BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Bureau/Office

In Re: Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 04-258
Table of Allotments,	)	RM-11000
FM Broadcast Stations.	)	
	)	
(Levan and Richfield, UT)	)	

To: The Chief, Allocations Branch

REPLY COMMENTS OF MICRO COMMUNICATIONS, INC.

Micro Communications, Inc. ("Micro"), pursuant to Sections 1.415 and 1.420 of the Commission's rules, hereby respectfully submits its reply comments in the referenced matter.[1]

1. In response to the Commission's Notice of Proposed Rulemaking and Order to Show Cause, DA 04-2129, released July 20, 2004 ("NPRM"), Mid-Utah Radio, Inc. ("Mid-Utah") filed comments and a counterproposal. The NPRM had found that Micro's proposal would serve the public interest and had afforded Mid-Utah an opportunity to demonstrate why its authorization for station KCYQ(FM) should not be modified to specify operation on Channel 244C in lieu of Channel 229C at Richfield in order to accommodate Micro's proposal. Mid-Utah counterproposed the allotment of Channel 231C to Boulder Town, Colorado for its first local transmission service and, to accommodate that allotment, to substitute Channel 229C at Mount Pleasant, Utah in lieu of Channel 229C at Richfield for KCYQ. On that basis, Mid-Utah contended that its counterproposal was mutually exclusive with Micro's initial proposal herein.[2]

[1] Zeta Holdings, LLC, under common control with Micro, became licensee of the subject Levan station following consummation of a *pro forma* license assignment application (BALH-20040415AEM). For the sake of consistency, we will continue to refer to the petitioner as Micro herein.

[2] The Commission has not yet determined whether to accept Mid-Utah's counterproposal. We assume that, upon such acceptance, the Commission will set new dates for reply comments. In the meantime, however, Micro wishes to submit the instant reply comments which, if need be, can be supplemented or superseded, as appropriate, by reply

2. As an initial matter, it should be noted that Mid-Utah's filing is not a genuine counterproposal. The only mutual exclusivity with Micro's proposal is the relocation of KCYQ to Mount Pleasant, ostensibly in order to permit the allotment of Channel 231C to Boulder Town. However, as noted in the attached engineering statement of D S Broadcasting Company, that is a contrived result, as there is no need at all to involve KCYQ in order to achieve a first Class C service at Boulder Town. Channel 284C will provide Boulder Town with its first service, and will provide the same gain area as Channel 231C, but without any need to involve KCYQ (or KCFM, for that matter). Accordingly, if Mid-Utah really wants to provide tiny Boulder Town with a Class C facility, it can readily do so outside this rulemaking.

3. Even so, Mid-Utah seeks to change the community of license of KCYQ from Richfield to Mount Pleasant. However, as the attached engineering statement demonstrates, that change does not require mutual exclusivity with Micro's proposal either. Specifically, Channel 244C may be used at Mount Pleasant with comparable public interest benefits to the use of Channel 229C.[3] Consequently, there is no need for the Commission to choose between mutually exclusive proposals, as Mid-Utah's counterproposal can be implemented using Channel 244C which, unlike Mid-Utah's counterproposal for Channel 229C, would cause no mutual exclusivity with Micro's proposal to use Channel 229C at Levan. Accordingly, both the original proposal and the counterproposal may be achieved, thereby enabling the public interest benefits of both to be achieved.

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comments filed in response to any forthcoming Public Notice accepting Mid-Utah's counterproposal.

[3] A site restriction of approximately 15 km south is assumed. Mid-Utah's Exhibit E, Figure 4 suggests that this site restriction in fact will locate the station closer to Mount Pleasant than its hypothetical allotment site. It would further appear from Figures 5 and 6 of the same Exhibit E that the restriction would have a minimal impact upon the gain and loss areas upon which Mid-Utah relies for its public interest showing. In any event, these gains and losses pale beside the underserved gain areas (and no loss areas) incident to the Boulder Town allotment which, as noted in paragraph 2, *supra*, can be realized independent of either the subject Micro or Mid-Utah stations.

4. In view of the foregoing, Micro respectfully submits that by using Channel 284C at Boulder and Channel 244C at Mount Pleasant, both Micro's original proposal and Mid-Utah's counterproposal can be implemented.

Respectfully submitted,

MICRO COMMUNICATIONS, INC.

By: _____
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Its Attorney

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September 28, 2004

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September 28, 2004

Channel 244C will work at Mount Pleasant, UT, as a full class C station (comparable to present license), at the following coordinates, located approximately 15km south of Mount Pleasant, UT.

39 24 49 N
111 23 56 W

As far as the proposal to place a channel at Boulder Town, UT, other options exist including channel 284C which will allocate to the city center coordinates of Boulder Town, and has a wide range of actual tower location options.

Very truly yours,

David C. Schaberg
Consultant to Micro Communications

Channel 244C for Mount Pleasant, UT
at Haystack Mountain, 1km West of Skyline Drive

REFERENCE
39 24 49 N
111 23 56 W

CLASS = C
Current Spacings

DISPLAY DATES
DATA 07-20-04
SEARCH 09-28-04

Channel 244 - 96.7 MHz

Call		Channel	Location		Dist	Azi	FCC	Margin
RDEL	DEL	244C	Levan	UT	9.67	208.0	290.0	-280.33
KCFM	LIC	244C	Levan	UT	9.67	208.0	290.0	-280.33
RADD	ADD	244C	Richfield	UT	33.55	252.3	290.0	-256.45
AL244	RSV	244C1	Levan	UT	36.69	296.3	270.0	-233.31
RDEL	DEL	244C1	Preston	ID	275.14	352.9	270.0	5.14
RADD	ADD	244C1	Smithfield	UT	275.14	352.9	270.0	5.14
KKEX	LIC	244C1	Preston	ID	275.14	352.9	270.0	5.14
KXRK	LIC	242C	Provo	UT	154.35	334.0	105.0	49.35
KZHT.C	CP	246C	Salt Lake City	UT	154.35	334.0	105.0	49.35
KZHT	LIC	246C	Salt Lake City	UT	154.38	334.0	105.0	49.38
KQSW	LIC	243C	Rock Springs	WY	296.17	40.0	241.0	55.17
KENZ	LIC	298C	Orem	UT	106.56	334.8	48.0	58.56
RDEL	DEL	246A	Beaver	UT	165.94	220.8	95.0	70.94
AL246	VAC	246A	Beaver	UT	165.94	220.8	95.0	70.94

Certificate of Service

I, Peter Gutmann, an attorney in the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that I have on this 28th day of September, 2004, caused copies of the foregoing Reply Comments of Micro Communications, Inc. to be mailed to the following by first-class United States mail, postage prepaid:

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Peter Gutmann