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Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 03-57
FM Table of Allotments, FM Broadcast Stations)	RM-10565
(Ft. Collins, Westcliffe and Wheat Ridge, Colorado))	
)	
and)	
)	
JACOR BROADCASTING OF COLORADO, INC.,)	File No. BPH-20030424AAO
KRFX(FM), Denver, Colorado)	Facility ID No. 29731
For Minor Change in Licensed Facility)	
)	

TO: Audio Division

REPLY TO OPPOSITION TO MOTION TO CONSOLIDATE

Meadowlark Group, Inc. (hereinafter "MGI"), by its attorney, hereby respectfully replies to the Opposition to Motion to Consolidate filed in this proceeding on April 20, 2004, by Jacor Broadcasting of Colorado, Inc. (hereinafter "Jacor"). In reply thereto, it is alleged:

1. Without mentioning the case by name, Jacor dismisses *Ashbacker*¹ as "inapposite". *Ashbacker*, however, is directly in point. It was a case in which the FCC attempted to elevate administrative convenience over its responsibilities to administer substantive requirements, imposed by the Communications Act. The Courts, generally, will not allow the FCC to do that. See, e.g., *LaRose v FCC*, 494 F 2d 1145 (1974).

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¹*Ashbacker Radio Corporation v FCC*, 326 U.S. 327 (1945).

2. In this case, MGI has specifically called the Commission's attention to the relationship between the KRFX "upgrade" application and the Creede Counterproposal in Docket No. 03-57. The FCC staff has also found, unequivocally, that if the application is dismissed, the Counterproposal can be adopted - a counterproposal which clearly serves the public interest since it would bring a first local broadcast service to a community of substantial size, and also provide a first and second reception service to significant numbers of people who presently lack such a service.² Under these circumstances, it defies logic and common sense to consider the Counterproposal without first determining whether the application should or should not be granted.

3. Jacor's complaint that MGI is somehow delaying action on the KRFX application by "unleashing another unnecessary round of pleadings" has a hollow ring. It is Jacor, itself, that is delaying action by doggedly insisting on a waiver that it does not need.

4. To the extent that KRFX needs to change transmitter sites, Jacor is free to request a special temporary authority to operate from the new site, and MGI will not oppose it. Alternatively, Jacor can amend its application to withdraw its request for a waiver and calculate HAAT in the manner provided by the Rules. MGI won't oppose that, either. It can't, because the application will then be compliant, in all respects, with the Commission's requirements.

² The FM allotment priorities are (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988).

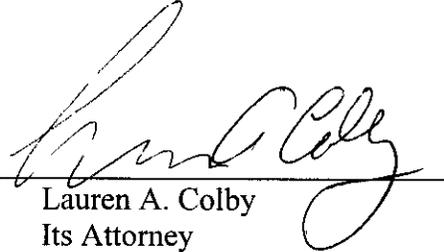
April 28, 2004

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Respectfully submitted,

MEADOWLARK GROUP, INC.

By:



Lauren A. Colby
Its Attorney

CERTIFICATE OF SERVICE

I, Kelli A. Muskett, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 28th day of April, 2004, to the offices of the following:

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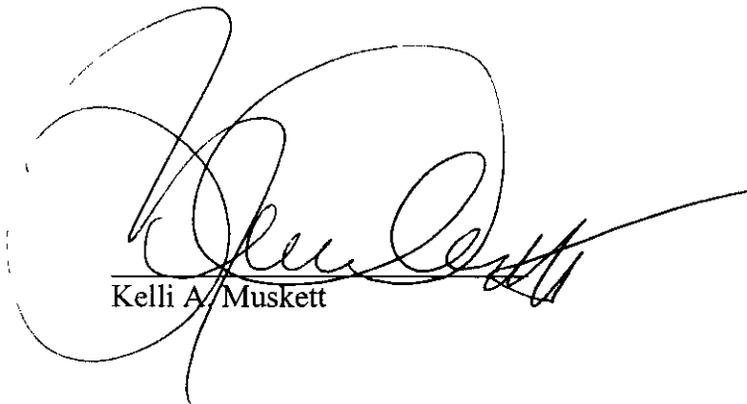
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