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July 2, 2001

FCC MAIL ROOM

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

Re: Petition for Rule Making
Reply Comments for Shiner, Texas

Dear Ms. Salas:

Enclosed is an original and four (4) copies of my Reply Comments for Shiner, Texas.

Respectfully Submitted,



Maurice Salsa
5615 Evergreen Valley Drive
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RepShiner

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**Before the
Federal Communications Commission
Washington, D.C. 20554**

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JUL - 3 2001

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In the Matter of)
)
Amendment of 73.202 (b))
Table of Allotments)
FM Broadcast Stations)
(Shiner, TX))

MM Docket No. 01-105
RM – 10104

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

REPLY COMMENTS OF MAURICE SALSA

I, Maurice Salsa, hereby respectfully submit this reply to Comments filed by First Broadcasting Company, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX L.P. and Clear Channel Broadcasting Licenses, Inc. (“Joint Parties”), in the above captioned proceeding.

DISCUSSION

On June 18, 2001, in response to the Shiner, Texas Notice of Proposed Rule Making, MM Docket No. 01-105, adopted April 18, 2001 and released April 27, 2001, I filed Comments in support of and an expression of interest in filing for channel 232A at Shiner, Texas if allotted; and, if authorized, to promptly construct and operate the contemplated FM radio station.

In this same Shiner, Texas proceeding the “Joint Parties” filed Comments opposing the Shiner, Texas NPRM claiming it was in conflict with a rule making that they included in an earlier counterproposal which they had filed in the Quanah, Texas proceeding MM Docket 00-148 on October 10, 2000. Accordingly, the “Joint Parties” urge the Commission to protect their prior filed proposal for Channel 232A at Flatonia, Texas and dismiss the rule making proposal for Shiner, Texas.

The Commission should not accept a counterproposal that is clearly absent of complete documentation for the absolute assurance of the facility changes necessary by all parties involved.

On page 2 of the “Joint Parties” Quanah, Texas Counterproposal, they state that agreements have been entered into with all of the stations that are required to make changes except KRZB, Archer City, Texas and KLFX, Nolanville, Texas. These stations are identified as their two allowable forced moves. However, at the time of the filing of the Counterproposal, the “Joint Parties” had not resolved the issue of a conflicting class C1 application to upgrade station KICM/ Krum, Texas. The “Joint Parties” attempt to address the KICM conflict with a footnote. On page 13, footnote #5 of the Quanah, Texas Counterproposal, it states:

“The Channel Study, Figure 8, lists the application of Station KICM(FM), Krum, Texas for a one-step upgrade to Class C1, which is short spaced. This application was filed contingent on another station relocating its site. The Joint Parties expect that the Class C1 application will be dismissed shortly. The Joint Parties hereby state that there is no agreement between the parties to withdraw the application and no consideration is to be paid for the withdrawal.”

At the time the “Joint Parties” filed the Quanah Counterproposal they did not claim that they had a channel change agreement with the KICM licensee but only that they expected the KICM upgrade to be dismissed because it was contingent on another station relocating its site. The “Joint Parties” expectation that the KICM upgrade would be dismissed did not materialize. The KICM/ Krum, Texas Class C1 application as of this date has not been dismissed or withdrawn. Furthermore, the KICM/ Krum, Texas licensee has demonstrated its continued support for its C1 application per their 301 Filing as of May 8, 2001, for a minor change request for a construction permit for a new site as a C1, this is in direct conflict with the Quanah Counterproposal.

Clearly, the “Joint Parties” legal council, Mark Lipp, does not think that a technically deficient counterproposal should be accepted by the Commission. On June 18, 2001, the very same day that Mark Lipp filed the Opposing Comments to Shiner, Texas, he filed a Comment in the Valley Mills, Texas Proceeding, MM Docket No. 01-47, in which he stated:

“The Commission should not accept a counterproposal that is not technically correct when filed. See e.g., Broken Arrow and Bixby, Oklahoma and Coffeyville, Kansas, 3 FCC Rcd 6507 (MM Bureau 1988).”

CONCLUSIONS

- ◆ At the time of the filing of the Shiner, Texas NPRM, the FCC database afforded no protection to the proposed Quanah, Texas Counterproposal at Flatonia, Texas allocation.
- ◆ The Quanah, Texas Counterproposal was effectively filed prematurely. The counterproposal clearly is absent of complete documentation for the absolute assurance of the facility changes necessary by all parties involved. Additionally, it appears to impeach itself with regard to the expected dismissal of the KICM/ Krum, Texas, upgrade.
- ◆ Any supplemental showing by the “Joint Parties” will not correct the deficiencies at the time of filing.

For the above stated reasons, the Commission should grant the allocation for Channel 232A at Shiner, Texas as that community’s first aural broadcast transmission service. And it is my present intention to apply for the proposed channel (232A at Shiner, Texas) if allotted; and, if authorized, to promptly construct and operate the contemplated FM radio station.

The information provided in this Reply Comment is correct and true to the best of my knowledge.

Respectfully submitted

A handwritten signature in cursive script, reading "Maurice Salsa", is written over a horizontal line.

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July 2, 2001

CERTIFICATE OF SERVICE

I, Maurice Salsa, hereby certify that on this 2nd day of July, 2001, I caused copies of the foregoing "Reply Comments of Maurice Salsa" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

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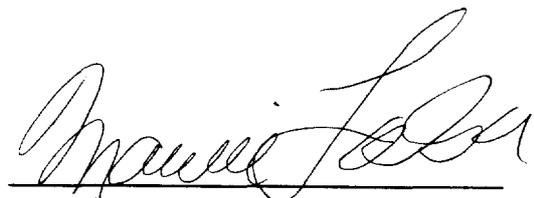
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