

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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MAY 20 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-72
Table of Allotments,)	RM-10399
FM Broadcast Stations)	
(Nantucket, Massachusetts))	

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL OF MONOMOY MEDIA

Monomoy Media ("Monomoy") pursuant to Section 1.420 of the Commission's Rules and by its attorneys, hereby files its Comments in this rulemaking proceeding.¹ The Commission should allocate Channel 254A to South Chatham, Massachusetts as that community's first local service instead of allotting Channel 254B1 to Nantucket, Massachusetts as that community's fourth FM broadcast service. In support thereof, the following is respectfully submitted.

On February 25, 2002, John Garabedian ("Garabedian") filed a petition for rule making to amend Section 73.202(b) of the Commission's Rules, proposing to allocate Channel 254B1 to Nantucket. On March 29, 2002, the Commission issued the *NPRM* and invited comments from the public regarding the allocation of Channel 254B1 to Nantucket, Massachusetts as the community's fourth FM broadcast service and second commercial FM broadcast service.

Monomoy files these comments to propose that the Commission allocate Channel 254A to South Chatham as that community's first local service instead of allocating 254B1 to Nantucket as that community's fourth service. The allocation of Channel 254A to South

¹ The Notice of Proposed Rule Making in this proceeding authorizes the filing of Comments by May 20, 2002. See *Nantucket, Massachusetts*, Docket No. 02-72 RM-10399 (Chief, Allocations Branch) (released March 29, 2002) (the "*NPRM*"). Thus, these Comments are timely filed.

Chatham represents a preferential arrangement of the FM Table of Allotments² because it will permit the provision of a first local service to a community with more than 800 people.³ The Garabedian Petition, on the other hand, will be providing a fourth local service to Nantucket. Thus, South Chatham is the preferred community for allotment purposes.

South Chatham qualifies as a community for allotment purposes and meets the Commission's definition of a community. South Chatham has its own Post Office and its own unique zip code.⁴ Approximately 840 people live in the community of South Chatham.⁵ The community provides numerous services to its residents, including a local public library (South Chatham Public Library) and a local fire station (South Chatham Fire Station). There are several churches located in South Chatham, including Chatham Baptist Church, Our Lady of Grace-South Chatham and the South Chatham Community Church. There is a community organization, South Chatham Village Association that acts as a common voice for members, who are both businesses and residents, on zoning, environmental and community issues. There is a Visitor Information Center, the David T. Bassett House in South Chatham, positioned at the intersection of Routes 28 and 137. South Chatham has three community beaches including Cackle Cove Beach, Forest Beach and Pleasant Street Beach. South Chatham has dozens of businesses, lodging units and restaurants. South Chatham has a 50 acre Commerce Park that includes many different types of businesses including a recycling center (Milley Trucking), a construction company (Stello Construction), a boat building and brokerage firm (Roger Carroll Boat Carpenter), automotive repair facilities (BB's Automotive and Kelsey's Autobody), a

² See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d (1988). The FM allotment priorities are: (1) 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).

³ See *Engineering Statement of RM Smith* attached hereto as Exhibit 1.

⁴ The zip code for the South Chatham Post Office is 02659.

⁵ 1990 US Census U.S. Gazetteer

landscaping company (Cape Cod Landscaping and Maintenance), a sheet metal and a propane company. South Chatham therefore qualifies as a community for allotment purposes.⁶

No radio station is licensed to, nor allocated to South Chatham. Grant of this petition will thus provide South Chatham with its first local radio station. The proposed allotment coordinates are: N41-40-35, 69-57-45. All of South Chatham will receive 70-dbu service from the proposed allotment coordinates.

Monomoy hereby states that upon adoption of a Report and Order modifying the FM Table of Allotments and the opening of a new auction proceeding for the allotment to South Chatham, Monomoy will promptly file and participate in the auction for the new station. In the event that Monomoy is successful in the auction, Monomoy will promptly file an application for construction permit for the new facility. Monomoy further states that upon the grant of the construction permit for the new facility for South Chatham to Monomoy, that Monomoy will construct the facility and commence operation promptly.

Conclusion

The Monomoy Media counterproposal is superior to the Garabedian Petition because it will permit the provision of a first local service to South Chatham whereas the Garabedian Petition proposes only the allocation of a fourth local service to Nantucket. South Chatham qualifies as a community for allotment purposes. Consistent with Commission precedent, South Chatham is more deserving of the allotment of Channel 254A as its first local service than the Garabedian proposal to allocate 254B1 as fourth local service to Nantucket.

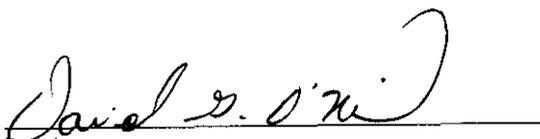
⁶ See *Dillsboro and Rosman, North Carolina*, DA 00-2424 (Chief, Allocations Branch) (October 27, 2000).

WHEREFORE, for the foregoing reasons, the Commission should grant the Monomoy Media counterproposal and amend the FM Table of Allotments accordingly:

<u>City</u>	<u>Present</u>	Channel <u>Proposed</u>
South Chatham, MA	-----	254A

Respectfully submitted,

Monomoy Media



Its Attorneys
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May 20, 2002

EXHIBIT 1

R. M. SMITH ASSOCIATES
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(561) 335-0688 FAX (561) 335-1438
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ENGINEERING STATEMENT

IN SUPPORT OF
COMMENTS ON AND A COUNTER PROPOSAL TO A
PETITION FOR RULE MAKING

PETITION BY:

John Garabedian

COUNTER PROPOSAL BY:

Monomoy Media

May 2002

PURPOSE AND SCOPE

The Comments, of which this Statement is a part, request a denial of a Petition for Rule Making and a grant of a Counter Proposal to that Petition. The Counter Proposal is made by Monomoy Media in the matter of a Notice of Proposed Rule Making in MM Docket No. 02-72, RM-10399.

This Statement demonstrates that channel 254A can be allotted to South Chatham, MA in full compliance with all applicable F.C.C. Rules and Regulations and is a superior allotment to channel 254B1 at Nantucket, MA, as proposed by the original Petitioner.

254A - SOUTH CHATHAM, MA

Attached to this Statement is a computerized spacing study, for channel 254A at South Chatham, MA, from the proposed reference coordinates of N41-40-35, W69-57-45. The study was conducted using the F.C.C. CDBS database. As shown in that study, the proposed site meets all of the requirements of 47 C.F.R. 73.207 except the Proposal for 254B1 at Nantucket. The proposed site is 5.2 kilometers from the F.C.C. reference coordinates for South Chatham, MA and has a clear line of sight to all of South Chatham.

The furthest point in South Chatham, from the allotment site, is 6.4 kilometers. This is well within the 16.2 kilometers covered by the 70 dBu contour from a full Class A facility of 6.0 kW at 100 meters HAAT from the proposed site.

This Counter Proposal is mutually exclusive with the proposal for 254B1 at Nantucket. The site proposed herein is 45.3 kilometers from the proposed site at Nantucket. 47 C.F.R. Section 73.207 requires a minimum separation of 143 kilometers between co-channel Class A and Class B1 facilities. No sites exist that would allow grant of both the original Proposal and this Counter Proposal.

A thorough study of the F.C.C. CDBS database reveals no other commercial FM channel that can be allotted to South Chatham, MA in compliance with 47 C.F.R. Section 73.207(b)(1) and 47 C.F.R. Section 73.315(a).

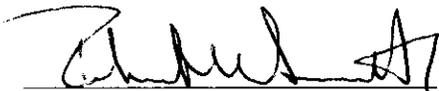
COMPARISON OF 254 B1 - NANTUCKET AND 254A - SOUTH CHATHAM, MA

A search of the F.C.C. CDBS database reveals that Nantucket presently has three (3) local services.^{1/} This Counter Proposal proposes the first local service to South Chatham, MA.

A full Class B1 facility on channel 254 at Nantucket will encompass 11,638 people (2000 US Census) within its 60 dBu F(50,50) contour. A full Class A facility on channel 254 at South Chatham will encompass 94,985 people (2000 US Census) within its 60 dBu F(50,50) contour.

CERTIFICATION

I, Robert M. Smith Jr., of Port St. Lucie, FL, do hereby certify that all of the data, calculations and statements in this application are true and correct to the best of my knowledge and belief. I further certify that I am an experienced and qualified broadcast engineer and that my qualifications are a matter of record with the Commission.



Robert M. Smith Jr.

^{1/} The facilities presently licensed or permitted in Nantucket are WRZE, 242B - licensed; WNAN, 216A - licensed; WNCK, 208A - CP.

FM SPACING STUDY

Title: Chatham Class A for Monomoy Media

Channel Studied: 254
 Safety Zone (km): 50

Latitude: 41-40-35
 Longitude: 069-57-45

Chan Freq Auth.	City Licensee FCC File No.	St Call	ERP-kW EAH-m	Latitude Longitude Facility ID	Dist Br-To	Required Clearance Result
251B 98.1 LIC	NEW BEDFORD HALL COMMUNICATIONS, INC. BLH-19790808AG	MA WCTK	47.0 155	41-37-21 70 -55-7 25869	79.9 265.7	69 10.9 CLEAR
253B 98.5 LIC	BOSTON INFINITY RADIO LICENSE INC. BLH-19900131KB	MA WBMX	9.0 349	42-18-27 71 -13-27 1901	125.9 303.8	113 12.9 CLEAR
256B 99.1 LIC	PLYMOUTH PLYMOUTH ROCK BROADCASTING CO., INC. BLH-7410	MA WPLM-FM	50.0 131	41-58-2 70 -42-4 52838	69.3 297.8	69 .3 CLOSE
251B 98.1 USE	NEW BEDFORD HALL COMMUNICATIONS, INC. -	MA ALLOC	0.0 0	41-37-21 70 -55-7 25869	79.9 265.7	69 10.9 CLEAR
253B 98.5 USE	BOSTON INFINITY RADIO LICENSE INC. -	MA ALLOC	0.0 0	42-18-27 71 -13-27 1901	125.9 303.8	113 12.9 CLEAR
256B 99.1 USE	PLYMOUTH PLYMOUTH ROCK BROADCASTING CO., INC. -	MA ALLOC	0.0 0	41-58-2 70 -42-4 52838	69.3 297.8	69 .3 CLOSE
254B1 98.7 ADD	RM-10399	PRM	0.0 0	41-16-54 70 -6 -6 0	45.3 194.8	143 -97.7 SHORT

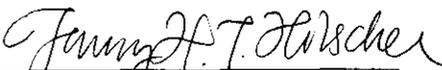
Certificate of Service

I, Jenny H. T. Hilscher, a secretary in the law firm of Manatt, Phelps and Phillips, LLP, do hereby certify that on this 20th day of May, 2002, I caused copies of the foregoing "Comments and Counterproposal of Monomoy Media" to be delivered by first-class mail, unless otherwise specified, to the following persons:

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Jenny H. T. Hilscher

*by hand delivery