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## RECEIVED

December 3, 2002

DEL' - 3 2002

### VIA HAND DELIVER

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Portals II - 12<sup>th</sup> Street Lobby  
Filing Counter - TW-A325  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: MB Docket No. 02-294  
RM-10543  
Amendment of Section 73.202(b)  
Table of Allotments  
FM Broadcast Stations (Opal, Wyoming)  
Reply Comments**

Dear Ms. Dortch:

Transmitted herewith, on behalf of Simmons-SLC, LS, LLC is an original and four (4) copies of its Reply Comments in the above-referenced rulemaking proceeding. Please contact the undersigned should any questions arise regarding this matter.

Sincerely,



Lee J. Peltzman  
Counsel for SIMMONS-SLC, LS, LLC

LJP/kdm

Enclosures

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

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DEC - 3 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Opal, Wyoming) )  
)

MB Docket No. 02-294  
RM-10543

To: Assistant Chief, Audio Division  
Media Bureau

**REPLY COMMENTS**

Simmons-SLC, **LS**, LLC (“Simmons”), licensee of KJQN(FM), Brigham City, Utah by its counsel, hereby files its Reply Comments in the above-captioned proceeding. In support of its position, Simmons states the following:

Prompted by the Petition for Rule Making filed by Black Diamond Broadcasting (“Petitioner”), the Commission issued a *Notice of Proposed Rule Making* in the instant proceeding, DA 02-2320 (released September 27, 2002) (the “*NPRM*”). The *NPRM* proposed the allotment of Channel 263A to the community of Opal, Wyoming. Simmons Counterproposal proposed to delete Channel 264C from Brigham City, Utah and allot Channel 264C to Woodruff, Utah as that community’s first local service while modifying the KJQN license accordingly. Petitioner filed Comments in support of its Opal proposal. No other Comments or Counterproposals were filed.

In a November 19, 2002 Supplement, Simmons corrected three minor errors in its Counterproposal. There are two additional minor errors in the Counterproposal which need clarification or correction. The first sentence in paragraph 5 makes reference to allotting

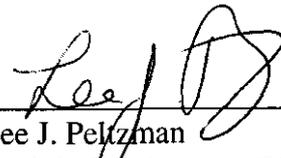
Channel 264C1 to Idaho Falls. No such allotment is proposed in the Simmons Counterproposal. The first sentence in paragraph 5 should, instead, read as follows: “As described above, Simmons proposes to relocate KJQN from Brigham City to Woodruff, Utah as that community’s first local service.” Similarly, Figure 1 of the Channel 264C at Woodruff, Utah Allocation Study contains a reference to the Channel 264C1 allotment to Idaho Falls. That portion of the study should be stricken.

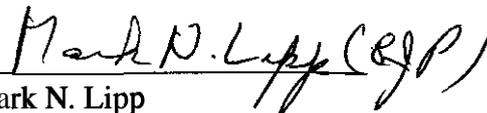
Simmons has already demonstrated that its Counterproposal should be favored over Petitioner’s proposal to allot Channel 263A to Opal under the Commission’s allotment priorities. Simmons hereby reaffirms its position that its Counterproposal is superior under the Commission’s policies.

Accordingly, as stated above and in the Simmons Counterproposal, the Commission should promptly adopt a Report and Order implementing Simmons' Counterproposal

Respectfully submitted,

SIMMONS-SLC, LS, LLC

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Its Counsel

CERTIFICATE OF SERVICE

I, Karen McNeill, a secretary in the law firm of Shainis & Peltzman, Chartered, do hereby certify that I have on this 3<sup>rd</sup> day of December, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Counterproposal" to the following:

Sharon P. McDonald\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Room 3-A226  
Washington, D.C. 20554

Black Diamond Broadcasting  
c/o Scott C. Cinnamon, Esq.  
1090 Vermont Avenue, N.W., Suite 800  
Washington, D.C. 20005  
(Petitioner for Opal, Wyoming)

Against the Wind Broadcasting  
708 East Curtis Street  
Laramie, Wyoming 82070  
(Licensee of KWSA, Price, Utah)

  
\_\_\_\_\_  
Karen McNeill

\*Via Hand Delivery