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ANN BAVENDER\*  
HARRY F. COLE\*  
ANNE GOODWIN CRUMP  
VINCENT J. CURTIS, JR.  
PAUL J. FELDMAN  
FRANK R. JAZZO  
EUGENE M. LAWSON, JR.  
MITCHELL LAZARUS  
SUSAN A. MARSHALL  
HARRY C. MARTIN  
LEE G. PETRO\*  
RAYMOND J. QUIANZON  
LEONARD R. RAISH  
JAMES P. RILEY  
ALISON J. SHAPIRO  
KATHLEEN VICTORY  
JENNIFER DINE WAGNER\*  
LILIANA E. WARD  
HOWARD M. WEISS  
\*NOT ADMITTED IN VIRGINIA

FLETCHER, HEALD & HILDRETH, P.L.C.  
ATTORNEYS AT LAW  
11th FLOOR, 1300 NORTH 17th STREET  
ARLINGTON, VIRGINIA 22209-3801

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
www.fhhlaw.com

RETIRED MEMBERS  
RICHARD HILDRETH  
GEORGE PETRUTSAS  
CONSULTANT FOR INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS  
SHELDON J. KRYS  
U. S. AMBASSADOR (ret.)  
OF COUNSEL  
EDWARD A. CAINE\*  
DONALD J. EVANS  
EDWARD S. O'NEILL\*

WRITER'S DIRECT  
(703) 812-0453  
petro@fhhlaw.com

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May 22, 2002

MAY 22 2002

**By Hand Delivery**

Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

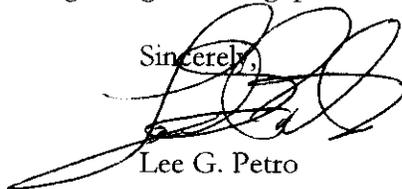
**RE:** Amendment of Section 73.202(b), FM Table of Allotments  
MM Docket No. 02-23, RM-10359, RM-10434  
Hall Communications, Inc.

Dear Mr. Caton:

Transmitted herewith is an original and four copies of "Motion for Leave to File" and "Supplement" filed on behalf of Hall Communications, Inc. in the above-referenced proceeding.

Should there be any questions regarding this filing, please contact undersigned counsel.

Sincerely,



Lee G. Petro

Counsel to Hall Communications, Inc.

Enclosures

cc (w/enc): David G. O'Neill, Esquire  
Counsel to Great Northern Radio, LLC  
Counsel to Family Broadcasting, Inc.

Barry A. Friedman, Esquire  
Counsel to Montpelier Broadcasting, Inc.

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In re:

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.  
(Keeseville, New York; Hartford and  
White River Junction, Vermont)

MM Docket No. 02-23  
RM-10359  
RM-10434

**RECEIVED**

MAY 22 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Media Bureau

**MOTION FOR LEAVE TO FILE  
SUPPLEMENT TO COMMENTS OF HALL COMMUNICATIONS, INC.**

Hall Communications, Inc. ("Hall"), by and through its attorneys, hereby requests Leave to File the attached Supplement to Comments. Hall's Comments on the Counterproposal in the instant proceeding were timely filed on May 21, 2002.

However, in an effort to provide a complete record in this proceeding for the Commission's consideration, Hall requests the Commission's permission to submit the Supplement and Engineering Statement attached thereto, which provides additional information concerning Hall's proposal. Specifically, the Petitioners' proposed reallocation of Channel 282 to Keeseville, New York as a Class C3 facility would experience received interference from a St. Jean, Quebec allotment. Petitioners argue that received interference from Canada is not cognizable under the rules and does not bar approval of its proposal.<sup>1</sup>

While Hall's Counterproposal was designed to avoid any received interference from the St. Jean allotment, the attached Engineering Statement provides information relating to a Class A facility at Keeseville which shows a comparison of the Class A and Class C3 areas and populations if Petitioners' theory were accepted. As noted in the Supplement, the maximized Class A facility at Keeseville proposes a gain in population served of 67,033 people more than the Class C3 facility (when the loss of service at Hartford is factored in).

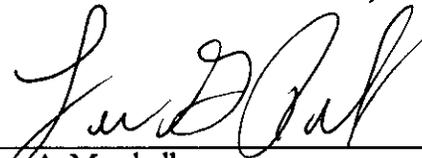
<sup>1</sup> Petitioners' Reply Comments, pg. 3.

The Commission will accept supplementary engineering information where the inclusion of the information serves to provide the Commission a complete record.<sup>2</sup> This is especially true where the submission of the supplemental information will delay the proceeding. *Id.* Since the due date for comments on the Counterproposal was May 21, 2002, the submission of this supplement, one day later, can not be found to delay this proceeding in any way. Moreover, given the Petitioners' apparent mailing of its Comments to undersigned counsel (which counsel has not yet received), and the absence of the Petitioners' Comments from the Commission's Electronic Comment Filing System, Hall has not had the opportunity to review the Petitioners' Comments, and the instant Supplement does not, in any way, serve to respond to arguments raised therein.

Thus, the public interest would be served by the acceptance and consideration of the attached Supplement. The Supplement provides additional information regarding an on-going allotment proceeding, it will not delay the proceeding, nor will the Petitioners be prejudiced by its acceptance.

Respectfully submitted,

HALL COMMUNICATIONS, INC.



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Susan A. Marshall  
Lee G. Petro  
Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209  
(703) 812-0400

May 22, 2002

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<sup>2</sup> See *Anamasa and Asbury, Iowa*, 12 FCC Rcd 20275, ¶ 6 (1997)(accepting the Supplement so to consider “the public interest benefits of all possible resolutions”); See also *Hartford, Vermont*, 8 FCC Rcd 4920, nt. 1 (1993)(accepting a late filed engineering statement “in the interest of compiling a complete record in this proceeding.”); *Perry, Florida et. al.*, 7 FCC Rcd 2557, nt. 2 (1992)(accepting a late-filed Supplement to have a complete record and where acceptance would not delay resolution of the proceeding).

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C.

In re:

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations.  
(Keeseville, New York; Hartford and  
White River Junction, Vermont)

MM Docket No. 02-23  
RM-10359  
RM-10434

To: Chief, Media Bureau

SUPPLEMENT TO COMMENTS OF  
HALL COMMUNICATIONS, INC.

Hall Communications, Inc. ("Hall"), by and through its attorneys, hereby submits a Supplement to its Comments with respect to the Counterproposal Hall filed in response to the Great Northern Radio, L.L.C. and Family Broadcasting, Inc. (collectively, the "Petitioners") Petition for Rulemaking. Hall filed its Comments on May 21, 2002, and is submitting this Supplement in support of its Counterproposal to maintain the allotments at White River Junction, Vermont, and Hartford, Vermont, along with the additional allotment of Channel 282A at Keeseville, New York. As noted in its Comments, Hall believes that the allocation of Channel 282A at Keeseville will be a more efficient use of the spectrum, as it will provide for a third allotment among the three communities.

One of the points made in Hall's pleadings is that an allotment of Channel 282C3 at Keeseville will experience received interference from a Class B allotment at St. Jean, Quebec. This factor, along with the awareness that the Petitioners' proposal would remove the sole FM station and sole local nighttime service at White River Junction, makes Hall's proposal of a Class A facility at Keeseville preferable over that of the Petitioners. The directional pattern of the Class A facility at Keeseville proposed in Hall's Counterproposal was developed to eliminate any chance of

interference with the Class B facility at St. Jean. To that end, Hall's Counterproposal is preferable over the Petition since the Class A facility will provide a greater gain in service than the Petitioners' Class C3 proposal in the Petition. Specifically, the gain in service for Hall's proposed Class A facility is 93,709 people, whereas the net gain of the Petitioners' proposal is 78,684 people.

In an effort to provide the Commission a complete record, however, Hall commissioned an additional study to develop a directional pattern for its Keeseville Class A, with the maximum level of service authorized under the U.S./Canada Working Agreement, and without regard for the level of received interference from the St. Jean allotment. Attached hereto as Appendix A is a study prepared by Munn-Reese, Inc., Hall's consulting engineer, demonstrating that a maximized Class A facility at Keeseville would serve 163,740 people within its 60 dBu service contour. If the population within the overlap between Hall's proposed 60 dBu service contour and St. Jean's 54 dBu service contour are subtracted, the net gain in interference-free population would be 145,534 people.

As the attached study demonstrates, a maximized Class A facility at Keeseville will provide service to 145,534 people without causing the loss of an existing service. This is compared to the Petitioners' proposed Class C3 facility that would only provide a net gain in service to 78,684 people. Therefore, even if the Commission determines that the overlap with the St. Jean allotment is permissible, the allotment of a Class A facility at Keeseville will result in a net gain in the provision of a new service.

As such, regardless of whether the Commission considers the level of received interference, Hall's proposed allotment of a Class A facility at Keeseville must be preferred. Under either scenario, the Class A allotment will provided an increased level of service, without the many public interest negatives which encumber the Petitioners' proposal and are discussed in Hall's Comments.

Therefore, Hall Communications, Inc. respectfully submits that the public interest considerations strongly favor the allotment of Channel 282A at Keeseville, and the dismissal of the Petition.

Respectfully submitted,

HALL COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Lee G. Petro", written over a horizontal line.

Susan A. Marshall  
Lee G. Petro

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street, 11<sup>th</sup> Floor  
Arlington, Virginia 22209  
(703) 812-0400

May 22, 2002

**SUPPLEMENTAL  
ENGINEERING REPORT  
IN SUPPORT OF A  
PETITION FOR A  
COUNTERPROPOSAL  
RULEMAKING**

**New Channel 282A  
Keeseville, NY**

**May 2002**

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**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

## Discussion

The office of Munn-Reese, Inc. has been retained to prepare this supplemental engineering report for Hall Communications Inc. in support of a counterproposal rulemaking to amend the FM Table of Allotments found in 47 CFR §73.202(b). The addition of Channel 282A for Keeseville, NY is requested. Channel 282A will be the first aural service for this community.

**Supplemental Showing 1.0** is a map of the counterproposal allocation towards CH281B - St. Jean, QU allowing received contour overlap from the Canadian Allocation. The counterproposal 48 dBu F(50-10) interference contour is wholly maintained within the United States border and therefore allowable under the U.S.-Canadian Agreement. Received contour overlap exists and has been calculated to be 262.19 km<sup>2</sup> and containing 18,206 people.

**Supplemental Showing 1.1** compares the population of this counterproposal alternate pattern 60 dBu service area to the original rulemaking. The counterproposal is a new Class A facility compared to the original rulemaking's relocated Class C3 facility. Even with this difference in Class A to C3, the net population gain for the new Class A facility is nearly double that of the relocated Class C3 facility. This is due mainly to the tremendous loss of population associated with Class C3 move. There would be no loss area associated with the new Class A counterproposal.

## CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible.

This firm may not be held liable for damages as a result of such data errors or omissions. The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

May 22, 2002

**MUNN-REESE, INC.**

By Wayne S. Reese  
Wayne S. Reese, President

100 Airport Drive, PO Box 220  
Coldwater, Michigan 49036

By Justin W. Asher  
Justin W. Asher, Project Engineer

Telephone: 517-278-7339

**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

Total Population Within Overlap Region: 18,206  
Total Area Within Overlap Region: 262.19 sq. km

### Supplemental Showing 1.0 Channel 282A - Keeseville, NY

ALLO - CH281B  
St. Jean, QU (max facilities)

F(50-50) 54.0 dBu

F(50-10) 54.0 dBu

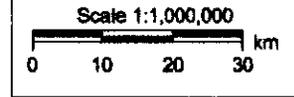
Plattsburgh

CH282A (All Pattern)

Burlington

F(50-50) 60.0 dBu

Munn-Reese, Inc.



F(50-10) 48.0 dBu

V-Soft Communications ©

# Supplemental Showing 1.1

## Tabulation of Populations

	<u>Class C3 Rulemaking</u>		<u>Class A Counterproposal</u> (Alternate Pattern)	
	Population	Area	Population	Area
Gain Area	201,986	3,132.70 km <sup>2</sup>	163,740	2,445.09 km <sup>2</sup>
Loss Area	106,130	3,321.83 km <sup>2</sup>	none	none
<b>Subtotal</b>	<b>95,856</b>	<b>- 189.13 km<sup>2</sup></b>	<b>163,740</b>	<b>2,445.09 km<sup>2</sup></b>
Area of Contour Overlap with CH281B St. Jean, QU	-17,172**	-211.36 km <sup>2</sup> **	-18,206	-262.19 km <sup>2</sup>
<b>Total</b>	<b><u>78,684</u></b>	<b><u>- 400.49 km<sup>2</sup></u></b>	<b><u>145,534</u></b>	<b><u>2,182.90 km<sup>2</sup></u></b>

\*\* Population figures taken from Counterproposal - Appendix 1 Figure A.

All populations shown have be derived using U.S. Census 2000 Population Centroid Data and utilizing computerized software as supplied by V-Soft™ Communications.

CERTIFICATE OF SERVICE

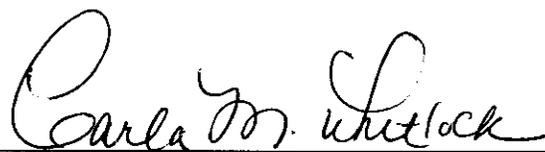
I, Carla M. Whitlock, a Secretary with the law firm of Fletcher, Heald & Hildreth, certify that I have this 22<sup>nd</sup> day of May, 2002, caused to be sent by first-class U.S. mail, postage-prepaid, or Hand Delivery, as indicated, a copy of the foregoing "Motion for Leave to File" and "Supplement" the following:

David G. O'Neill, Esquire  
Jonathan E. Allen, Esquire  
Manatt, Phelps & Phillips  
1501 M Street, N.W., Suite 700  
Washington, DC 20005-1702  
Counsel to Great Northern Radio, LLC  
Counsel to Family Broadcasting, Inc.

Barry A. Friedman, Esquire  
Thompson Hine, LLP  
1920 N Street, N.W.  
Suite 800  
Washington, D.C. 20036  
Counsel to Montpelier Broadcasting, Inc.

Victoria McCauley\*  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

By:



Carla M. Whitlock

\* By Hand Delivery