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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

In re:)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Wallace, ID and Bigfork, MT))

Docket No. 98-159

To: J. Bertron Withers, Jr.
Room 3-A264

**REPLY TO OPPOSITION TO
PETITION FOR RECONSIDERATION**

Bee Broadcasting, Inc. ("BBI") respectfully submits this Reply to the "Opposition to Petition for Reconsideration," filed on June 26, 2001 by Alpine Broadcasting L.P. ("Alpine"), licensee of KSIL (FM), Wallace, ID.

It is legally sufficient to note merely that Alpine's Opposition concedes (a) not only that the FCC relieved Alpine of its burden of proof, established in the NPRM (see Opp. at 2-3),^{1/} but also (b) that the Commission never gave public notice of the "changed circumstances" (Opp. at 4) with respect to Alpine's

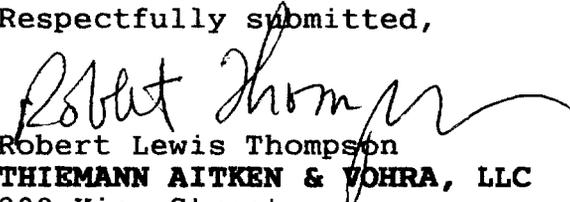
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^{1/} Indeed, the Opposition humorously asserts that, in "the real world," it should be in the public interest for the FCC to relieve Alpine of its burden of proof" rather than to "rely on stale facts" (Opp. at 1-2). Of course, the only reason that the facts were "stale" was that Alpine itself unlawfully failed to present timely facts as required by the NPRM.

proposal to move a "Class C" FM facility from Wallace, Idaho ^{2/}
to Bigfork, MT. ^{3/}

These significant concessions -- alone -- validate BBI's
request that the Petition for Reconsideration be granted. ^{4/}

Respectfully submitted,


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July 6, 2001

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^{2/} After BBI filed an initial Opposition in the proceeding below, Alpine sought and received a modified permit to build a "Class C2" -- rather than a "Class C" -- FM facility at Wallace, ID, but failed to amend its Rulemaking proposal accordingly.

^{3/} Alpine incorrectly asserts (Opp. 3-4) that BBI cited no FCC authority for its claim that the staff's Decision errs in granting a rulemaking proposal that was never proposed, i.e., reallocating a "Class C2" facility from under-served Wallace, ID to well-served Bigfork, MT, as a "Class C" facility. (Alpine and the NPRM proposed to reallocate a "Class C" facility from Wallace, ID to Bigfork, MT.)

BBI's Petition (at 7-8) noted not only that Alpine's failure to amend its rulemaking proposal "violates Section 1.401c of the FCC's rules" but also violates Section 1.413c of the FCC's rules, which provides that any proposed rule amendment must include the exact terms of the proposed rule change). BBI's Petition also noted that the staff should have issued a further notice (and given the public a chance to comment on Alpine's changed proposal), pursuant to Section 1.421 of the FCC's rules.

^{4/} It is wholly disingenuous for Alpine to criticize the FCC staff for taking three years to decide this proceeding (Opp. at 1) or to lament (Opp. at 3-4) that BBI's meritorious Petition for Reconsideration is a delaying tactic when, in fact, Alpine's own failure to meet its clear evidentiary burden under the NPRM was plainly the reason for not only any delays to the present but also for the pendency of issues that must be resolved in the FCC's appellate process.

CERTIFICATE OF SERVICE

I, Robert Thompson, do certify on this 6th day of July, 2001, that the foregoing Reply was served by first class mail, postage prepaid, on the following counsel of record as follows:

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July 6, 2001