

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

RECEIVED

APR 16 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments)	MB Docket No. 04-25
FM Broadcast Stations)	RM - 10849
(Meadview, Arizona,)	
and Laughlin, Nevada))	

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

REPLY COMMENTS

Desert Sky Media, LLC ("Desert Sky"), licensee of Station KVGs(FM), Laughlin, Nevada, by its counsel, and pursuant to Section 1.415 of the Commission's Rules, hereby submits its Reply Comments in the above-captioned proceeding.¹

1. Hodson Broadcasting ("Hodson") filed comments in this proceeding. In its comments, Hodson recites in great detail the licensing history of three radio stations that are *not* involved in this proceeding. (The stations are KPKK, Amargosa Valley, Nevada, KOAS, Dolan Springs, Nevada, and KPLD, Kanab, Utah). While Station KPLD is licensed to Marathon Media Group, LLC ("Marathon"), a company which shares principals in common with Desert Sky but which is misidentified by Hodson as Desert Sky's parent, Stations KPKK and KOAS are licensed to Sky Media, LLC ("Sky Media") not Desert Sky itself. Hodson's apparent motivation for doing so is to demonstrate a "dismal, embarrassing, and selfish record"² of station

¹ See Notice of Proposed Rule Making, DA 04-288 (rel Feb 9, 2004) (specifying a date of April 16, 2004 for the filing of reply comments).

² See Hodson Comments at II

No. of Copies rec'd
List ABCDE

044

management on the part of Desert Sky, and thus, indirectly, to question the proposed relocation of Station KVGS in this proceeding. However, his arrows are wide of the mark.

2. In fact, the station histories Hodson recites clearly demonstrate a pattern of good stewardship of the radio spectrum on the part of Desert Sky, Marathon and Sky Media. The case histories amply illustrate the manner in which these broadcasters have been able to rehabilitate failing radio stations and return them to profitability through a combination of signal improvements and economies of scope. One of these stations, KPLD, had been dark for an extended period of time prior to Marathon's ownership, and another, KPCK, had never been constructed until Desert Sky took it over. Absent Marathon's and Desert Sky's guidance, these radio stations could still be off the air and their valuable radio spectrum wasted. Hodson does not allege much less prove that any of these signal improvements was not in the public interest. Also, Hodson could have, but chose not to, participate in the proceedings he now complains about.³

3. Hodson has obviously tried very hard to catch Desert Sky in some sort of rule violation, but his efforts have not turned up one single instance of a violation, however trivial. His only actual allegation (as opposed to speculation and innuendo) is based on erroneous information. Hodson alleges that the location of the main studios of KOAS and KVGS violate Section 73.1125(a) of the Commission's Rules (the main studio rule). However, this is incorrect. What Hodson describes as the "main studio" for KOAS and KVGS is actually Desert Sky's business sales office, located in Las Vegas. The main studios are at another location: 1531 Jill Way, Suite 7, Bullhead City, Arizona 86416. Its location complies with Section 73.1125(a) of the Commission's Rules.

³ See *Amargosa Valley, Nevada*, 12 FCC Rcd 4210 (1997) (allotting Channel 266A to Amargosa Valley); *Boulder City, Nevada et al*, 15 FCC Rcd 10774 (2000) (allotting Channel 289C to Dolan Springs)

4. Hodson backhandedly criticizes Meadview's status as a community for allotment purposes, but gives only his opinion rather than providing any information on which a finding could be based.⁴ He alleges that Desert Sky's statement regarding the 70 dBu coverage of KVGS is a "misrepresentation," but provides no support for that allegation.⁵ He speculates that KVGS will eventually be located at a site from which it could cover the Las Vegas market, but, even if true, the Commission will have the opportunity to consider that matter, if necessary, when and if an application for KVGS is filed. *See Magnolia, Arkansas and Oil City, Louisiana*, 19 FCC Rcd 1553 (2004), *app. for review pending*. Moreover, Hodson does not contest, nor could he, that KVGS, consistent with the FCC's rules, will provide a city grade contour over Meadview.

5. The simple issue before the Commission in this case is whether Channel 300C at Meadview is to be preferred over Channel 300C at Laughlin under the Commission's allotment priorities. It is, because Meadview will gain its first local service while Laughlin will retain local service.⁶ With a post office, zip code, volunteer fire department, churches, and businesses (many of which identify with Meadview), as well as a library and an airport, Meadview has sufficient indicia of community status. *See, e.g., Port St Joe and Eastport, Florida*, 18 FCC Rcd 11233 (2003); *Smith, Nevada*, 11 FCC Rcd 5298 (1996). Desert Sky's Comments answered the Commission's questions regarding community population and transmitter site availability.

⁴ *See* Hodson Comments at VIII-IX.

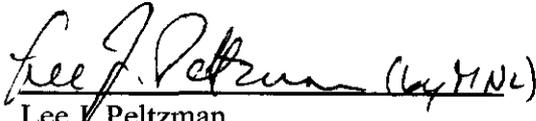
⁵ *Id.* at IX-X

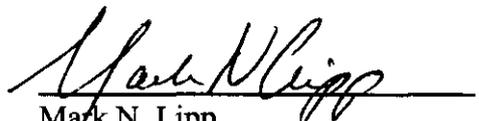
⁶ As Desert Sky reported in its Comments, Hancock Broadcasting, Inc., licensee of WBSL(AM), has filed an application to change WBSL's community of license to Laughlin pursuant to an agreement with Desert Sky. *See* File No. BMJP-20040130BNT

Wherefore, the Commission should grant the proposed allotment of Channel 300C at Meadview, Arizona as requested in this proceeding.

Respectfully submitted,

DESERT SKY MEDIA, LLC

By: 
Lee J. Peltzman
Shaimis & Peltzman, Chartered
1850 M Street, NW
Suite 240
Washington, DC 20036
(202) 293-0011

By: 
Mark N. Lipp
J. Thomas Nolan
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, NW
Suite 600
Washington, DC 20004-1008
(202) 639-6500

Its Counsel

April 16, 2004

CERTIFICATE OF SERVICE

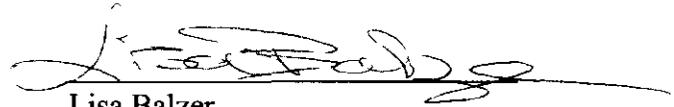
I, Lisa Balzer, a secretary in the law firm of Vinson & Elkins, do hereby certify that I have on this 16th day of April, 2004, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Reply Comments" to the following:

*Victoria McCauley
Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Hodson Broadcasting
P.O. Box 66
Tecopa, CA 92389

Hancock Broadcasting Corporation
1190 Casino Magic Drive
Bay St. Louis, MS 39520

*Hand Delivered


Lisa Balzer

* Hand Delivered

300154_2 DOC