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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

SEP 25 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

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Amendment of Section 73.202(b))	
Table of Allotments,)	MB Docket No. 02-23
FM Broadcast Stations)	RM-10359
(Keeseville, New York))	RM-10434

To: The Commission

RESPONSE OF MONTPELIER BROADCASTING, INC.

Montpelier Broadcasting, Inc. ("MBI"), by its attorneys, hereby submits this Response to the request for joint settlement contained in the Reply to Opposition to Motion to Strike (the "Settlement Request") filed by Great Northern Radio, L.L.C. ("Great Northern") and Family Broadcasting, Inc. ("Family Broadcasting"), on September 3, 2002, in connection with the above-referenced proceeding. In support hereof, MBI states as follows:

Initially, MBI objects to the procedure used by Great Northern and Family Broadcasting to advance its settlement. Section 1.420 of the Commission's Rules specifies that the rulemaking petition and a party's comments are the only submissions in which proposals for modifications of the FM Table of Allotments are to be advanced. Burying a proposal, even where it is labeled a "settlement," at the end of a motion to strike is hardly the proper means for disclosing a party's position in a notice and comment rulemaking. Assuming, however, that the Commission elects to consider the proposed settlement, MBI wishes to have its position heard and considered.

In their Settlement Request, Great Northern and Family Broadcasting propose that the parties to this proceeding agree to accept (i) the allotment of Channel 231A to Keeseville, New York as a substitute for the Channel 282A allotment proposed by Hall Communications, Inc.

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("Hall"); and (ii) the reallocations of Channel 282C3 from Hartford, Vermont to Keeseville, New York, and Channel 237A from White River Junction, Vermont to Hartford, Vermont. MBI submits that the allotment of a Class A service to Keeseville, New York, whether the Channel 282A allotment proposed by Hall, or the Channel 231A allotment proposed by Great Northern and Family Broadcasting, furthers the public interest, while the community reallocations proposed by Great Northern and Family Broadcasting do not. Accordingly, the Commission should grant either of the Keeseville proposals while denying the proposed community reallocations.

The allotment of a new Class A service to Keeseville is in the public interest. Either the Channel 282A allotment or the Channel 231A allotment would provide first local service to Keeseville, thereby advancing priority three under the Commission's FM allotment priorities.¹ Further, neither transmitter site availability nor line-of-sight issues pose any problem to either the Channel 282A or Channel 231A proposals.² Thus, the choice facing the Commission with regard to the Keeseville allotment is truly a win-win situation. MBI supports the Commission's selection of either the Channel 282A or the Channel 231 proposal.

¹ The Commission's FM priorities, as set forth in the *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91-92 (1982) ("*FM Assignment Policies*"), include: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. The Commission gives co-equal weight to priorities (2) and (3). *Id.*

² In their Settlement Request, Great Northern and Family Broadcasting argue that Hall's Channel 282A proposal fails to comply with Section 73.315 of the Commission's Rules. *See* Settlement Request at 5. However, Hall's Motion to Strike demonstrates that the Channel 282A proposal complies with the requirements of Section 73.315. *See* Response of Hall Communications, Inc. to the Request for Joint Settlement ("Hall's Response"), filed on September 20th, 2002, at 3, n. 4. Great Northern and Family Broadcasting also claim that Hall has not adequately vouchsafed the availability of a transmitter site in the Adirondack State Park. *See* Settlement Request at 6. However, the transmitter site for the Channel 231A proposal is similarly located in the Adirondack State Park. *See* Hall's Response at 2, n. 3. Great Northern and Family Broadcasting apparently concede the availability of sites in the Park.

However, Great Northern's and Family Broadcasting's claim that their community reallocation proposals present an "everybody wins" situation is wide of the mark. Their proposals serve to remove the sole FM allotment and the only full-time transmission service from the rural community of White River Junction,³ reduce WWOD(FM)'s present coverage by three percent and leave 362 persons with less than five aural services. *See* MBI's Reply Comments, filed on May 21, 2002, at 3. Rather than everybody winning, there are clear winners and losers here. The winners are Great Northern and Family Broadcasting, who get to relocate a station from a rural community to an urban area, as well as already well-served listeners in the urban area. The losers are the rural residents who face a significant reduction in service. The Commission is obligated to protect the potential losers here by retaining the existing service.

Considered independently of Great Northern's and Family Broadcasting's proposed community reallocations, either Keeseville allotment proposal promises to bring the first local transmission service to Keeseville without degrading existing levels of service for already-underserved populations. However, adding two stations at Keeseville while degrading service to current listeners does not serve the public interest. Therefore, to best serve the public interest, the Commission should make either a Channel 282A or a Channel 231A Keeseville allotment available through public auction, and deny the community reallocation proposals put forward by Great Northern and Family Broadcasting.

WHEREFORE, Montpelier Broadcasting, Inc. respectfully requests that the Commission deny the proposed reallocations of Channel 282C3 from Hartford, Vermont to Keeseville, New York, and Channel 237A from White River Junction, Vermont to Hartford, Vermont submitted

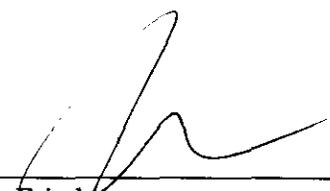
³ Under Great Northern and Family Broadcasting's proposal, White River Junction would be served by a daytime-only station, WNHV(AM), which has its offices outside Vermont in the community of West Lebanon, New Hampshire.

by Great Northern Radio, L.L.C. and Family Broadcasting, Inc., and grant either Hall Communications, Inc.'s Counterproposal to allot a new Channel 282A at Keeseville, New York, or Great Northern Radio, L.L.C.'s and Family Broadcasting, Inc.'s proposal to allot a new Channel 231A at Keeseville, New York.

Respectfully submitted,

MONTPELIER BROADCASTING, INC.

By: _____



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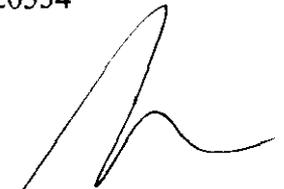
CERTIFICATE OF SERVICE

I, Barry A. Friedman, do hereby certify that I have, on this 25th day of September, 2002, served a copy of the foregoing "Response of Montpelier Broadcasting, Inc. to the Request for Joint Settlement" on the following parties, by first-class mail, postage prepaid:

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