga's counterproposal represents a preferential arrangement of allotments. The current use of Channel 261A at Brandon would provide 60 dBu (1 mV/m) service to 129,464 persons in 2,516.07 square kilometers. The Technical Comments state that an upgrade to Channel 261C3 would provide 60 dBu service to 150,900 persons. Upgrading KDWD from Class A to Class C3 would increase the 60 dBu coverage of KDWD from 25,321 persons in 2,516.07 square kilometers to 51,519 persons in 4,656.64 square kilometers.

Saga's counterproposal is preferred to Eisert's under *Revision of FM Allotment Policies and Procedures*, 90 FCC 2d 88 (1982). The FM priorities are as follows: (1)

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<sup>3</sup> By *Report and Order*, DA98-2251, released November 6, 1998, *petition for reconsideration denied*, DA 00-2226, released September 29, 2000, the Commission allotted Channel 261A to Brandon, South Dakota (first local service), as a preferred arrangement of allotments over a proposal to substitute Channel 261C3 for Channel 262A at Sibley, Iowa, and modify the unbuilt (and now deleted) construction permit of former KAJQ, Sibley, Iowa.

<sup>4</sup> The present coordinates for Channel 261A at Brandon are 43-36-01 and 96-31-15. The allocation site for Channel 261C3 at Brandon is 45-35-45 and 96-30-50.

first fulltime aural service, (2) second fulltime aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to Priorities (2) and (3). In making its evaluation, the Commission considers the “totality of factors.” See *LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995). There will be no first or second aural service or first local service resulting from either proposal, so the proposals must be evaluated based upon “other public interest matters” – Priority 4. Here, Saga’s counterproposal would result in service to 150,900 persons, while Eisert’s proposal would result in service to only 51,519 persons. In addition, Emmetsburg has lost population since the 1980 Census, while during the same period the population of Brandon has more than doubled.

In a similar case, *Benton, Clarksville, Dardanelle, El Dorado, Hampton, Harrison, Huntsville, Mena, Ozark and Sherwood, Arkansas; Homer, Louisiana; Sallisaw and Vinita, Oklahoma; Hooks and Kilgore, Texas*, 7 FCC Rcd 2555 (1992), the Commission, *inter alia*, authorized the upgrade of Station KAKI, Benton, Arkansas, because it would serve a significantly greater number of persons within its 1 mV/m gain area:

“After careful consideration of this matter, we affirm our earlier action upgrading Station KAKI, Benton, Arkansas, to specify operation on Channel 294C2. We emphasize that the Benton proposal will serve a significantly greater number of persons within its 1 mV/m gain area (419,438 compared to 117,489). This is a significant preference under priority 4.”

In the case at bar, the upgrade of Channel 261A at Brandon to Channel 261C3 will serve a significantly greater number of persons within its 1 mV/m gain area (150,900 compared to Eisert’s 51,519). Like the case of Benton, Arkansas, this is a significant preference under priority 4, and results in a preferential arrangement of allotments.

### **Expression of Interest**

If the Commission allots Channel 261C3 to Brandon, South Dakota, Saga, or an affiliate, will during the applicable future filing window, file an application on FCC Form 175 in order to participate in any future auction and will participate in any such auction (if one or more mutually-exclusive Forms 175 are timely filed). If Saga's application is a "singleton," (i.e., not mutually exclusive with another application for the same construction permit), or if Saga is the successful high bidder at the auction, Saga will timely file FCC Form 301 (long-form application) for construction permit for a new commercial radio station on Channel 261C3 at Brandon, South Dakota, and if Saga obtains a grant of the construction permit, Saga will timely construct a new station in compliance with the Commission's construction permit authorized as a result of this allotment.

### **Conclusion**

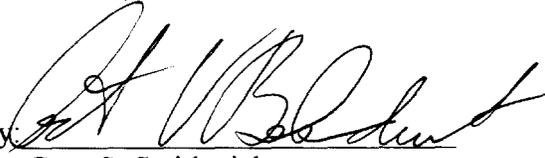
In light of the above, the Commission should deny Eisert's proposal, and instead, delete Channel 262A at Sibley, Iowa, and substitute Channel 261C3 for Channel 261A at Brandon, South Dakota, as set forth in the following table:

<b>Iowa</b>		
<b>Community</b>	<b>Present Channel</b>	<b>Proposed Channel</b>
Sibley	262A, 282A	282A
Emmetsburg	261A	261A(no change)
<b>South Dakota</b>		
Brandon	261A	261C3

Wherefore, Saga respectfully requests the Commission to adopt its counterproposal as described herein.

Respectfully submitted,

**SAGA COMMUNICATIONS  
OF IOWA, LLC**

By:   
for Gary S. Smithwick  
Its Attorney

**Smithwick & Belendiuk, P.C.**  
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April 23, 2001

**TECHNICAL COMMENTS**  
**SAGA COMMUNICATIONS OF IOWA, LLC.**  
**COUNTERPROPOSAL**  
**NOTICE OF PROPOSED RULEMAKING**  
**MM Docket No. 01-65, RM-10078**  
**(Emmetsburg, IA and Brandon, SD)**  
April 2001

This Technical Exhibit supports the Counterproposal to the Notice of Proposed Rulemaking (MM Docket No 01-65, RM-10078) by Eisert Enterprises, Inc. ("Eisert") to upgrade their licensed facilities of KDWD (formally KEMB) at Emmetsburg, Iowa from Class 261A to Class 261C3. In order to meet the spacing requirements of Section 73.207, an unused Channel 262A at Sibley, Iowa must be eliminated. Therefore the net gain as proposed in this rulemaking would be the improvement of the KDWD facility from Class A to Class C3 and the loss of Channel 262A at Sibley

Channel 262A became vacant at Sibley with the expiration of a Construction Permit for this channel in December of 2000. Since that time, no opportunity has been available for new expressions of interest to file an application. In this notice, the Commission stated that if any party wished to express such an interest, they would not delete Channel 262A at Sibley.

Channel 261A has been allocated to Brandon, South Dakota as that community's first local service. Similar to Sibley, no filing window has yet been opened that would allow an opportunity for statements of interest to apply for the Brandon channel.

It is counter-proposed to upgrade Channel 261A to Channel 261C3 at Brandon. This upgrade would be mutually exclusive with the Eisert proposal to upgrade to Class C3 and would also require the deletion of Channel 262A at Sibley, Iowa

Population and area coverage data show that this counterproposal is superior to the KDWD proposal in the following manner.

POPULATION WITHIN 60 dBu PROJECTED CONTOURS

We assume maximum class facilities and uniform terrain conditions with the following figures within the 60 dBu contour:

Brandon (Channel 261C3)	Population 150,900	Area of Coverage 4,646.64 sq km
Emmetsburg (Channel 261C3)	Population 51,519	Area of Coverage 4,656.64 sq km

Saga Communications of Iowa, LLC, or an affiliate therefore expresses their interest and will file timely applications for the Channel 261C3 upgrade at Brandon.

CITY POPULATION FIGURES

	<u>1980</u>	<u>1990</u>	<u>1999 (est.)<sup>1</sup></u>	<u>1980-1999</u>
Brandon, South Dakota	2,589	3,543	5,392	gain 108%
Emmetsburg, Iowa	4,621	3,940	3,694	lost 20.1%
Sibley, Iowa	3,051	2,815	2,786	lost 8.7%

AURAL SERVICES ON AIR OR ALLOCATED

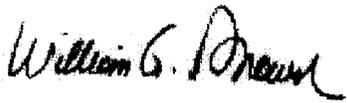
Brandon, SD	Channel 261A (allocated, not on air)
Emmetsburg, IA	Channel 261A (KDWD on air)
Sibley, IA	Channel 262A & Channel 282A (allocated, not on air)

<u>Community</u>	PROPOSAL		<b>Saga Counter-Proposes</b>
	<u>Present</u>	<u>Channel No. Eisert Proposed</u>	
<b>Emmetsburg, Iowa</b>	261A	261C3	<b>261A</b>
<b>Sibley, Iowa</b>	262A, 282A	282A	<b>282A</b>
<b>Brandon, South Dakota</b>	261A	261A	<b>261C3</b>

<sup>1</sup> According to US Census Figures 2000 US Census will not be released for these cities until 2003.

We have attached Exhibit #1 that shows that Channel 261C3 can be allocated to Brandon. We show two workable allocation sites (i.e. proper Section 73.207 spacing and city grade coverage). We used the present Brandon allocation site. This site is shortspaced by 0.45 km to KIKN, Salem, South Dakota<sup>2</sup>. Actually, 0.45 km rounds to 0.0, but we have also proposed a secondary site (numerous sites are available) that does not have the shortspace to KIKN and continues to provide city grade service to Brandon. Exhibit #1B(1) and 1B(2) are tabulated allocation studies and Exhibit #1C shows city grade (70 dBu) coverage of Brandon, IA

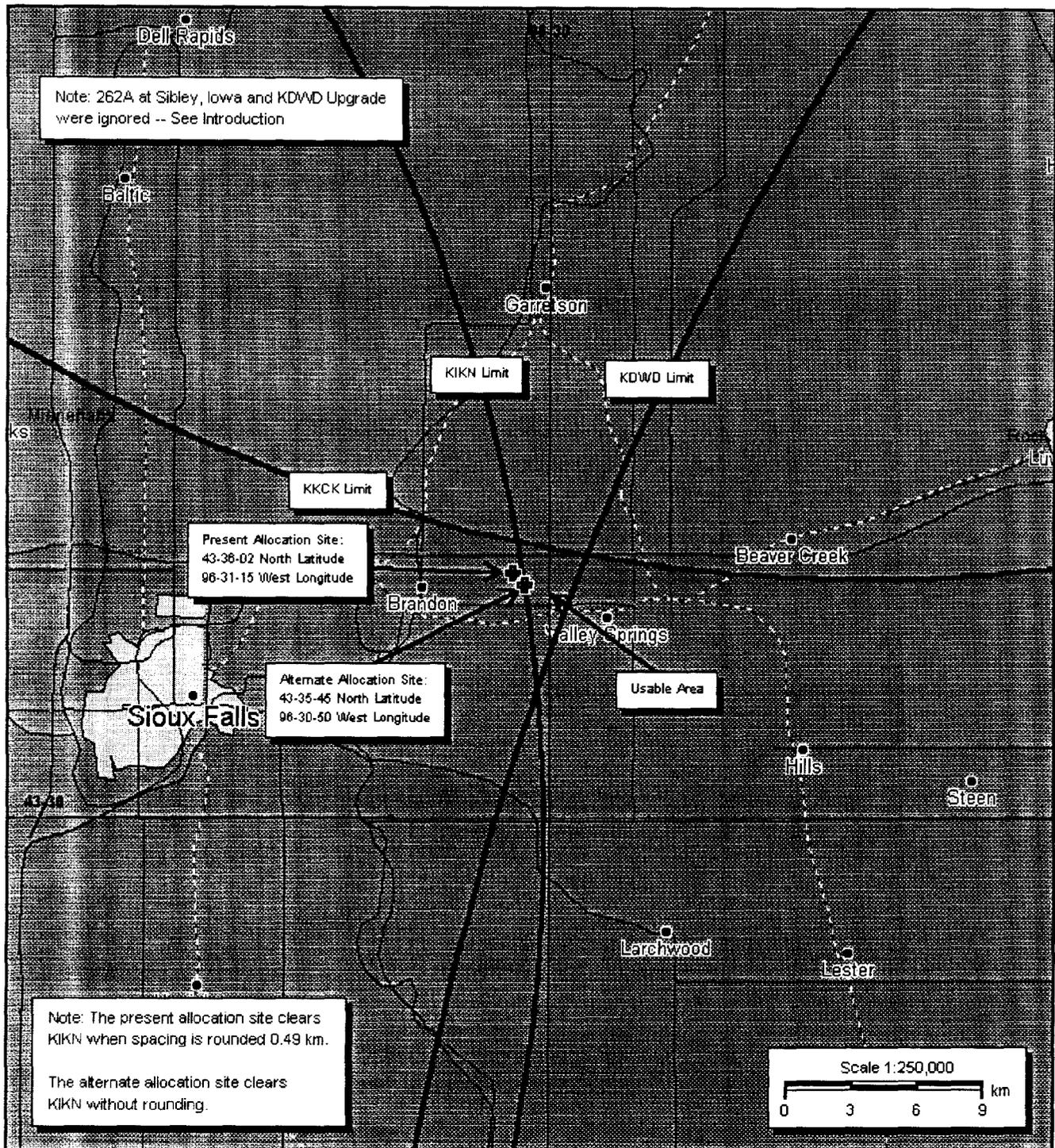
**Bromo Communications, Inc.**



William G. Brown  
Technical Consultant to Saga Communications, Inc.

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<sup>2</sup> The present Brandon, South Dakota Channel 261A Allocation site is North Latitude 43° 36' 02" and West Longitude 96° 31' 15". The secondary site is located at North Latitude 43° 35' 45" and West Longitude 96° 30' 50".



**EXHIBIT #1A**  
**Technical Comments - Counterproposal**  
 MM Docket No. 01-65, RM-10078  
**USABLE AREA**  
 Channel 261C3 - 100.1 MHz  
 Brandon, South Dakota

**Bromo Communications, Inc.**  
 Atlanta, Georgia  
 April 2001

**EXHIBIT #1B(1)**  
**Technical Comments – Counterproposal**  
**MM Docket No. 01-65, RM-10078**  
**Channel 261C3 – 100.1 MHz**  
**Brandon, South Dakota**

**\$73.207 Allocation Study**

Searching from Allocation Site  
 Brandon South Dakota

REFERENCE  
 43 36 02 N  
 96 31 15 W

CLASS = C3  
 Current Spacings

DISPLAY DATES  
 DATA 03-06-01  
 SEARCH 03-29-01

----- Channel 261 - 100.1 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 261A	Brandon	SD	0.00	0.0	142.0	-142.00
RDEL	DEL 262A	Sibley	IA	66.40	109.2	89.0	-22.60
KAJQ.C	CP 262A	Sibley	IA	72.77	117.2	89.0	-16.23
RADD	ADD 261C3	Emmetsburg	IA	144.84	111.0	153.0	-8.16
KIKNFM	LIC 263C1	Salem	SD	75.55	260.8	76.0	-0.45
KKCK	LIC 259C1	Marshall	MN	77.47	12.0	76.0	1.47
KEMB	LIC 261A	Emmetsburg	IA	144.84	111.0	142.0	2.84
RDEL	DEL 261A	Emmetsburg	IA	144.84	111.0	142.0	2.84
KOLV	LIC 261C2	Olivia	MN	182.94	33.1	177.0	5.94
KRSW	LIC 207C1	Worthington	MN	57.12	56.3	24.0	33.12
KKMA	LIC 258C1	Le Mars	IA	126.07	170.2	76.0	50.07
KZEN	LIC 262C	Central City	NE	247.75	202.9	176.0	71.75

**Note:**

KAJQ Construction Permit expired in December 2000.

Allocation for Channel 261A at Brandon counterproposed with this proposal.

Allocation for Channel 261C3 at Emmetsburg counterproposed with this proposal.

Shortspace to KIKN-FM rounded to 0.0 km.

**Bromo Communications, Inc.**

Atlanta, Georgia  
 April 2001

**EXHIBIT #1B(2)**  
**Technical Comments – Counterproposal**  
**MM Docket No. 01-65, RM-10078**  
**Channel 261C3 – 100.1 MHz**  
**Brandon, South Dakota**

**§73.207 Allocation Study**

Searching from Alternate Allocation Site  
 Brandon South Dakota

REFERENCE  
 43 35 45 N  
 96 30 50 W

CLASS = C3  
 Current Spacings

DISPLAY DATES  
 DATA 04-15-01  
 SEARCH 04-18-01

----- Channel 261 - 100.1 MHz -----

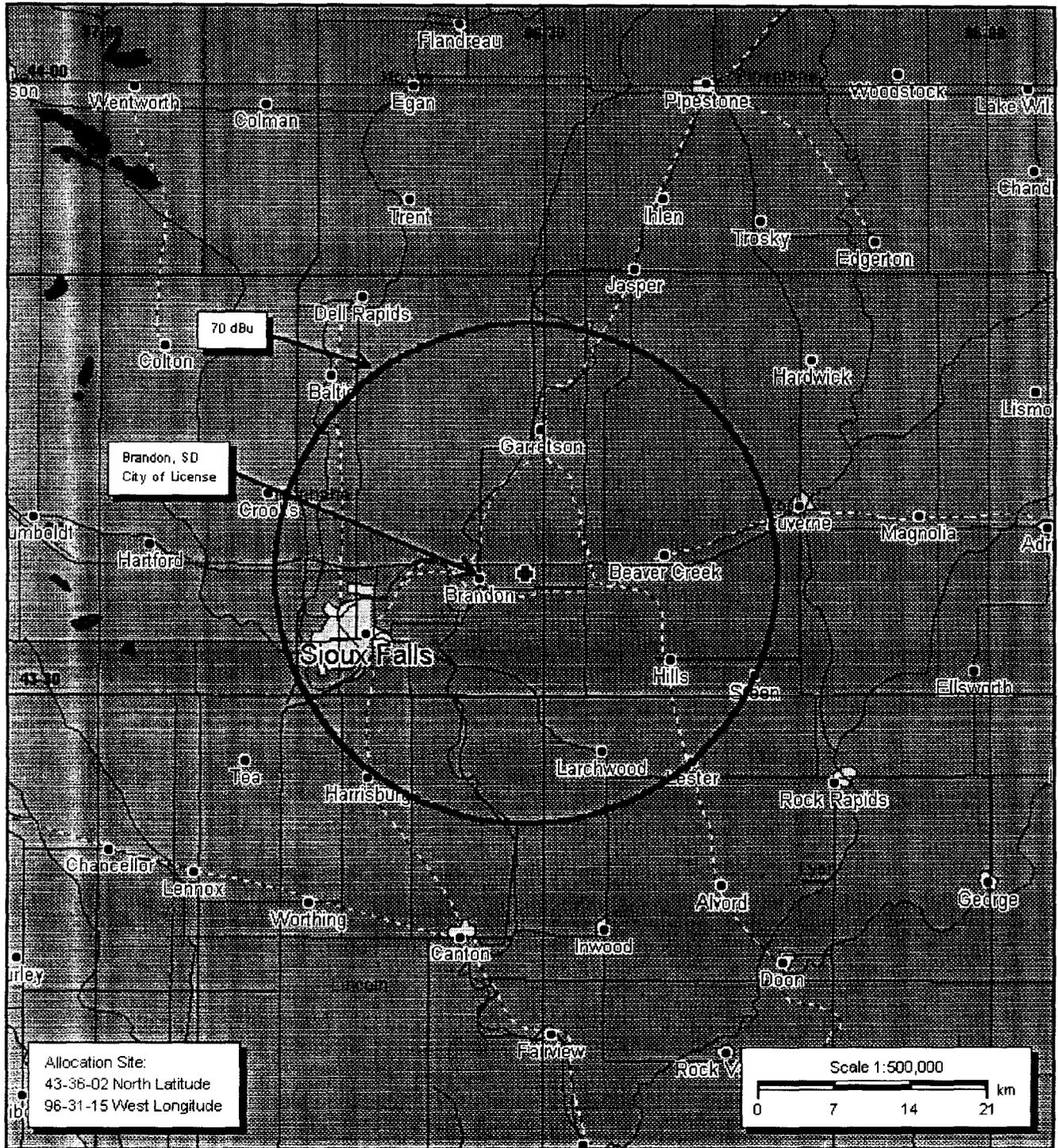
Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 261A	Brandon	SD	0.77	314.2	142.0	-141.23
RDEL	DEL 262A	Sibley	IA	65.70	109.0	89.0	-23.30
KAJQ.C	CP 262A	Sibley	IA	72.03	117.0	89.0	-16.97
RADD	ADD 261C3	Emmetsburg	IA	144.14	110.9	153.0	-8.86
KIKNFM	LIC 263C1	Salem	SD	76.01	261.3	76.0	0.01
KKCK	LIC 259C1	Marshall	MN	77.88	11.5	76.0	1.88
RDEL	DEL 261A	Emmetsburg	IA	144.14	110.9	142.0	2.14
KDWD	LIC 261A	Emmetsburg	IA	144.14	110.9	142.0	2.14
KOLV	LIC 261C2	Olivia	MN	183.09	32.9	177.0	6.09
KRSW	LIC 207C1	Worthington	MN	56.96	55.5	24.0	32.96
KKMA	LIC 258C1	Le Mars	IA	125.45	170.4	76.0	49.45
KZEN	LIC 262C	Central City	NE	247.48	203.1	176.0	71.48

**Note:**

KAJQ Construction Permit expired in December 2000.

Allocation for Channel 261A at Brandon counterproposed with this proposal.

Allocation for Channel 261C3 at Emmetsburg counterproposed with this proposal.



**EXHIBIT #1C**  
**Technical Comments - Counterproposal**  
 MM Docket 01-65, RM-10078  
**CLASS MAXIMUM CITY GRADE CONTOUR**  
 Channel 261C3 - 100.1 MHz  
 Brandon, South Dakota

**Bromo Communications, Inc.**  
 Atlanta, Georgia  
 April 2001

## CERTIFICATE OF SERVICE

I, Angela Y. Powell, a paralegal in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on April 23, 2001, copies of the foregoing counterproposal were sent via First Class Mail, postage pre-paid to the following:

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\*by hand

  
Angela Y. Powell