

BEFORE THE

Federal Communications Commission

In the Matter of)
)
Amendment of Section 73.202 (b),)
Table of Allotments, FM Broadcast Stations)
(Ketchum, Idaho))

MM Docket No. 02-14 /
RM-10358

RECEIVED

MAR 14 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch, Mass Media Bureau

COMMENTS OF ALPINE BROADCASTING LIMITED PARTNERSHIP

Alpine Broadcasting Limited Partnership ("Alpine"), licensee of FM Broadcast Stations KECH-FM, 95.3 MHz (Channel 237C1), KSKI-FM, 103.7 MHz (Channel 279C), and KYZK (FM), 107.5 MHz (Channel 298C), Sun Valley, Idaho, through its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby submits its comments on the Notice of Proposed Rule Making (DA O2-206), released January 25, 2002 ("NPRM"), regarding the proposal of Best Ski Country Radio ("Petitioner") to allot Channel 224A to Ketchum, Idaho, subject to a site restriction of 3.6 kilometers (2.2 miles) northwest of Ketchum, Idaho (at coordinates 43° 41' 58" North Longitude, 114° 23' 55" West Longitude) in order to comply with the minimum distance separation requirements of Section 73.207 (b) of the Rules, as that community's second local aural transmission service.^{1/}

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^{1/} Sun Valley, Idaho (2000 U.S. Census population 1,427) is located approximately 3 miles NE of Ketchum, Idaho (2000 U.S. Census population 3,003). Alpine's Sun Valley stations serve Ketchum, Idaho, and, accordingly, Alpine is a part in interest to this rule making proceeding.

Alpine submits that Petitioner's proposed allocation of Channel 224A to Ketchum, Idaho, must be denied as the proposed allocation, given the site restriction necessary for the allocation, is not feasible; specifically, Petitioner has no reasonable assurance of the availability of a transmitter site given that the site restriction requires that the transmitter be located on National Forest system lands in the Sawtooth National Forest.

Attached is a letter from Kurt J. Nelson, District Ranger, Ketchum Ranger District, Sawtooth National Forest, United States Forest Service stating that the site restriction area to locate a transmitter is without electrical power or roads and in a visually sensitive area containing important wintering wildlife habitat. No application has been submitted to the Forest Service requesting a communications site in the site restriction area and, in any event, an application would require extensive environmental studies before any consideration could be given to the suitability of a communications site in the site restriction area; absent these environmental studies the site restriction area "would not be considered for future use as a communication site."

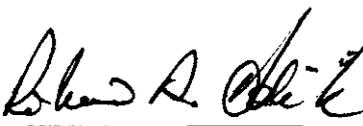
Petitioner's failure to take into account the National Forest wilderness-area suitability circumstances, without the availability of any alternate transmitter site to accommodate the proposed allocation, compels the Commission to find that it would not serve the public interest to allot Channel 224A at Ketchum, Idaho, and that such proposal must be denied.^{2/}

^{2/} See Kuna, Idaho, 15 FCC Rcd 4976 (Allocations Branch 2000) and Grand View, Idaho, 15 FCC Rcd 2768 (Allocations Branch 2000) (proposed allotments denied where there was no reasonable assurance of site availability on BLM administered land); Amelia, Louisiana, 12 FCC Rcd 13930, 13931 (Allocations Branch 1997) (proposed allotment denied where intended transmitter site was located in a swampland and no fully-spaced sites were obtainable); Moncks Corner, Kiawah Island and Sampit, North Carolina, 11 FCC Rcd 8630, 8636 (Allocations Branch 1996) (proposed upgrade denied where referenced transmitter site was located in a marshy area near an airport, and no suitable or available transmitter sites existed; Sebring and Miami, Florida, 10 FCC Rcd 6577, 6578 (Allocations Branch 1995) (proposed allotment denied in the absence of a transmitter site that would meet applicable FAA criteria and FCC technical requirements).

Accordingly, for the reasons set forth above, Alpine requests that the Commission deny Petitioner's request to allocate Channel 224A at Ketchum, Idaho.

Respectfully submitted

ALPINE BROADCASTING LIMITED PARTNERSHIP

By: 

Richard A. Helmick

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Its Attorneys

March 14, 2002



United States
Department of
Agriculture

Forest
Service

Sawtooth
National
Forest

Ketchum Ranger
District
PO Box 2356
Ketchum, ID 83340

File Code: 2710 – Communication
Sites

Date: March 11, 2002

Scott Parker – Alpine Broadcasting, Ltd.
221 Northwood Way, Suite 300
Ketchum, ID 83340

Dear Mr. Parker:

This letter is in response to your request for information regarding designated communication sites on the Ketchum Ranger District of the Sawtooth National Forest. Specifically, you brought to my attention of a Notice of Proposed Rulemaking (DA 02-206) by FCC to consider a petition for a new FM Allotment shown as MM Docket No. 02-14:RM-10358. The description of the proposed site location is described as 2.2 miles northwest of Ketchum, Idaho at coordinates 43-41-56NL and 114-23-55WL. The area described by these coordinates is not currently a designated communication site.

The area described by these coordinates is located on National Forest system lands. As of this date, the USFS has issued no authorizations nor have we received any application for a communication site for this area. There is no electrical power to this site, nor any roads leading to the site. This particular location is in a visually sensitive area, falls within an inventoried roadless area, and contains important wintering wildlife habitat. If an application were submitted to this office requesting a communication site at this particular location, extensive environmental studies, conducted through the NEPA process, would be required before any decision could be made as to the suitability of a communication site being built. Without these studies, this area would not be considered for future use as a communication site.

If you have further questions regarding this matter, please contact me at (208) 622-5371.

Sincerely,

KURT J. NELSON
District Ranger



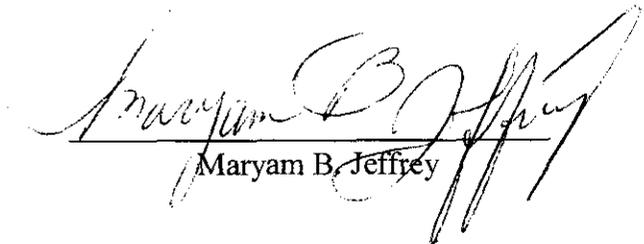
CERTIFICATE OF SERVICE

I, Maryam B. Jeffrey, hereby certify that on March 14, 2002, a copy of the foregoing "Comments of Alpine Broadcasting Limited Partnership" was sent by First Class mail, postage prepaid, to the following:

R. Barthen Gorman, Esq.*
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W., **Room 3-A224**
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Walters A. Sanders, Jr.
Best Ski Country Radio
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*By hand Delivery



Maryam B. Jeffrey