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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-123
Table of Allotments)	
FM Broadcast Stations)	RM - 10445
(Terrebonne, Oregon))	

To: Assistant Chief,
Media Bureau

REPLY COMMENTS

Hunt Broadcasting, Inc. ("Hunt"), by its counsel, hereby submits its Reply Comments in response to the Commission's Notice of Proposed Rule Making ("NPRM"), released May 24, 2002, DA 02-1246, proposing to amend the FM Table of Allotments by adding Channel 293C2 at Terrebonne, Oregon, as that community's first local service.

- Hunt submitted Comments in this proceeding in support of the proposed allotment to Terrebonne. In those Comments, Hunt restated its intention to file an application and construct the facility at Terrebonne if the allotment to Terrebonne was granted.
- Before the Comment deadline, Muddy Broadcasting Company ("Muddy") filed Comments in Opposition to Proposed Rulemaking ("Opposition Comments"). In its Opposition Comments, Muddy states that it is a party in MM Docket No. 00-87, and that it has filed a Petition for Reconsideration ("Recon Petition") in that docket. If its Recon Petition is granted, reversing the Report and Order in that docket, and Muddy's alternative resolution for that docket is adopted, then, according to Muddy, Hunt's proposed allotment of Channel 293C2 would be precluded.¹ Muddy claims that Hunt's Petition should either be

¹ Docket 00-87 was initiated when the Commission, at the request of Muddy, issued a NPRM proposing the addition of Channel 251C3 to Brightwood, Oregon. Madras Broadcasting

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returned as prematurely filed, or at least held in abeyance until the final resolution of MM Docket 00-87.

3. Muddy's pending Recon Petition should not delay the further processing of this docket. If Docket 00-87 was still in the initial decision stage, and a Report and Order had not yet issued, then Muddy would be correct as it is Commission policy not to accept and process what amounts to a contingent rule making proposal. However, once a Report and Order issues in a docket, pending appeals of that decision do not, and should not delay the processing of other rule making petitions that are based on the final allotments adopted in the Report and Order.
4. The NPRM in MM Docket 01-104, 16 FCC Rcd 8937 (2001), is an example of the application of this policy. The Commission issued that NPRM even though the proposed allotment to Auburn, Alabama could have been precluded if then-pending appeals of the Report and Order in MM Docket No. 98-112 had been granted. In addition, counterproposals have been accepted in MM Docket 01-104. The same rationale should apply here. This docketed proceeding (MB Docket 02-123) should continue to be processed on the same basis as MM Docket 01-104 has been processed.

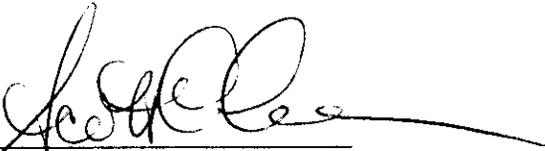
Company ("Madras") submitted a counterproposal, the primary element of which was to propose the allotment of Channel 251C1 to Madras, Oregon. The proposed Madras allotment was mutually exclusive to the proposed Brightwood allotment. The Commission issued a Report and Order in the docket on October 26, 2001, (16 FCC Rcd 18893 (2001)) adopting the counterproposal, and the allotment of Channel 251C1 to Madras. Muddy's Recon Petition asks the Commission to set that decision aside, allot Channel 251C3 to Brightwood, and allot an alternate channel to Madras, which would preclude the Terrebonne proposal here. The Recon Petition is still pending.

5. Hunt restates its intention to file an application and construct the facility at Terrebonne in the event Channel 293C2 is allotted there.

WHEREFORE, Hunt respectfully requests that the Commission grant its Petition and allot Channel 293C2 to Terrebonne, Oregon, so that the residents of Terrebonne can receive their first local aural transmission service.

Respectfully submitted,

HUNT BROADCASTING, INC.

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July 30, 2002

CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that a copy of the foregoing Reply Comments was delivered by first-class mail, postage prepaid this 30th day of July, 2002, to the following:

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