

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

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.) MB Docket No. 04-164
(Susanville, Quincy, and Corning,) RM-10548
California.))

TO: Assistant Chief, Audio Division
Media Bureau.

REPLY TO SUPPLEMENT TO COUNTERPROPOSAL.

Michael R. Birdsill ("Birdsill") hereby submits this REPLY TO SUPPLEMENT TO COUNTERPROPOSAL in response to the SUPPLEMENT TO COUNTERPROPOSAL filed by Keily Miller ("Miller"), on 9 August 2004.

With this SUPPLEMENT Miller attempts to "take another bite of the apple" even though, as noted in Birdsill's OPPOSITION TO MOTION FOR LEAVE TO FILE SUPPLEMENT (tendered simultaneously herewith), the Commission does not allow Pleadings to be filed beyond the established COMMENT and REPLY COMMENT dates in Rulemaking Proceedings.

Miller seeks to have the Commission accept information allegedly "inadvertently omitted" from Miller's previous filing. Not only is this "information" irrelevant at this point in these Proceedings, but even if the Commission were to allow the inclusion into the record of this late filed "information", that "information" does not satisfy or "cure" the defect in Miller's Counterproposal. To wit, Miller's "map" that purports

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to show 100 % city-grade (70 dbu) coverage over the entire principal community to be served (Durham, CA.), **can not be accepted as credible.**

Adding the supposedly "inadvertently omitted" label to Miller's Map does not magically make the Contour shown on Miller's Map valid. In fact, the parameters contained in this "label" (HAAT: 180 M ERP: 1.9 KW) are nothing more than the **Power Equivalence to achieve the Class Contour of a Class A FM Station (HAAT: 100 M ERP: 6.0 KW).** Therefore, the only "Contour" that can be calculated from these parameters at the proposed Allotment Site (39-48-25 NL, 121-37-35 WL) is a perfect Circle. In the case of the 70 dbu Contour, from this proposed Allotment Site, the "Contour" circle would have a Radius of 16.2 Kilometers (km). In other words, the 70 dbu Contour would extend to a distance of 16.2 km from proposed Allotment Site, i.e. the Class Contour (70 dbu) at the Proposed Allotment Site as illustrated by EXHIBIT 1 contained in the REPLY COMMENTS of Birdsill (copy Attached).

As demonstrated in Birdsill's REPLY COMMENTS, Miller's proposed Allotment Site (39-48-25 NL, 121-37-35 WL) is located a distance of 23.3 km from the proposed Community of License-Durham, California (39-38-47 NL, 121 -47-56 WL), therefore Miller's Counterproposal fails to meet the Requirements of Section 73.315 of the Commission's Rules and should be DISMISSED.

In compliance with Section 1.52 of the Commission's Rules, the statements and data contained in this REPLY TO SUPPLEMENT TO COUNTERPROPOSAL are accurate to the best of my knowledge.

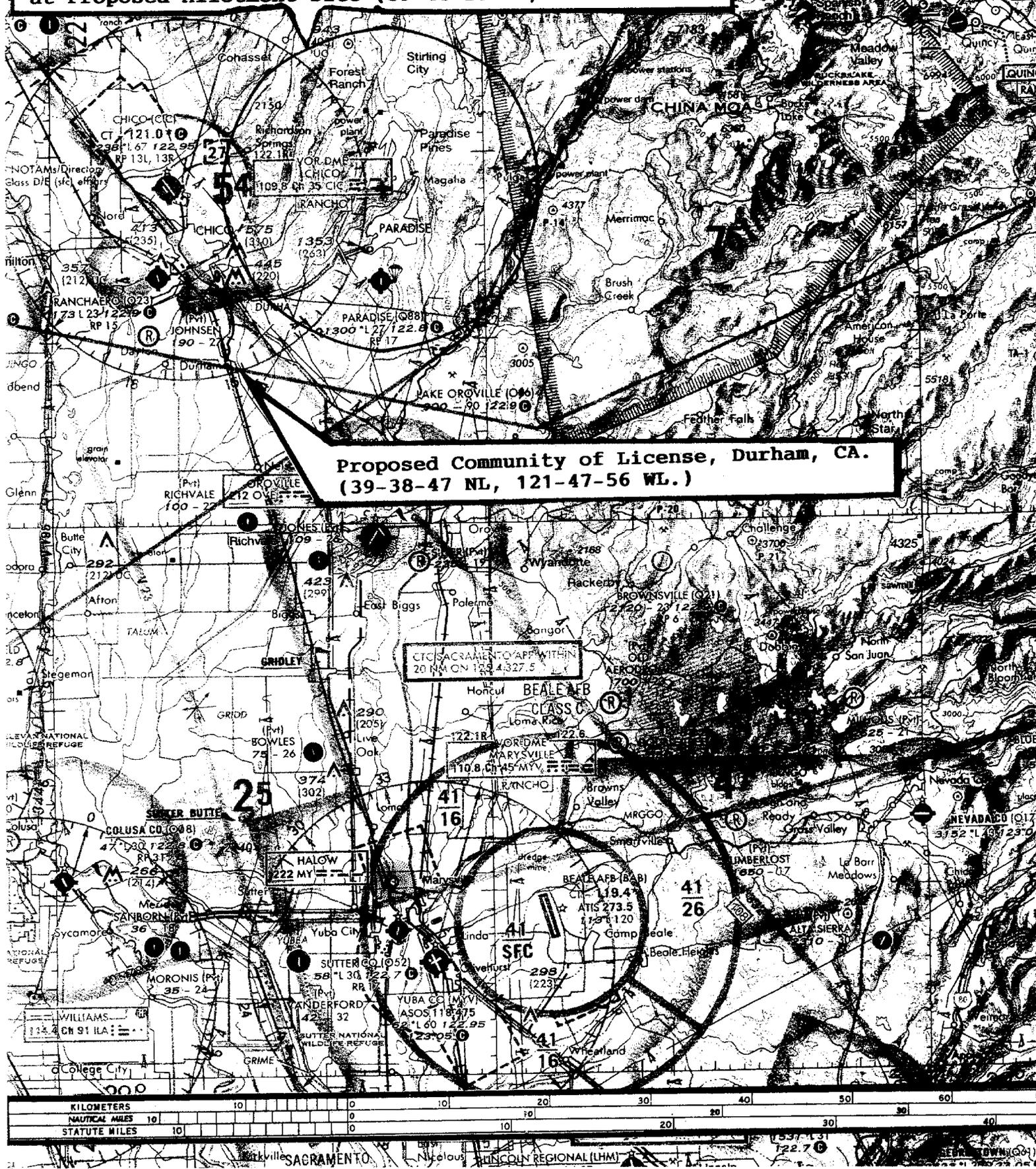
DATE: 17 August 2004

Signature: Michael R. Birdsill
Michael R. Birdsill
P.O. Box 1921,
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EXHIBIT 1.
Michael R. Birdsill
REPLY COMMENTS
MB Docket No. 04-164
RM-10548

SAN FRANCISCO
SECTIONAL AERONAUTICAL CHART
SCALE 1:500,000

Class Contour (70dbu) for Channel 262A
at Proposed Allotment Site (39-48-25 NL, 121-37-35 WL.)



Certificate of Service.

I, Michael R. Birdsill, hereby certify that a copy of the foregoing REPLY TO SUPPLEMENT TO COUNTERPROPOSAL was sent this 17th day of August, 2004, via first class U.S. Mail, postage prepaid, to the following:

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