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

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OCT 26 2004

Federal Communication Commission
Bureau / Office

In the Matter of

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Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Sells, Willcox and Davis-Monthan
Air Force Base, Arizona)

) MB Docket No. 02-376
) RM-10617
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OCT 29 2004

To: Assistant Chief, Audio Division
Media Bureau

Federal Communications Commission
Office of the Secretary

AMENDMENT TO COUNTERPROPOSAL

Lakeshore Media, LLC ("Lakeshore"), by its counsel, hereby amends its Counterproposal filed in the above-captioned proceeding. This amendment is necessary to bring the counterproposal into compliance with new allotment policies, and is accompanied by a separate motion for its acceptance.

1. Lakeshore filed its counterproposal on January 30, 2003, and it was accepted for processing in this proceeding on April 3, 2003. See Public Notice, Report No. 2602 (Apr. 3, 2003). In the counterproposal, Lakeshore proposed to allot Channel 285C3 to Davis-Monthan Air Force Base, Arizona as that community's first local service. In order to satisfy the spacing requirements of Section 73.207 for the Channel 285C3 allotment, Lakeshore proposed to modify the transmitter site reference coordinates of Station KZZP, Channel 284C, Mesa, Arizona, and provided the licensee's consent to the required change. This procedure, and Lakeshore's entire counterproposal, complied with Commission rules and policies in effect at the time of its filing. See, e.g., *Auburn, Alabama et al.*, 18 FCC Rcd 10333 (modifying transmitter site of Station WAYI, Thomaston, Alabama, in order to afford clear spacing to the new allotment at Jemison, Alabama).

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2. On September 20, 2004, however, the Media Bureau reversed its policy regarding transmitter site changes. In *Gunnison, Colorado, et al.*, the Bureau held that a proposal involving several transmitter site relocations was defective. DA 04-2908 (rel. Sept. 20, 2004). This policy, if applied to the Lakeshore Counterproposal in this proceeding, would render the Counterproposal defective because of its reliance on the relocation of the transmitter site of KZZP.

3. In order to remain in compliance with this new policy, Lakeshore hereby proposes to amend its Counterproposal to eliminate the need for a transmitter site change. Rather than change the transmitter site of KZZP, Lakeshore proposes to downgrade the class of channel for KZZP from Channel 284C to 284C0. The licensee of KZZP, Citicasters Licenses, L.P., has consented to the Class C0 downgrade. *See Exhibit A.*

4. Channel 284C0 can be allotted to Mesa, Arizona at KZZP's current transmitter coordinates in compliance with the Commission's spacing rules. *See accompanying Engineering Statement, Supplemental Exhibits 1 and 2.* In particular, the Channel 284C0 allotment affords clear spacing to the proposed Channel 285C3 allotment at Davis-Monthan Air Force Base. *Id.* This amendment is within the scope of the Public Notice and does not require the issuance of a new NPRM. The downgrade of a channel can be proposed without any impact on spectrum availability. Thus, there is no reason to subject the proposal to additional counterproposal opportunities. *See e.g., Thief River Falls and Walker, Minnesota, 8 FCC Rcd 2944 (1993).*

5. From the current transmitter site, a Channel 284C0 facility will provide the requisite coverage over 100% of the city of Mesa. *Id.*, Supplemental Exhibit 3. There will be an insignificant loss of population able to receive a 60 dBu signal from KZZP of 933 people in an area of 846 sq. km. *Id.*, Supplemental Exhibit 4. The loss area will remain well served and is

counterbalanced by the overall gains in service previously identified resulting from the reallocation of Station KWCX to Davis-Monthan AFB, Arizona.

6. Lakeshore acknowledges that the Commission generally prohibits an amendment to a counterproposal, since a counterproposal must be technically correct and substantially complete at the time of filing. *See Cloverdale, Montgomery, and Warrior, Alabama*, 12 FCC Rcd 2090 (1997), *aff'd*, 15 FCC Rcd 11050 (2000). Indeed, Lakeshore's Counterproposal in this case was technically correct and capable of being effectuated under the rules in effect at the time of its filing. However, since the Commission has changed its policies with regard to transmitter site reference coordinates during the pendency of this proceeding, out of fairness it should afford the parties to this proceeding the opportunity to amend its Counterproposal to comply with the new policy. Accordingly, the Commission should accept this amendment and consider Lakeshore's Counterproposal as amended herein.

WHEREFORE, the Commission should consider and process Lakeshore's Counterproposal in this proceeding as amended herein to remove the need for a transmitter site relocation.

Respectfully submitted,

LAKESHORE MEDIA, L.L.C.

By: 

Mark N. Lipp
J. Thomas Nolan
Vinson & Elkins, LLP
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 639-6500

October 26, 2004

Its Counsel

EXHIBIT A

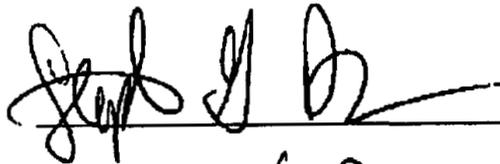
**Station KZZP
Mesa, Arizona**

Citicasters Licenses, L.P. ("Citicasters"), licensee of Station KZZP, Mesa, Arizona, hereby agrees to have KZZP downgraded from Channel 284C to 284C0 at its current site. Citicasters will file an application to implement the change consistent with the Commission's spacing rules should the Commission approve the amendment to the FM Table of Allotments. Citicasters understands that this statement may be used in a filing with the Commission and hereby authorizes its use for that purpose.

I verify that this statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.

CITICASTERS LICENSES, L.P.

By:



Its:

Stephen G. Davis
Senior Vice President

**Engineering Statement
In Support a
Supplement**

**MB Docket 02-376, RM-10617 (DA 02-3361)
Channel 285C3 (KWCX), Davis-Monthan Air Force Base, Arizona**

General

Lakeshore Media, LLC (“Lakeshore”) filed a counterproposal to the proposed allocation of channel 285A at Sells, Arizona in MB Docket 02-376 in January, 2003. The instant supplement is to bring that counterproposal into compliance with new Commission policy pertaining to changes in reference coordinates for licensed facilities.

In the Lakeshore counterproposal, channel 284C at Mesa, Arizona (KZZP) proposed to modify its reference coordinates in order to allocate channel 285C3 at Davis-Monthan AFB, Arizona. However, Commission policy governing modifications such as those proposed by KZZP has changed. Hence, KZZP, in the instant supplement, proposes to downgrade its facility from channel 284C licensed to Mesa to channel 284C0, also licensed to Mesa.

Exhibits Explained

Supplemental Exhibit 1 is an allocation study identical to Exhibit E, Figure 1 in the original Lakeshore counterproposal of January, 2003 with one modification. In Supplemental Exhibit 1, KZZP is downgraded to a class C0 at its current licensed site. The proposed allocation coordinates of KWCX on channel 285C3 are, as a result of the KZZP downgrade, fully spaced to KZZP by 3.16 kilometers.

Supplemental Exhibit 2 is an allocation study for channel 284C0 at Mesa, using the current licensed KZZP site as reference. This study demonstrates that channel 284C0 is

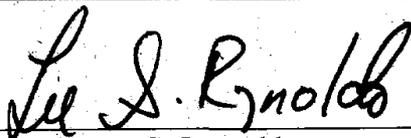
fully spaced to all other facilities, including the proposed allocation coordinates for channel 285C3 at Davis-Monthan AFB.

Supplemental Exhibit 3 is a 70 dBu contour map that demonstrates 100% coverage of Mesa by a class C0 70 dBu contour (radius of 59 km) from the current KZZP site. Supplemental Exhibit 4 is a gain/loss study for the proposed KZZP downgrade. This shows minimal impact to the public and is offset by the increase in population covered by KWGX at Davis-Monthan AFB (a net population increase for the KWGX move of 799,998). In this study, KZZP's licensed facility is assumed to have a 60 dBu contour radius of 85 km, in accordance with its current facility and the F(50,50) contours (100 kW at 472 meters HAAT). The proposed facility is to be 100 kW at 450 meters HAAT (radius of 83.4 kilometers). All points within this loss area will continue to receive at least 5 other aural services.

Conclusion

The instant supplement brings the Lakeshore counterproposal into compliance with the FCC's new policy governing reference coordinates changes in the rulemaking process.

For Lakeshore:

A handwritten signature in black ink, reading "Lee S. Reynolds", is written over a horizontal line.

Lee S. Reynolds

October 19th, 2004

12585 Old Highway 280 East, Suite 102
Chelsea, Alabama 35043
(205) 618-2020

Engineering Statement

**In Support a
Supplement**

MB Docket 02-376, RM-10617 (DA 02-3361)

Channel 285C3 (KWCX), Davis-Monthan Air Force Base, Arizona

Channel 285C3 at Davis-Monthan Air Force Base Allocation Study

REFERENCE		CLASS = C3 Int = B1	DISPLAY DATES
32 12 06 N		Current Spacings	DATA 10-15-04
110 53 57 W			SEARCH 10-19-04
----- Channel 285 - 104.9 MHz -----			

Call	Channel	Location		Dist	Azi	FCC	Margin

Community of Davis-Monthan AFB			AZ	3.23	130.5		
Reference Coordinates:							
North Latitude: 32-10-58							
West Longitude: 110-52-23							
KWCXFM LIC 285C2 Willcox			AZ	121.82	88.9	177.0	-55.18
Of no concern:							
Licensed coordinates of KWCX							
XHNIFM OPE 286B Nogales			SO	96.93	183.1	145.0	-48.07
ALLO 286 Nogales			SO	96.98	182.6	145.0	-48.02
Of concern:							
Protection afforded under the terms set forth in the							
1992 US/Mexican FM Broadcasting Treaty							
RADD ADD 285A Sells			AZ	101.04	248.0	142.0	-40.96
Of concern:							
Proposed allocation of channel 285C3 at Davis-Monthan Air Force Base							
is mutually exclusive with the proposed allotment of							
channel 285A at Sells, Arizona.							
KZZP LIC 284C Mesa			AZ	166.15	319.6	176.0	-9.85
Of concern:							
KZZP is downgraded to channel 284C0 in the							
instant supplement (see below).							
KZZP ADD 284C0 Mesa			AZ	166.15	319.6	163.0	3.15
Of note:							
Modification of KZZP to channel 284C0 in instant supplement.							
ALLO 284 Cananea			SO	146.93	157.1	145.0	1.93
XHCNEF OPE 284B Cananea			SO	146.93	157.1	145.0	1.93
KZLZ LIC 287C2 Kearny			AZ	75.95	23.8	56.0	19.95
ALLO 282 Nogales			SO	96.98	182.6	71.0	25.98
AD283 ADD 283C2 Willcox			AZ	121.82	89.5	56.0	65.82
Of note:							
Proposed allotment in instant counterproposal							

Engineering Statement

**In Support a
Supplement**

MB Docket 02-376, RM-10617 (DA 02-3361)

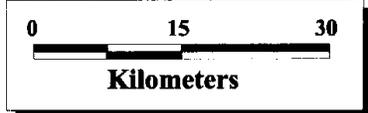
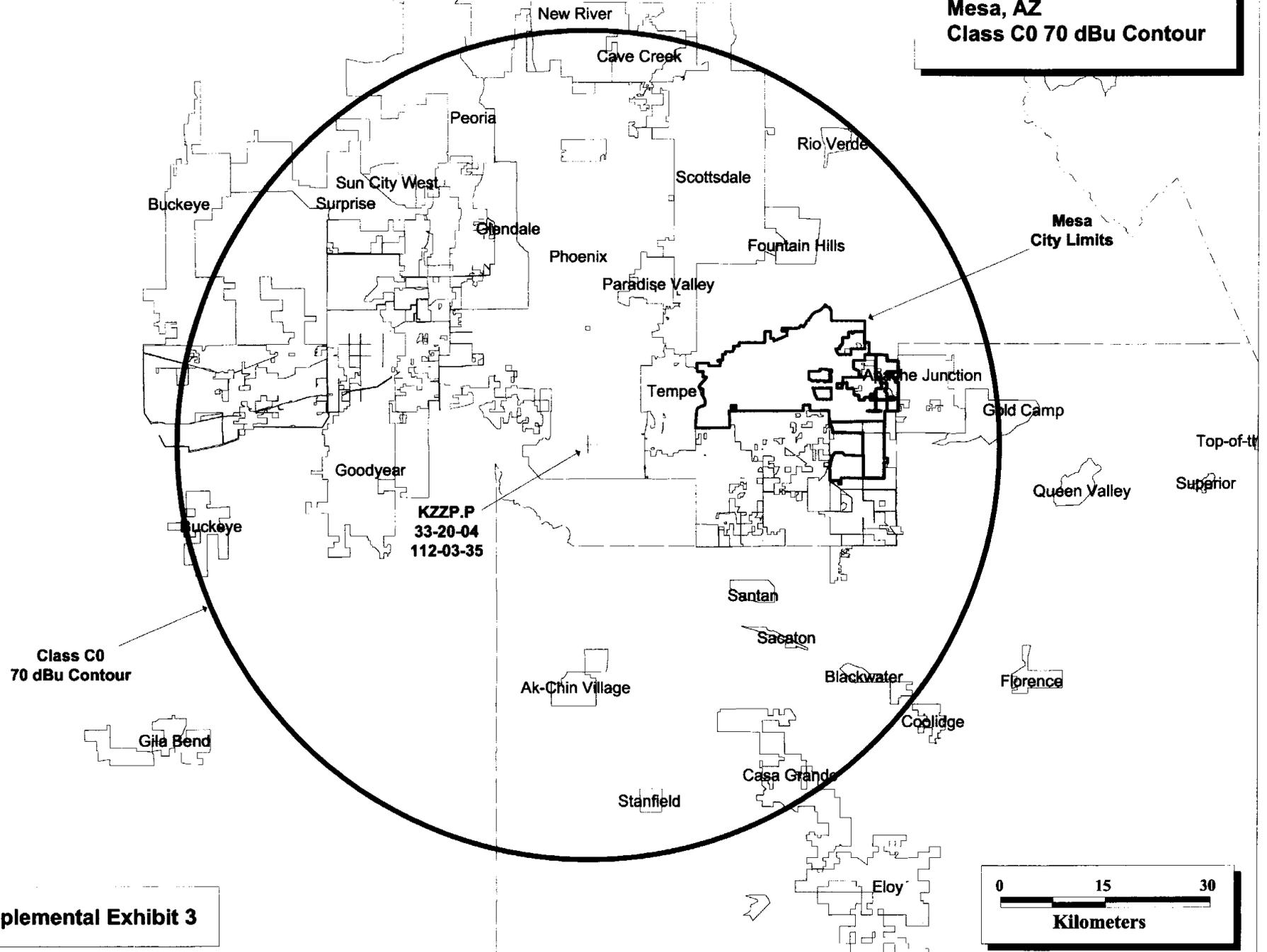
Channel 285C3 (KWCX), Davis-Monthan Air Force Base, Arizona

Channel 284C0 at Mesa, AZ (KZZP) Allocation Study

REFERENCE						DISPLAY DATES
33 20 04 N			CLASS = C0			DATA 10-15-04
112 03 35 W			Current Spacings			SEARCH 10-19-04
----- Channel 284 - 104.7 MHz -----						

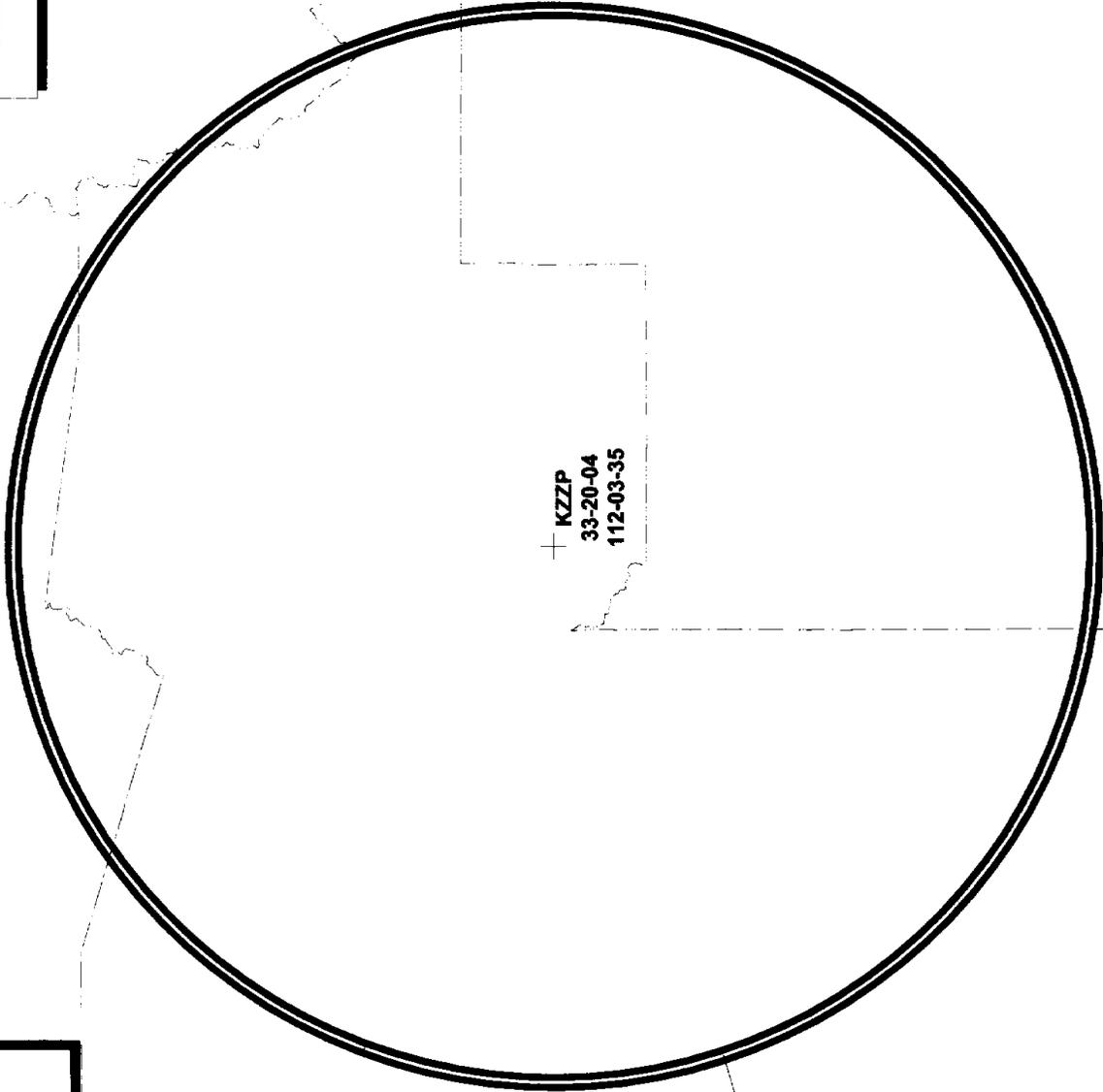
Call	Channel	Location		Dist	Azi	FCC	Margin	
	Community of Mesa		AZ	30.37	73.6			
	Reference Coordinates:							
	North Latitude: 33-24-40							
	West Longitude: 111-44-47							
KZZP	LIC 284C	Mesa	AZ	0.00	0.0	281.0	-281.00	
	Of no concern:							
	Licensed coordinates of KZZP							
RADD	ADD 285C3	Davis-monthan Afb	AZ	166.15	138.9	163.0	3.15	
	Of note:							
	Proposed allocation coordinates for channel 285C3							
	At Davis-Monthan AFB, AZ for use by KWCX							
RADD	ADD	285A	Sells	AZ	164.53	174.4	152.0	12.53
RADD	ADD	282C	Lake Montezuma	AZ	122.95	21.2	105.0	17.95
KHOVFM	LIC	287C2	Wickenburg	AZ	114.82	326.3	89.0	25.82
AL282	RSV	282C	Camp Verde	AZ	131.93	22.7	105.0	26.93
KAJM	LIC	282C	Payson	AZ	131.93	22.7	105.0	26.93
KAJM.A	APP	282C	Camp Verde	AZ	131.93	22.7	105.0	26.93
RDEL	DEL	282C	Payson	AZ	131.93	22.7	105.0	26.93
KAJM.A	APP	282C	Camp Verde	AZ	131.93	22.7	105.0	26.93
XHCNEF	OPE	284B	Cananea	SO	309.21	147.2	270.0	39.21
ALLO		284B	Cananea	SO	309.21	147.2	270.0	39.21
KCECFM	LIC	283C2	Wellton	AZ	225.13	251.5	176.0	49.13

**Channel 284C0 (KZZP)
Mesa, AZ
Class C0 70 dBu Contour**



**Channel 284C0 (KZZP)
Mesa, AZ
Gain/Loss Study Map**

**Pop. Gain = 0
Pop. Loss = 933
Gain Area = 0
Loss Area = 846 sq. km**



CERTIFICATE OF SERVICE

I, Lisa Holland, a secretary in the law firm of Vinson & Elkins, LLP, hereby certify that on this 26th day of October, 2004, copies of the foregoing "**Amendment to Counterproposal**" were sent via first class U.S. mail, postage prepaid, or via hand delivery, to the following:

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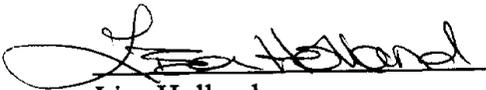
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