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*Please reply to JOHN M. PELKEY  
jpelkey@gsblaw.com TEL (202) 298-2528*

July 8, 2003

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OUR FILE NO. 21279-00100

**JUL - 8 2003**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
c/o Vistrionix, Inc.  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

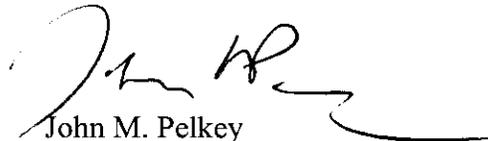
RE: RM-10630  
Reclassification of License of Station KRFX(FM), Denver, Colorado

Dear Ms. Dortch:

Transmitted herewith, on behalf of Akron Broadcasting Company, are an original and four copies of its **COMMENTS ON "STATEMENT IN RESPONSE TO ORDER TO SHOW CAUSE"** in response to Jacor Broadcasting of Colorado, Inc.'s Statement filed April 18, 2003.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Sincerely,

  
John M. Pelkey

Enclosures  
JMP/sdt

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direct result of the submission by Akron Broadcasting of a Petition for Rule Making in which Akron Broadcasting sought the amendment of the FM Table of Allotments to include the allotment of Channel 279C1 to Akron, CO. That allotment requires the downgrading of KRFX(FM), which has been categorized as a Class C station even though it does not operate with Class C facilities, from Class C to Class C0 status. The *Order To Show Cause* indicated that the Akron Petition for Rule Making would be dismissed if Jacor filed an “acceptable” application for full Class C facilities.

In response to the *Order To Show Cause*, Jacor submitted the Jacor Statement on April 18, 2003, which was the last day for submitting a response to the *Order To Show Cause*. In that statement, Jacor informed the Commission that it intended to seek to modify the KRFX(FM) facilities through the filing of “an acceptable application for a construction permit to increase the antenna height [of the station] to greater than 450 meters HAAT and 100 kw ERP or the equivalent.” Jacor Statement at 2.

On April 24, 2003, Jacor filed an application to modify the KRFX(FM) facilities. See BPH-20030424AAO. Rather than specifying full Class C facilities, however, Jacor instead filed an application specifying facilities that, while operating at 100 kw ERP, fell well short of the height above average terrain required for Class C stations. Included with the application was a perfunctory one-sentence waiver request wherein Jacor requested a waiver of Section 73.313(d) of the Commission’s rules to allow it to exclude terrain data along 4 radials. Only if that terrain data is excluded does the application propose facilities that meet the minimum height requirement for Class C stations.

Although the Commission staff initially granted Jacor’s request to modify the facilities of KRFX(FM), that grant was subsequently rescinded. As a result, the application has once again

been placed into pending status. Akron Broadcasting has now filed an Informal Objection with respect to the KRFX(FM) application. As is explained in detail in that Informal Objection, a copy of which is attached, Jacor's request for a waiver cannot be granted consistent with the Communications Act of 1934, as amended, or Commission rule and policy.

The *Order To Show Cause* mandated that Jacor file an "acceptable" application and Jacor promised to do so. Although the application tendered by Jacor was originally accepted for filing, that is not the same thing as tendering an application that is "acceptable." In the present case, whether the Jacor application is acceptable turns on the resolution of Jacor's waiver request. If that waiver request is rejected (and, as Akron Broadcasting has pointed out in its Informal Objection, there is every reason for such rejection), the Jacor application must be dismissed if Jacor does not amend its application to specify facilities that meet the minimum height requirements for Class C stations using all eight radials. Consequently, Jacor has not yet filed the requisite "acceptable" construction permit application and, as a result, any action by the Commission to dismiss the Akron Broadcasting Petition for Rule Making at this time would be premature.

Respectfully submitted,

AKRON BROADCASTING COMPANY

Garvey, Schubert Barer  
5th Floor  
1000 Potomac Street, NW  
Washington, DC 20007  
(202) 965-7880

By:   
John M. Pelkey  
Its Attorney

July 8, 2003



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June 9, 2003

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OUR FILE NO. 21279-00100-63

Marlene H. Dortch, Secretary  
Federal Communications Commission  
c/o Vistrionix, Inc.  
236 Massachusetts Avenue, NE, Suite 110  
Washington, DC 20002

**RECEIVED**

**JUN - 9 2003**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: Jacor Broadcasting of Colorado, Inc.  
File No. BPH-20030424AAO  
KRFX(FM), Denver, Colorado  
Facility Id. # 29731

Jacor Broadcasting of Colorado, Inc.  
File No. BPH-20030424AAP  
KBPI(FM), Denver, Colorado  
Facility Id. # 29739

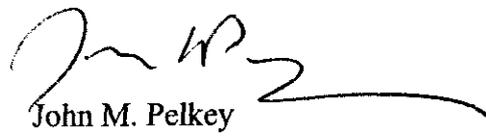
Citicasters Licenses, L.P.  
File No. BPH-20030424AAN  
KFMD(FM), Denver, Colorado  
Facility Id. # 48967

Dear Ms. Dortch:

Transmitted herewith, on behalf of Akron Broadcasting Company, are an original and four copies of an **INFORMAL OBJECTION** being filed with respect to the above-referenced applications.

Should further information be necessary regarding this submission, kindly communicate directly with this office.

Sincerely,

  
John M. Pelkey

Enclosures  
JMP/sdt

DC\_DOCS:608647.1

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In Re: Application of	)	
	)	
Jacor Broadcasting of Colorado, Inc.	)	File No. BPH-20030424AAO
KRFX(FM), Denver, Colorado	)	Facility Id. # 29731
	)	
Jacor Broadcasting of Colorado, Inc.	)	File No. BPH-20030424AAP
KBPI(FM), Denver, Colorado	)	Facility Id. # 29739
	)	
Citicasters Licenses, L.P.	)	File No. BPH-20030424AAN
KFMD(FM), Denver, Colorado	)	Facility Id. # 48967

For Minor Change In Licensed Facility

To: Chief, Media Bureau

Informal Objection

Akron Broadcasting Company (“ABC”), by its counsel, hereby submits this informal objection with respect to the above-referenced applications. As will be shown below, the applications can only be granted if the Commission waives Section 73.313(d) of its Rules. Although long-established precedent clearly prescribes that any applicant seeking a waiver of a Commission rule must “plead with particularity the facts and circumstances which warrant such action,”<sup>1</sup> the three applications totally ignore this requirement inasmuch as they scarcely acknowledge that a waiver is required. Moreover, even if the applicants are given the benefit of the doubt and the applications are deemed to rely upon the “Denver Cases” waivers granted to Denver stations more than fifteen years ago, it is now clear that the rationale supporting those

---

<sup>1</sup> WAIT Radio v. Federal Communications Commission, 418 F.2d 1153, 1157 (1969), quoting Rio Grande Family Radio Fellowship v. FCC, 406 F.2d 664 (1968).

waivers does not support the granting of a waiver in the present case. As a result, the KRFX(FM), KBPI(FM) and KFMD(FM) applications must be denied.<sup>2</sup>

#### I. BACKGROUND AND STANDING

On May 24, 2002, ABC filed with the Commission a Petition for Rule Making in which it asked the Commission to amend the FM Table of Allotments to allot Channel 279C1 to Akron, Colorado. As was pointed out in that Petition, favorable action on the ABC proposal would permit Akron, Colorado, to receive its first local service and would permit more than 40,000 people to receive radio service. Before the ABC Petition can be granted, however, the Commission must first downgrade KRFX(FM) from Class C to Class C0.

Acting on ABC's Petition for Rulemaking, the Commission released an *Order to Show Cause* on March 4, 2003, in which the Commission found that ABC's proposal had sufficient public interest merit to justify the issuance of an order requiring KRFX(FM) to show cause why the station should not be downgraded to Class C0. In response to this *Order to Show Cause*, Jacor Broadcasting of Colorado, Inc. ("Jacor"), which is the licensee of Station KRFX(FM), filed a "Statement In Response To Order To Show Cause" in which Jacor stated its intent to modify Station KRFX(FM)'s facilities through the filing of an "acceptable application for a construction permit to increase the antenna height to greater than 450 meters HAAT and 100 kW ERP or the equivalent."<sup>3</sup> The above-referenced KRFX(FM) application purports to be the promised application specifying new facilities for KRFX(FM) with a minimum antenna height of 450 meters HAAT. Favorable action on the KRFX(FM) application would adversely affect ABC's Petition for Rule Making inasmuch as it would preclude the establishment of the requested new Class C1 facility at Akron. As a result, ABC has standing to file this Informal Objection. In

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<sup>2</sup> Although the three applications were all granted by the Commission staff, the grants were subsequently rescinded, thus placing the applications once again in pending status. As a result, this Informal Objection is timely filed.

addition, the applications filed with respect to KBPI(FM) and KFMD(FM) are virtually identical to the KRFX(FM) application and raise the same issues. As a result, this Informal Objection seeks denial of all three applications. For the sake of simplicity, this Informal Objection refers to the KRFX(FM) application, but the issues raised herein apply equally to all three applications.

II. JACOR HAS FAILED TO PROVIDE ANY JUSTIFICATION FOR A WAIVER.

Section 73.313(d) of the Commission's Rules requires that the standard eight terrain radials be used for purposes of computing the height above average terrain ("HAAT") of an FM station. The rule only permits the exclusion of terrain radials in those cases where the radials extend over large bodies of water or foreign territories. The Jacor application, however, fails to adhere to Section 73.313(d) of the Rules. In fact, the engineering statement included as part of the application explicitly acknowledges that four of the station's eight radials have been excluded from the calculation used to determine the station's HAAT.

Despite the application's obvious non-compliance with the Rule, the application barely acknowledges that the grant of a waiver is required. In the Commission's *Second Report and Order* in the *Streamlining*<sup>4</sup> rulemaking proceeding, however, the Commission made it clear that it would not permit an applicant to simply exclude radials from its HAAT calculations based upon the mountainous terrain surrounding the station in question. Thus, in response to a proposal made by Jacor's consulting engineers, the Commission declined to adopt the proposal made by Jacor's engineers that Class C stations in mountainous areas be allowed to retain full Class C status if their antennas operate at more than 450 meters HAAT on at least four of the eight terrain radials required to compute antenna HAAT. 15 FCC Rd at 21666. Acknowledging the existence of its previous actions granting waivers of Section 73.313(d) in the "Denver Cases," the Commission specifically held that any parties wishing to be granted waivers of

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<sup>3</sup> Statement in Response to Order to Show Cause at 2.

Section 73.313(d) would be required to submit a formal waiver request which would then be subject to “careful consideration.” 15 FCC Rcd at 21667. Despite this explicit direction from the Commission, however, Jacor’s application inexplicably fails to include the requisite detailed waiver request permitting such careful consideration. For this reason alone, the Jacor application must be denied.

III. THE GRANT OF A WAIVER OF SECTION 73.313(d) IS NOT JUSTIFIED IN THE PRESENT CASE.

In the now-legendary case of *WAIT Radio v. Federal Communications Commission*,<sup>5</sup> the U.S. Court of Appeals for the District of Columbia Circuit explained that an applicant for a waiver faces a “high hurdle even at the starting gate.” Thus, quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, the court stated “When an applicant seeks a waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action.”<sup>6</sup> Quite apart from the fact that Jacor has simply failed to recognize the “high hurdle” that it faces in obtaining a waiver of Section 73.313(d), to the extent that Jacor is relying upon the “Denver Cases” waivers, reliance upon those waivers is not justified given changes that have occurred over the last fifteen years and given the characteristics of the KRFX(FM) application.

In its 1986 Letter Order granting waivers to KOSI(FM) and KPKE(FM),<sup>7</sup> the Commission cited several factors for granting those waivers. First, the Commission relied upon the fact that the situation in the Denver Market was “highly unusual” in that the mountainous terrain created significant terrain differentials among the eight radials and these terrain differentials skewed the calculated HAAT value. Second, the Commission pointed to the fact that the population that would be served by a facility with the requisite HAAT for a full Class C

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<sup>4</sup> 1998 Biennial Regulatory Review, 15 FCC Rcd 21649 (2000).

<sup>5</sup> 418 F.2d 1153 (1969).

<sup>6</sup> See n.1, above.

station would be relatively small. Third, the Commission noted the fact that construction of facilities complying with Section 73.313(d) could result in a diminution of service to the public because of the lower topography. Finally, the Commission pointed out that the stations in question, if built at the requisite height to maintain full Class C status, could cause interference to the Table Mountain Radio Receiving Zone. Whatever may have been the validity of the Commission's rationale for granting the "Denver Cases" waivers in 1986, the justifications cited by the Commission for granting those waivers have been totally eroded with the passage of time and, moreover, simply do not apply in the case of KRFX(FM).

A. The Denver Situation Is Not Nearly As Anomalous As The Commission Thought It Was.

One of the principal bases for the Commission's action in granting the "Denver Cases" waiver was the perceived anomalous nature of the terrain surrounding Denver. According to the Commission, that terrain had the effect of skewing HAAT calculations for a number of Denver area stations. That determination was made more than fifteen years ago, however. In the intervening years, numerous FM stations have been authorized and constructed. Many of these stations have been constructed in mountainous areas or in locations located close enough to mountainous areas that any waiver of the normal methods for calculating HAAT would have a direct effect on the ability of those stations to provide service to the public. Attached to the Informal Objection filed by Meadowlark Group, Inc., with respect to the KRFX(FM) application and hereby incorporated by reference is a study entitled "An Analysis Of Radial Variations In Mountainous Regions." That study selected 97 operating FM stations located in Colorado, Wyoming and Idaho that are classified as Class C stations. For each of those 97 stations, the eight cardinal radials were analyzed using a standard 30 second terrain

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<sup>7</sup> Letter to Ramsey L. Woodworth Esq., and to John Wells King, Esq., Reference No. 8920-MA (Chief, Audio Services Div., January 14, 1986).

database and the values for each of those eight radials were analyzed to determine the elevation deviation for each facility. Twenty-two of the stations are at heights below 450 meters above average terrain and would normally be subject to downgrade from full Class C status. Of those twenty-two stations, seventeen of them could be deemed to be operating with full Class C facilities simply through the expedient of ignoring one or more of the standard eight radials. Thus, the type of “skewing” that the Commission relied upon to justify the “Denver Cases” waivers, actually exists throughout much of the mountainous West. In fact, the study concludes that perhaps 90% of the stations subject to C0 reclassification in the mountainous West would be able to avoid reclassification through a waiver request. If this were to happen, the Commission’s goal of encouraging maximum use of the radio spectrum that underlay its decision to create the Class C0 class would be undermined. In any event, the fact that a majority of the stations in the study encounter the same “anomalous” conditions as the stations that received the Denver waivers certainly undermines the continued legitimacy of those conditions as the basis for a waiver of Section 73.313(d).<sup>8</sup>

Similarly, although the “Denver Cases” waiver alluded to the relative flatness of the terrain to the east of Denver as a further factor demonstrating the uniqueness of the situations being addressed in that waiver request, the terrain to the east of the proposed KRFX(FM) facilities is anything but flat. An analysis of the terrain beginning 10 kilometers from the KRFX(FM) transmitter site and continuing out to 50 kilometers from the transmitter site reveals that the Delta-H at 0 degrees is 239.2 meters; at 45 degrees is 168 meters; at 90 degrees is 107.2 and at 135 degrees is 256 meters. These terrain variations are significant enough that they satisfy the requirement for excessive terrain roughness established in connection with the tenderability

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<sup>8</sup> An example of the type of legerdemain to which the Commission’s processes would be subjected if the KRFX(FM) and related applications are granted is set forth in Attachment A hereto.

of alternative coverage prediction methods set forth by the Commission staff in *Letter to Mark Lipp, Esq.*, BPH-20000316ACF (Associate Chief, Audio Div., August 8, 2002).

B. The Public Would Receive Significantly Superior Service If KRFX(FM) Were Required To Construct True Class C Facilities.

Applying a cost-benefit analysis, the Commission found in the “Denver Cases” waivers that the relatively small number of people who would be served if the stations receiving the waivers were required to construct full Class C facilities did not justify the expense involved in constructing such facilities. In a somewhat related vein, the Commission speculated that service to the public could actually be diminished if the stations that sought the “Denver Cases” waivers were forced to construct facilities at other locations because the facilities would be required to be constructed at lower heights. In the present case, however, requiring KRFX(FM) to construct full Class C facilities would provide substantial additional service to the public. Attached hereto as Attachment B is a map comparing the populations that would be served through the facilities requested by Jacor in its application and the full Class C facilities that Jacor is seeking to avoid. The difference in population is significant. The full Class C facilities would serve 219,754 more persons. Applying normal Section 307 analysis, requiring Jacor to construct the full Class C facilities would yield far greater public benefit than would permitting KRFX(FM) to maintain an illusory full Class C status.

Similarly, this is not a case in which there are no locations at which full Class C facilities can be constructed. In the present case, both the Squaw Mountain and El Dorado Mountain sites permit the construction of full Class C facilities that do not require waivers of Section 73.313(d). Jacor has failed to make any demonstration that operation of KRFX(FM) facilities from those two locations would result in any diminution of service.

C. Operation Of KRFX(FM) With Full Class C Facilities Would Not Cause Interference To Table Mountain.

As noted above, the Eldorado Mountain site permits the construction of facilities that meet full Class C requirements. KBCO currently operates from that site with facilities that truly comply, without benefit of waiver, with the full Class C requirements. As is demonstrated in the attached map included as Attachment C, that station, which is actually located closer to Table Mountain than is KRFX(FM), has been able to construct facilities that do not interfere with the Table Mountain site. Certainly, if Jacor's sister licensee<sup>9</sup> is able to construct facilities at Eldorado Mountain that do not interfere with Table Mountain, Jacor should be able to construct true Class C facilities for KRFX(FM) that do not interfere with Table Mountain.

D. The Effect Of Granting A Waiver Would Be To Deny Service To Underserved Areas.

As can be seen from the attached map included as Attachment D, the coverage that would be achieved by KRFX(FM)'s proposed facilities falls well short of the coverage that could be expected of a true Class C. Station. Only towards the northeast does KRFX(FM)'s proposed facilities come close to achieving the coverage that would be expected of a full Class C station. In most directions KRFX(FM)'s coverage closely approximates the expected coverage of a Class C0 facility, with the result that the azimuth arc where the actual contour of the proposed KRFX(FM) facilities is closer to the Class C hypothetical coverage than to Class C0 hypothetical coverage represents less than 20% of the total 360 degree compass. It thus becomes clear that granting KRFX(FM) a waiver would have the effect of providing it with artificial protection. At the same time, because all other stations would be required to protect KRFX(FM) as if it were truly a Class C station, stations in the more rural areas of Colorado that are required to provide protection to KRFX(FM) would be hampered in their efforts to provide service to the

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<sup>9</sup> A Jacor affiliate is the licensee of KBCO-FM.

public. The facility proposed by ABC in its Petition for Rule Making is a case in point. In its Petition for Rule Making, ABC is proposing to construct a new FM station at Akron, Colorado. Akron currently has no broadcast service that it can call its own and thus the ABC proposal would provide first local service to the residents of Akron. In addition, the proposed Akron facility would provide additional service to more than 40,000 people. If KRFX(FM) is treated as a full Class C station, however, the people of Akron would be denied local service and the additional 40,000 that would have received service from an Akron station will not receive that service. The Akron situation, moreover, would not be unique. It would be replicated throughout Colorado as proponents of new and improved service found it necessary to provide artificial protection to KRFX(FM) based upon a fifteen-year old waiver that provides no justification for a waiver in the present case.

#### IV. CONCLUSION.

The applicants have failed to set forth any justification whatsoever for a waiver of Section 73.313(d). By necessity, this means that they have not only failed to leap over the "high hurdle" required of any applicant seeking a waiver, but they have failed to even show up at the track. For this reason alone, the applications must be denied.

Even assuming that the fifteen-year old "Denver Cases" waivers acts as the specific articulation of facts and circumstances required of a waiver request, the public would be harmed by a grant of a waiver in this case. The anomalous situation that may once have existed in the Denver market is now the rule rather than the anomaly. If this waiver were granted, waivers would be required to be granted in as many as 90% of the cases involving stations in mountainous areas. If Jacor were required to construct full Class C facilities for KRFX(FM), however, an additional 200,000 people could be served and no interference to the Table Mountain Site would occur. By granting a waiver to Jacor for KRFX(FM), the Commission

would be helping to ensure not only that these 200,000 people would not receive service, but also that the residents of the community of Akron, Colorado, and other similarly-situated communities would not receive first local service and that the residents of the more sparsely-populated rural areas surrounding Denver would not be able to receive additional service. The same would be true with respect to KBPI(FM) and KFMD(FM). Balanced against this harm to the public is the complete lack of any countervailing benefit to the public. No new service would be provided if the waiver request were granted. The only difference would be that the applicants would be able to continue to market their stations as full Class C stations. Given the significant harm to the public that would occur if the waiver were granted, there can be no justification for granting the scarcely articulated waiver request simply to suit the applicants' marketing ends. As the Commission itself stated in the *Second Report and Order*,<sup>10</sup> "the provision of new primary service and first and/or second local service is a *higher priority* than the preservation of service beyond the normally protected service area of existing stations." It is time for the Commission to ensure that this higher priority is met. Accordingly, the above-referenced applications must be denied.

Respectfully submitted,

AKRON BROADCASTING COMPANY

By:

  
John M. Pelkey  
Its Attorney

Garvey, Schubert Barer  
5<sup>th</sup> Floor  
1000 Potomac Street, NW  
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June 9, 2003

<sup>10</sup> 15 FCC Rcd at 21658, quoting *Modification of FM Broadcast Station Rules* (Docket 80-90), *Report and Order*, 94 FCC 2d 152, 164 (1983) (emphasis in *Second Report and Order*).

# **ATTACHMENT A**

Two applications illustrate the degree to which waivers open the door to abuse. One Lookout Mountain station, KALC 290C, Denver, holds a license [BMLH-19860130KC] that calculates the height above average terrain for KALC to be 448 meters. This is just 3 meters shy of the requirement to maintain full class C status.

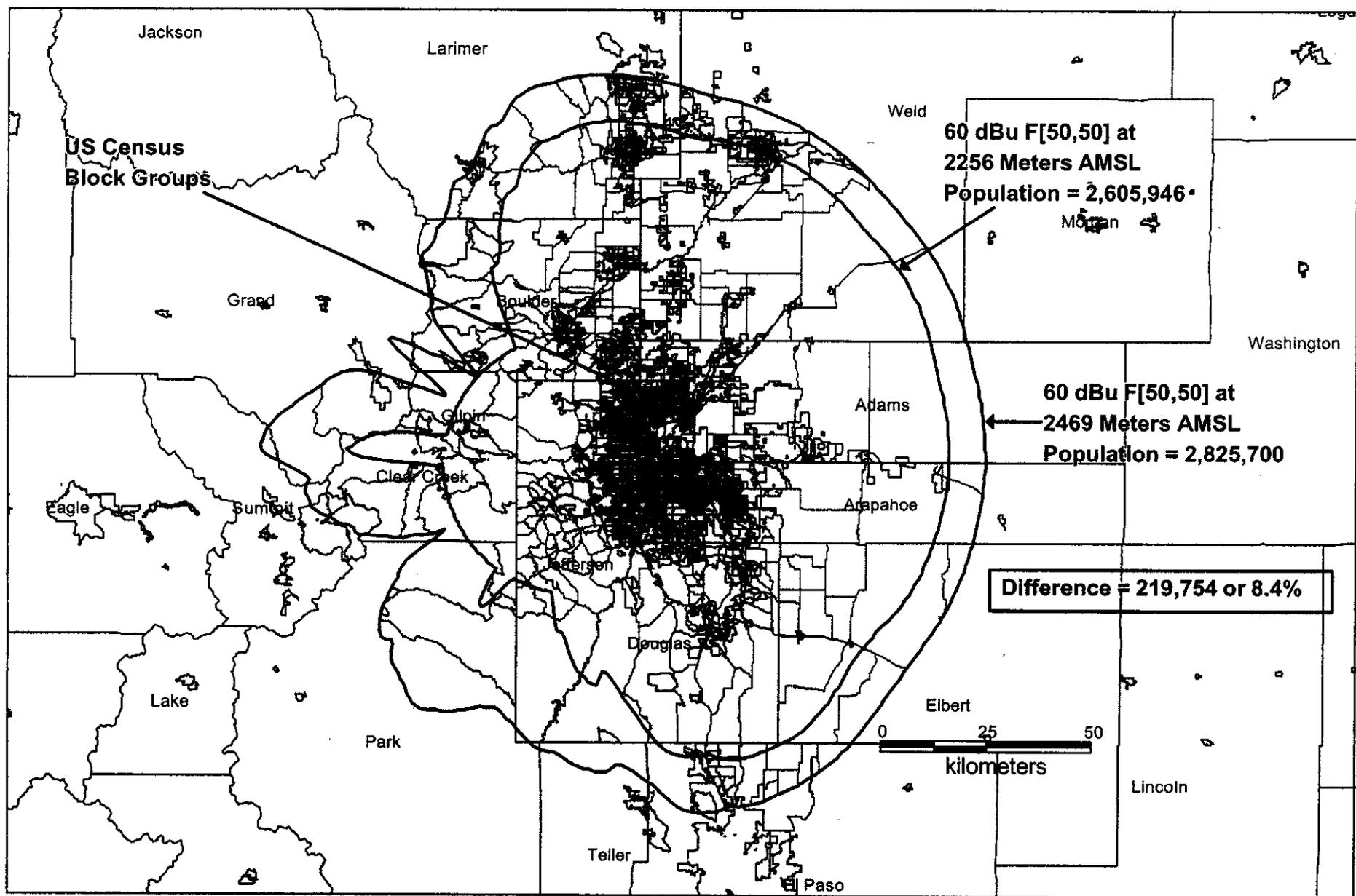
KALC's then-licensee Emmis filed an application [BPH-20020409AAF] which clearly states that there will be "no physical changes in the licensed operation of KALC." Because of a slight correction in the latitude and longitude, the ground elevation at the tower site had to be revised downward by 26 feet [2285 vs. 2293 meters]. Emmis knew this revision would cause the antenna height above average terrain to be adjusted to around 440 meters or less making KALC even more vulnerable to "triggering" pursuant to the Second Report and Order in Docket 00-368.

Previously KALC was licensed pursuant to the averaging of elevations along 5 radials [bearings 0, 45, 90, 135 and 180 degrees]. In an affront to common sense in the application filed in 2002, another pesky average-lowering radial is simply discarded and now KALC computes average terrain using only 4 radials. By ignoring 180 degrees, KALC increases the average to 519 meters and is again a Class C FM. This application has been granted.

In identically the same way, KBPI in BPH-20030424AAP seeks to correct coordinates and site elevation for the same tower. Again the antenna elevation decreases [2316 meters down to 2292 meters AMSL]. And again the height above average terrain increases from 301 meters to 524 meters.

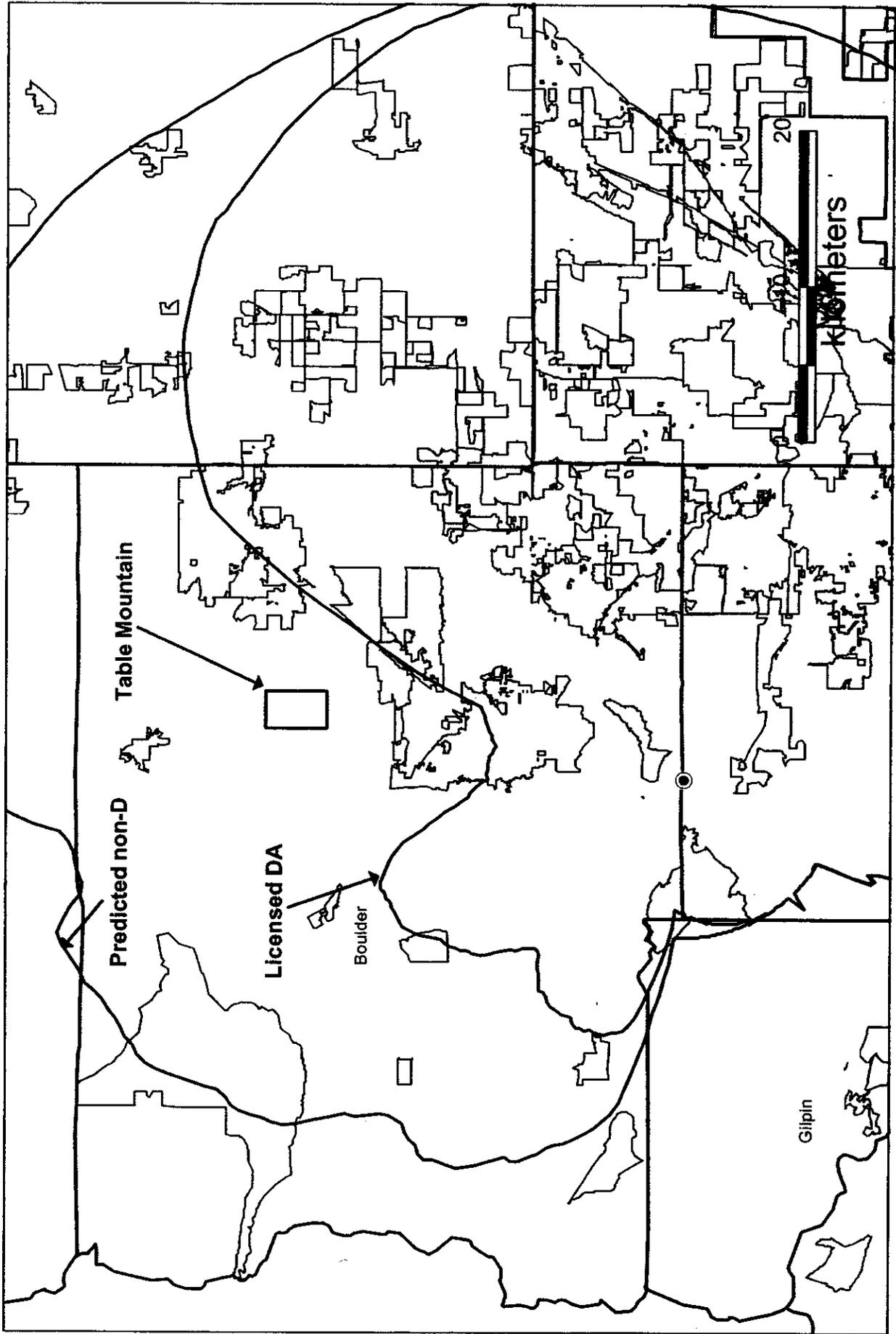
This practice directly contravenes the mission of 307(b). A lower antenna elevation at the same site, by definition, results in fewer persons covered. Surely the FCC did not intend that stations simply "massage the data" without any other coverage improvements to avoid being reclassified as C0, yet that is exactly what has happened in the case of KALC and nearly happened in the case of KBPI. To reward this behavior with a grant is to assure dozens of similar situations throughout the mountainous regions of the country.

## **ATTACHMENT B**



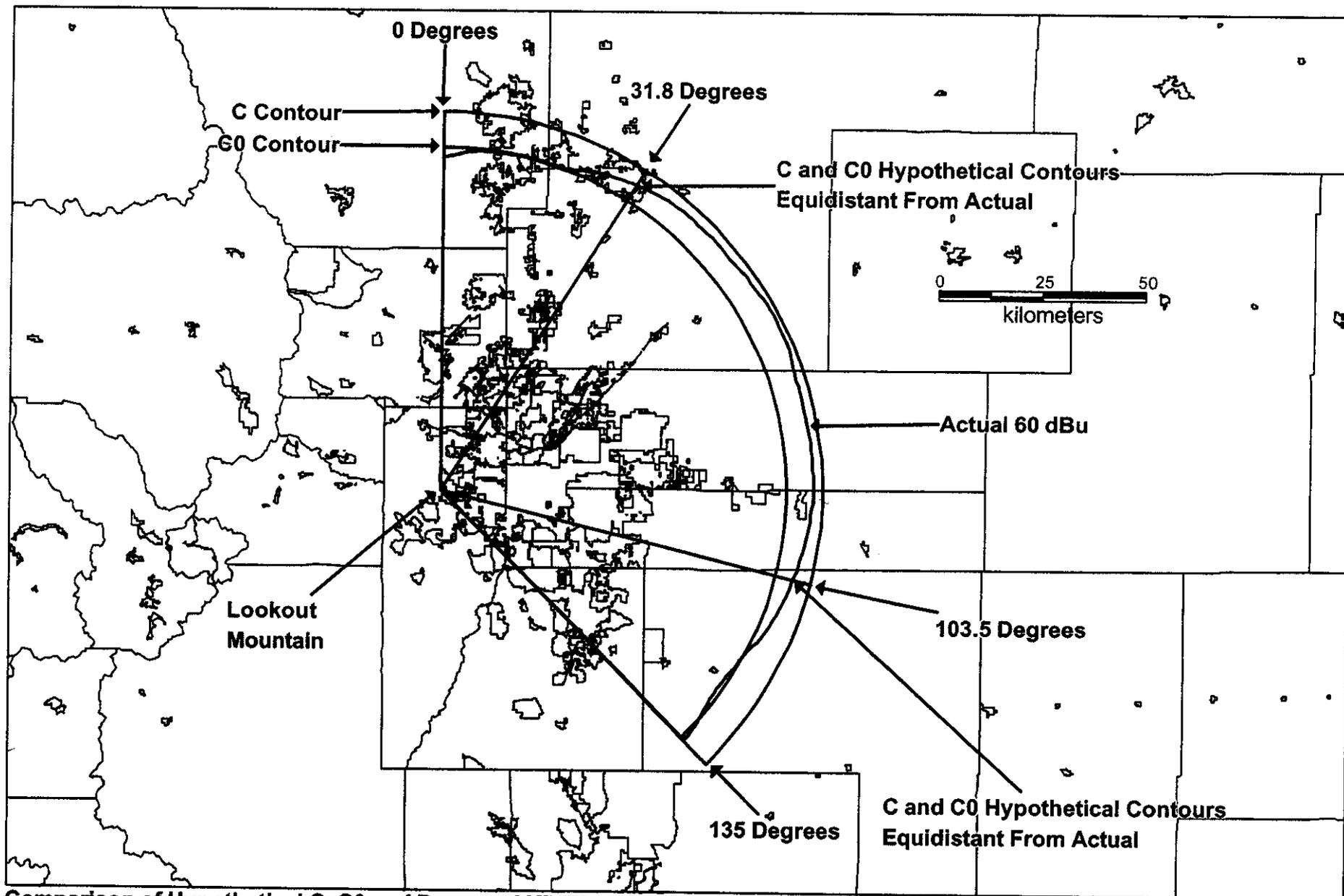
**Coverage Comparison of KRFX / KFMD at 2256 Meters AMSL  
And at 2469 Meters AMSL [equiv. to 451 Meters HAAT based on 8-radial method]**

**ATTACHMENT C**



80 dBu F[50,50] Contours of KBCO  
With Directional Antenna and Without Directional Antenna

## **ATTACHMENT D**



**Comparison of Hypothetical C, C0 and Proposed KRFK, and KFMD Facility  
 Showing Azimuth Where Class C Most Closely Represents The Proposed Facility  
 C is Most Representative For Less Than 20% of 360 Degree Arc**

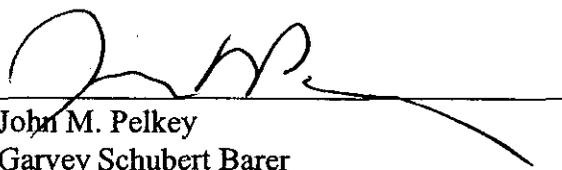
## CERTIFICATE OF SERVICE

I, John M. Pelkey, do hereby certify that I have, this June 9, 2003, sent copies of the enclosed "INFORMAL OBJECTION" by hand-delivery or first-class, United States mail, postage prepaid, to the following:

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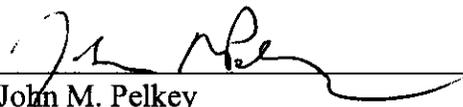
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## CERTIFICATE OF SERVICE

I, John M. Pelkey, do hereby certify that I have, this July 8 2003, sent copies of the enclosed **“Comments on “Statement in Response to Order to Show Cause”** by hand-delivery or first-class, United States mail, postage prepaid, to the following:

Marissa G. Repp, Esq.  
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555 13<sup>th</sup> Street, NW  
Washington, DC 20004-1109

Victoria McCauley, Esq.  
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