

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

|   |   |                     |
|---|---|---------------------|
| In the Matter of                          | ) | MM Docket No. 01-62 |
|   | ) | RM- 10053           |
| Amendment of Section 73.202(b).           | ) | 10109               |
| Table of Allotments                       | ) | 10110               |
| FM Broadcast Stations                     | ) | 10111               |
| (Ardmore, Brilliant, Gadsden, Moundville, | ) | 10112               |
| Pleasant Grove, Scottsboro, Trussville,   | ) | 10113               |
| Tuscaloosa and Winfield, AL; Columbus     | ) | 10114               |
| And Okolona, Mississippi; Pulaski and     | ) | 10115               |
| Walden, Tennessee                         | ) | 10116               |

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**MAY 31 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

To: Chief, Allocations Branch  
Mass Media Bureau

**COUNTERPROPOSAL COMMENTS**

Yalobusha Broadcasters ("Yalobusha"), by its attorneys, and pursuant to the FCC Public Notice, Report No. 2484, dated May 16, 2001, hereby submits its Comments with respect to counterproposals filed in the above-captioned proceeding.

In support hereof, the following is respectfully shown:

By Notice of Proposed Rule Making ("NPRM"), DA 01-563, released March 2, 2001, the Chief, Allocations Branch, of the Mass Media Bureau ("Bureau") invited comments and counterproposals in connection with eight interrelated changes to the FM Table of Allotments ("FM Table") jointly proposed by Capstar TX Limited Partnership ("Capstar") and Jacor Licensee of Louisville II, Inc. ("Jacor") (jointly referred to herein as "the Petitioners"). Seven counterproposals were submitted, including Yalobusha's counterproposal to allot Channel 279A to Vardaman, MS. In addition, the Petitioners filed a counterproposal jointly with Clear Channel Broadcasting Licenses, Inc. ("the Joint Parties"). Replies were filed by four parties, including the Joint Parties.

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Subsequently, by FCC Public Notice, Report No. 2484, dated May 16, 2001, the Bureau announced a 15 day period, until May 31, 2001, for interested parties to file statements opposing or supporting the counterproposals. The instant comments are submitted in response to that Public Notice.

Yalobusha's counterproposal to allot Channel 279A to Vardaman, MS is mutually exclusive with the Joint Parties' proposal to reallocate Channel 280C2 from Columbus, MS, to Okolona, MS, and modify the license of WACR, Channel 280C2, Columbus, MS, to specify operation on Channel 280C2 at Okolona. In addition, Yalobusha's counterproposal is mutually exclusive with Southern Broadcasting, LLC's counterproposal to allot Channel 279A to Derma, MS.

In response to the Vardaman and Derma counterproposals, the Joint Parties claim that Channel 258A can be allotted in lieu of Channel 279A at either Vardman or Derma. Yalobusha respectfully notes that the Joint Parties' identification of a single potential alternative channel does not completely resolve the three-way mutual exclusivity.

Case precedent holds that the addition of a new service to the FM Table better serves the public interest than modification of an existing service.<sup>1</sup> In accordance with precedent, the Joint Parties' proposal to modify WACR would have to be rejected as inferior to the Vardaman and Derma proposals even if one additional channel is available.

It remains Yalobusha's present intention to apply for Channel 279A if the channel is allotted to Vardaman, MS, and, if authorized, to establish the station.

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<sup>1</sup>See Comments and Counterproposal of Yalobusha Broadcasters at p. 5 and note 5.

WHEREFORE, Yalobusha respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules as follows:

| <u>Community</u> | <u>Channel</u> |                 |
|------------------|----------------|-----------------|
|                  | <u>Present</u> | <u>Proposed</u> |
| Vardaman, MS     | -----          | 279A            |

Respectfully submitted.

**YALOBUSHA BROADCASTERS**

By *Ellen Mandell Edmundson*  
Ellen Mandell Edmundson  
Its Attorney

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May 31, 2001

## Certificate of Service

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that a copy of the foregoing "Counterproposal Comments" was sent by hand delivery or First Class U.S. Mail, postage prepaid, this 31st day of May, 2001 to the following

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Columbus, MS 39703

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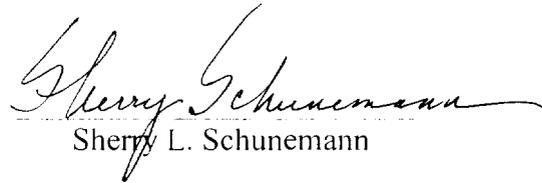
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