

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-124
Table of Allotments)	RM-10446
FM Broadcast Stations)	
(Amboy, California))	

To: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Marathon Media Group, L.L.C. ("Marathon"), licensee of Station KHUL(FM) (formerly KONY-FM), Kanab, Utah, by its counsel, hereby submits its reply comments to the *Notice of Proposed Rule Making*, DA 02-1246 (rel. May 24, 2002) in the above-captioned proceeding. On July 15, 2002, Cameron Broadcasting, Inc. ("Cameron") filed a counterproposal in this proceeding, proposing, among other allotments, the relocation of Channel 234C from Kingman, Arizona to Pahrump, Nevada. As discussed more fully below, Cameron's proposed allotment of Channel 234C at Pahrump conflicts with Marathon's proposed allotment of Channel 233A at Tecopa, California, advanced in MM Docket No. 01-135 (Caliente, Nevada) and must be dismissed.

Marathon's proposal for Channel 233A at Tecopa was timely filed in MM Docket No. 01-135 on August 13, 2001. On October 23, 2001, the Commission issued a Public Notice, Report No. 2506, announcing the filing of Marathon's counterproposal, specifically including the Tecopa allotment (copy attached). Reply Comments were due in that proceeding on November 7, 2001.

Cameron's proposed Channel 234C allotment at Pahrump is short-spaced to Channel 233A at

014

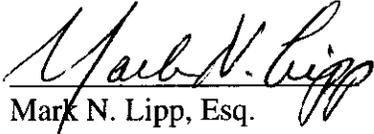
Tecopa by 98 kilometers, in violation of the Commission's rules. *See* attached channel spacing study.

Marathon's timely filed Tecopa proposal is entitled to protection from subsequently filed proposals. *See Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990); *Mason, Texas*, DA 02-1389 (rel. June 14, 2002), *recon. pending*; *Benjamin, Texas*, DA 02-1372 (rel. June 14, 2002), *recon. pending*. This is true even if the Tecopa proposal had not been entered into the Commission's data base at the time Cameron filed its proposal. *See Mason, Texas, supra*. While Cameron's proposal could have been considered in the context of MM Docket 01-135, it was not filed in time to be considered in that proceeding. The Commission's rules clearly require its dismissal. *See Pinewood, South Carolina* and other cases, *supra*.

Respectfully submitted,

MARATHON MEDIA GROUP, L.L.C.

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July 30, 2002

**Engineering Statement
In Support of
Reply Comments
MM Docket 02-124, RM-10446
Marathon Media Group, L.L. C.**

Allocation Study – Ch 233A Tecopa, CA (AVAC 291A)
[Depicting spectrum conflict between MM Docket 01-135 & proposal in Docket 02-124]
(Using Ch 291A allotment coordinates as reference)

REFERENCE		Class A					DISPLAY DATES	
35 50 48 N.		Current rules spacings					DATA	07-19-02
116 13 24 W.		Channel 233 - 94.5 MHz					SEARCH	07-30-02
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin	
KFLG.P 234C	Pahrump		NV	78.4	66.51	165.0	-98.49	
Of Concern:								
Proposed allotment of Ch 234C MX with								
Marathon MM Docket 01-135 the use of Ch 233A								
substitution for Ch 291A at Tecopa, CA.								
using Cameron Broadcasting coordinates as reference @;								
NL: 35-58-02, WL: 115-30-06								
KKBK	235B1	Baker	CA	149.2	53.03	48.0	5.03 *	
RDEL	235B1	Baker	CA	149.2	53.03	48.0	5.03 *	
KNYE.C	236A	Pahrump	NV	23.5	42.48	31.0	11.48	
RDEL	231C	Henderson	CA	80.8	111.24	95.0	16.24	
RADD	230C	Henderson	CA	80.8	111.24	95.0	16.24	
KMXB.C	231C	Henderson	NV	80.7	111.36	95.0	16.36	
KDUC	232B1	Barstow	CA	217.3	122.22	96.0	26.22	
KDUC	232B1	Barstow	CA	215.2	126.84	96.0	30.84	
KFLGFM	234C	Kingman	AZ	110.0	212.90	165.0	47.90	
RADD	233C1	Caliente	NV	37.9	248.67	200.0	48.67	
ALLO	233C1	Caliente	NV	37.9	248.67	200.0	48.67	





PUBLIC NOTICE

DOCKET FILE COPY ORIGINAL

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

27252

Report No. 2506 CORRECTION

October 23, 2001

CONSUMER INFORMATION BUREAU
REFERENCE INFORMATION CENTER
PETITION FOR RULEMAKING FILED

01-1351

Interested persons may file statements opposing or supporting the Petitions for Rulemaking listed herein within 30 days, or as noted. See Sections 1.4 and 1.405 of the Commission's rules for further information.

RM NO.	RULES SEC.	PETITIONER	DATE RECEIVED	NATURE OF PETITION
RM-10321*	73.202(b)	Ruston Broadcasting Company, Inc. (Filed By Dennis P. Corbett, Leventhal, Senter & Lerman P.L.L.C. 2000 K Street, N.W. Suite 600 Washington DC 20006-1809)	03/19/01	Request Amendment of the FM Table of Allotments to substitute Channel 257C2 for Channel 257C3 at Ruston, Louisiana, at coordinates 32-28-53 NL and 92-40-37 WL. To accommodate the upgrade, allot Channel 300C3 in lieu of Channel 257C3 at St. Joseph, at coordinates 32-04-01 NL and 91-21-29 WL; substitute Channel 266A for Channel 257A at Clayton, Louisiana, at coordinates 31-44-48 NL and 91-31-16 WL; and allot Channel 279A in lieu of Channel 200C3 at Wisner, Louisiana, at coordinates 31-58-26 NL and 91-29-31 WL.

*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 01-19. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN 15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

RM NO.	RULES SEC.	PETITIONER	DATE RECEIVED	NATURE OF PETITION
RM-10322*	73.202(b)	Big City Radio-LA, L.L.C. (Filed by Marissa G. Repp, Hogan & Hartson L.L.P. 555 13 th Street, N.W. Washington, DC 20004-1109)	03/12/01	Request Amendment of the FM Table of Allotments to substitute Channel 296B1 for Channel 296A at Arcadia, California at coordinates 34-04-18 NL and 117-48-46 WL; substitute Channel 281A for Channel 296A at Fallbrook, California at coordinates 33-27-30 NL and 117-13-26 WL; delete 295B at Yucca Valley, California and allot Channel 295B1 at Desert Hot Springs, California at coordinates 34-01-48 NL and 116-31-48 WL; allot Channel 245A at Murrieta, California at coordinates 33-33-04 NL and 117-04-31 WL.

*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 01-11. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN 15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

RM NO.	RULES SEC.	PETITIONER	DATE RECEIVED	NATURE OF PETITION
RM-10323*	73.202(b)	Radio South, Inc. (Filed by Eric T. Werner, Verner, Liipfert, Bernhard, McPherson and Hand)	06/18/01	Request Amendment of the FM Table of Allotments to reallocate Channel 263C1 from Northport, Alabama to Helena, Alabama at coordinates 33-07-07 NL and 87-15-18 WL; reallocation of Channel

901 15th Street, N.W.
Suite 700
Washington, DC 20005)

255C1 from Tuscaloosa, Alabama to
Northport, Alabama at coordinates 33-03-
20 NL and 87-32-59 WL.

RM-10324* 73.202(b)

Cox Radio, Inc 06/18/01

(Filed by Kevin F. Reed,
Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036)

Request Amendment of the FM Table
of Allotments to delete Channel 247A
at Homewood, Alabama and allot
Channel 247C2 to Gardendale, Alabama
at coordinates 33-34-55 NL and 86-56-46
WL; reallocating Channel 295C from
Birmingham, Alabama to Homewood,
Alabama at coordinates 33-29-19 NL
and 86-47-58 WL; Substitute Channel
262A for Channel 247A at Dadeville,
Alabama at coordinates 32-52-58 NL and
85-49-16 WL; Substitute Channel 300A for
Channel 247A at Orrville, Alabama at
coordinates 32-19-35 NL and 87-11-57 WL;
delete Channel 248A at Talladega, Alabama
and allot Channel 248A at Goldwater,
Alabama at coordinates 33-02-22 NL and
86-00-21 WL; reallocate Channel 249A from
Clanton, Alabama to Jemison, Alabama at
coordinates 32-56-23 NL and 86-46-11 WL;
modify the reference coordinates of Channel
248A at Pine Level, Alabama at coordinates
31-59-33 NL and 86-00-05 WL; modify the
reference coordinates of Channel 249A at
Thomaston, Alabama at coordinates 32-17-
45 NL and 87-44-45 WL.

*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 01-104. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN

15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

RM NO.	RULES SEC.	PETITIONER	DATE RECEIVED	NATURE OF PETITION
RM-10325*	73.202(b)	Crystal Clear Communications, Inc. (Filed by Mark N. Lipp, Shook, Hardy & Bacon 600 14 th Street, N.W. Suite 800 Washington, D.C. 20005-2004)	07/16/01	Request Amendment of the FM Table of Allotments to substitute Channel 249C2 for Channel 257C2 at Alpena, Michigan at coordinates 44-51-25 NL and 83-32-34 WL; substitute Channel 246A for Channel 249A at Beaverton, Michigan at coordinates 43-53-16 NL and 84-31-45 WL; delete Channel 257C2 at Frankfort, Michigan and add Channel 257C1 as an upgrade at coordinates 44-42-05 NL and 85-39-24 WL; substitute Channel 271C3 for Channel 249C3 at Cheboygan, Michigan at coordinates 45-34-46 NL and 84-14-16 WL; delete Channel 245A and substitute Channel 295A at Standish, Michigan at coordinates 44-01-46 NL and 83-57-44 WL.

*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 01-115. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN 15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

RM NO.	RULES SEC.	PETITIONER	DATE RECEIVED	NATURE OF PETITION
RM-10326*	73.202(b)	Marathon Media Group, L.L.P. (Filed by Lee J. Peltzman, Shainis & Peltzman 1850 M Street, N.W.	08/13/01	Request Amendment of the FM Table of Allotments to substitute Channel 233A for 291A at Tecopa, California at coordinates 35-50-48 NL and 116-13-24 WL; substitute Channel 291C1 for 266C1 at Amargosa Valley, Nevada at coordinates

Suite 240
Washington, D.C. 20036)

36-34-48 NL and 116-26-42 WL; allotment of Channel 265C at Moapa, Nevada at coordinates 36-50-52 NL and 114-28-37 WL; allotment of Channel 262C at Escalante Utah at coordinates 37-46-13 NL and 111-36-04 WL; substitute Channel 270C2 for 266C at Kanab, Utah at coordinates 37-02-51 NL and 112-31-32 WL.

RM-10327*

73.202(b)

M&M Broadcasting

08/13/01

(Filed By Mark N. Lipp,
Shook, Hardy & Bacon
600 14th St., N.W.
Suite 800
Washington, D.C. 20005-2004)

Request Amendment of the FM Table of Allotments to substitute Channel 229A for vacant Channel 240A at Mohave Valley, Arizona, at coordinates 34-55-40 NL and 114-35-51 WL; and the substitution of Channel 228C for Channel 228C1 at Laughlin, Nevada, and the reallocation of Channel 228C at Logandale, Nevada, at coordinates 36-50-52 NL and 114-28-37 WL; the reallocation of Channel 240C from St. George, Utah to Bunkersville, Nevada at coordinates 36-50-52 NL and 114-28-37 WL, the substitution of Channel 299C2 in lieu of proposed Channel 291C1 at Caliente, Nevada, at coordinates 37-39-18 NL and 114-30-34 WL; allot Channel 236C2 at Mesquite, Nevada, at coordinates 36-32-56 NL and 114-01-19 WL; and the Grand Canyon Village, Arizona, at coordinates 36-03-31 NL and 112-36-55 WL.

*THE ABOVE PETITION FOR RULEMAKING WILL BE TREATED AS A COUNTERPROPOSAL IN MM DOCKET NO. 01-

135. REPLY COMMENTS TO THIS COUNTERPROPOSAL SHOULD BE SUBMITTED IN THIS DOCKET NO LATER THAN 15 DAYS (RATHER THAN 30 DAYS) AFTER THE DATE OF THIS PUBLIC NOTICE.

FCC

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 30th day of July, caused to be mailed by first class mail, postage prepaid, copies of the foregoing “**Reply Comments**” to the following:

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Lisa M. Balzer

* HAND DELIVERED