

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Grants and Church Rock, New Mexico))

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MB Docket No. 05-263
RM-11269

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

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Federal Communications Commission
Office of Secretary

COUNTERPROPOSAL

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SUMMARY

This Counterproposal is filed on behalf of Sanpete County Broadcasting Co.; Marathon Media Group, LLC; College Creek Broadcasting, LLC; and Sky Media, LLC (“Joint Parties”), licensees or permittees of all but one of the stations involved in this proposal. The Joint Parties propose a number of changes to the FM Table of Allotments in response to the *Notice of Proposed Rule Making* (“*NPRM*”) in MB Docket No. 05-263, rel. June 29, 2005. The proposal will provide a first aural service to 330 persons, a first local service to three communities and an overall gain in new service to over 200,000 people in portions of Arizona, Utah, and Nevada. The one licensee that is not one of the parties has provided its consent statement. The reimbursement commitment to that licensee has been offered in this pleading.

This counterproposal conflicts with the *NPRM*'s proposal to allot Channel 279C to Church Rock, NM. The Joint Parties have offered first aural service (priority 1) and a first aural service to three communities (priority 3) with a combined population larger than Church Rock.

The Joint Parties urge the Commission to process and grant this proposal as expeditiously as possible to achieve the public interest benefits.

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

COUNTERPROPOSAL

Sanpete County Broadcasting Co. (“Sanpete”), permittee of Channel 263C, Monroe, UT, Marathon Media Group, LLC (“Marathon”) licensee of Station KPLD, Kanab, UT; College Creek Broadcasting, LLC (“College Creek”), permittee of Channel 276C, Hurricane, UT, and Channel 271C at Castle Dale, UT; and Sky Media, LLC (“Sky Media”) licensee of Station KPKK, Amargosa Valley, NV (together, “Joint Parties”),¹ by their counsel, hereby submit this counterproposal to the *Notice of Proposed Rule Making*, DA 05-2205 (rel. Jul. 29, 2005) (“*NPRM*”) in the above-captioned proceeding. Joint Parties propose a number of changes to the FM Table of Allotments which, taken together, will provide first aural service, first local service to three communities and substantially increase service to many listeners. The following amendments to the FM Table of Allotments are requested (listed alphabetically):

¹ Marathon, College Creek, and Sky Media are under common ownership and control.

Community	Channel	
	Existing	Proposed
Amargosa Valley, AZ	266C1	276C
First Mesa, AZ	247C	237C
Fredonia, AZ	278C1	247C1
Teec Nos Pos, AZ	237C1	278C2
Indian Springs, NV	257C0	257C0, 266C
Castle Dale, UT	271C2	---
Cleveland, UT	---	269C2
Enoch, UT	---	264C
Hanksville, UT	---	262C1
Hurricane, UT	276C	260C
Kanab, UT	266C	276C
Monroe, UT	263C	271C
St. George, UT	260C	--- ²

In support hereof, Joint Parties state as follows:

I. PRELIMINARY MATTERS

1. Joint Parties own all but one of the stations involved in this counterproposal. Joint Parties have reached agreement with the licensee of the remaining station for the change proposed herein. The consent statement of the licensee is attached hereto as Exhibit 1. Marathon has agreed to reimburse the affected licensee for its reasonable expenses in making the change.

2. This counterproposal will establish first local services at the communities of Cleveland, Hanksville and Enoch, Utah. Marathon hereby states that it will apply for the new channels and construct the facility if its applications are granted.

3. Joint Parties hereby state that pursuant to Section 1.420(j), they have not paid nor promised to pay, in any agreement, any licensee, permittee or applicant for withdrawing an

² St. George will continue to be served by four FM and three AM stations.

expression of interest, dismissing an application or forbearing to file an expression of interest or application.

II. CONFLICT WITH THE *NPRM*

4. As indicated in the attached Engineering Statement, this proposal conflicts with the *NPRM* proposal to allot Channel 279C to Church Rock, New Mexico, due to the proposed allotment of Channel 278C2 to Teec Nos Pos, Arizona. However, the Commission should favor first aural service and first local service at Cleveland, UT (pop. 505), Hanksville, UT (pop. 68), and at Enoch, Utah, (2000 U.S. Census pop. 3,467) over a first local service to Church Rock, New Mexico (2000 U.S. Census pop. 1,077) under its FM priorities.³ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

III. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES

A. CHANNEL 262C1, HANKSVILLE, UT

5. The Joint Parties propose the allotment of Channel 262C1 to Hanksville, UT as its first local service. The channel can be allotted consistent with the Commission's spacing rules. See Figure 1. The proposed 70 dBu contour will cover Hanksville. See Figure 2. In addition, a first aural service will be provided to 330 persons. See Figure 3. The Town of Hanksville, Utah, located in Wayne County, is a community for allotment purposes. Hanksville is an incorporated town with a population of 68 persons. See Exhibit 2. Therefore, Hanksville is presumed to have the status of a community for allotment purposes. See *Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). In the 2000 U.S. Census, the population of Hanksville was incorrectly

³ As discussed in more detail below, Castle Dale, Utah (2000 U.S. Census pop. 1,657) will be losing a potential first local service that has never been constructed. Therefore, the net gain in population of communities with first local service under this counterproposal is 2,383 (the gain at Enoch, Hanksville and Cleveland less the loss at Castle Dale). This population thus exceeds that of Church Rock (1,077). In addition to providing first aural services under Priority (1), the community population is the tiebreaker under Priority (3), thus this Counterproposal must be favored. See *Blanchard, Louisiana and Stephens, Arkansas*, 10 FCC Rcd 9828 (1995).

attributed to Wayne County, Utah. The town government has been urging the U.S. Census to revise its numbers to correctly attribute the population figure to Hanksville. According to the Town clerk, LaMiya Morrill, these efforts at this time have not been successful.

6. The United States Postal Service associates the zip code 84734 with Hanksville and operates an office in the town. Hanksville has several businesses, one church, a town government and various other community indicia. Hanksville was founded in April 1882 and incorporated as a town on December 21, 1998. The town is named after Ebenezer Hanks who headed a group of settlers who settled the area in 1882. The town government is composed of an elected mayor and town council with a town clerk. The Town Council meets twice monthly. The Bureau of Land Management has offices in Hanksville. The Wayne County School District provides public school education to the residents of Hanksville. The District operates Hanksville Elementary School within town limits. Hanksville Airport serves the community and surrounding area.

7. Among the businesses operating in Hanksville include the following: Johnson's Stagecoach Grocery Store, Al's Lock and Safe Locksmith, Stan's Chevron, Hanksville Sinclair Gas Station, Hunt's Automotive Service, Mac Towing, Unzicker & Wells Drilling Co., Duke's Slick Rock Grill, Blondie's Eatery and Gift, Red Red Rock Restaurant and Campground, Stan's Burger Shack, Jurassic RV Park, JNB Welding Houseboat Haven, Best Value Inn Motel, Fern's Place Motel and Whispering Sands Motel. Hanksville is the nearest community to the north shore of Glen Canyon National Recreation Area and Bullfrog Marina. In addition, the town is located near Canyonlands National Park and Capital Reef National Park. As a result, the town attracts thousands of people who stay at local hotels and frequent local business establishments. Because of its location near several national parks, Hanksville has served as a location for

several documentaries and feature length films. Located on the town, the Wayne Medical Clinic provides medical care to the residents of Hanksville.

8. Marathon states that, if Channel 262C1 is allotted to Hanksville, it will file the necessary application and construct the facilities as authorized.

B. CHANNEL 263C, MONROE TO CHANNEL 264C, ENOCH, UTAH

9. Joint Parties propose to delete Channel 263C at Monroe, Utah and allot Channel 264C at Enoch, Utah as its first local service. In order to accomplish this reallocation, a number of other changes must be made to the FM Table of Allotments. Sanpete holds a construction permit for a new station on Channel 263C at Monroe, Utah. Sanpete proposes to modify its construction permit to specify operation on Channel 264C at Enoch.

1. Technical Studies

10. The channel study, Exhibit E, Figure 4, shows that Channel 264C can be allotted to Enoch, Utah provided a change is made at Kanab, Utah. A 70 dBu signal will be provided to Enoch, because the allotment is proposed at the reference coordinates for the community of Enoch. See Figure 5. A gain-loss study is furnished in Figure 6 and remaining services study is provided showing adequate service exists covering the loss area. See Figure 7. Sanpete reiterates that, as the licensee, it will file an application for the changes and construct the facilities if its application is granted.

2. Change in Community of License

11. The relocation of the unbuilt station from Monroe to Enoch complies with the criteria set forth in *Community of License, supra*. As shown in Figure 4, the allotment of Channel 264C at Enoch is mutually exclusive with the current use of Channel 263C at Monroe. Monroe will retain local service because College Creek has agreed to relocate its construction permit at Castle Dale, Utah to serve Monroe, as described below. Castle Dale has no other local

service, but the Commission's concern with the removal of a station's only local service is attenuated when, as in this case, the station has never been constructed. *See Linden, Louisiana, et al.*, 16 FCC Rcd 10853 (2001); *Chatom and Grove Hill, Alabama*, 12 FC Rcd 7664 (1997). Thus, the proper comparison is a first local service at Enoch, Utah (2000 U.S. Census pop. 3,467) versus a first local service at Castle Dale, Utah (2000 U.S. Census pop. 1,657). Because of Enoch's larger population, the public interest is furthered by relocating the station to Enoch.

12. Enoch is a community for allotment purposes. The City of Enoch, located in Iron County, Utah, is an incorporated city listed in the 2000 U.S. Census with a population of 3,467 persons. *See* Exhibit 3. The United States Postal Service associates the zip code 84720 with Enoch. Enoch has numerous businesses and houses of worship, a city government, a police department and various other community indicia. According to City of Enoch website <www.cityofenoch.org>, Enoch was founded in May, 1851 and incorporated on January 10, 1966. At the time of incorporation, Enoch's population was 102. The city continues to grow rapidly. According to the city website, the 2005 population estimate is 4,359.

13. The City government is composed of an elected mayor and five city council members. City council meetings are held on the 1st and 3rd Wednesday of each month. The city government has a planning commission, city manager, treasurer, police department, water/parks department, streets maintenance, building inspector, city attorney and animal control officer. Among the community events held in Enoch are Veterans Monument Dedication, the 5K and 10K Run, the Freedom Celebration, Mud Festival and Pioneer Day Parade and Celebration. The Iron County School District provides public school education to the residents of the city. The Enoch Elementary School is located within the city limits.

C. CHANNEL 271C2, CASTLE DALE, UTAH TO 271C, MONROE, UTAH

14. As discussed above, in order to avoid the loss of the only service at Monroe, Utah, College Creek has agreed to relocate and upgrade its unbuilt construction permit for Channel 271C2 at Castle Dale, Utah, to Channel 271C at Monroe, Utah.

1. Technical Studies

15. The channel study, Exhibit E, Figure 8, shows that Channel 271C can be allotted to Monroe, Utah with no other changes required. The 70 dBu signal will provide service to Monroe. See Figure 9. College Creek states that, as the permittee, it will file an application for the changes and construct the facilities if its application is granted. A gain/loss showing is provided in Figure 10 and the remaining services showing is provided in Figure 11.

2. Change in Community of License

16. The relocation of the unbuilt station from Castle Dale to Monroe complies with the criteria set forth in *Community of License, supra*. As shown in Figure 8, the allotment of Channel 271C at Monroe is mutually exclusive with the current use of Channel 271C2 at Castle Dale. As discussed above, although Castle Dale has no other local service, the station has not yet been constructed. This relocation will permit a first local service at Enoch, Utah as set forth above, because the end result is that Castle Dale loses a service while Enoch gains a service. Thus, the arrangement of allotments is preferred under the Commission's priorities.

D. CHANNEL 269C2, CLEVELAND, UT

17. The Joint Parties propose the allotment of Channel 269C2 to Cleveland, UT as its first local service. The channel can be allotted consistent with the Commission's spacing rules. See Figure 12. A 70 dBu signal will be provided to Cleveland. See Figure 13. The Town of Cleveland, Utah, located in Emery County, is a community for allotment purposes. Cleveland is an incorporated city listed in the 2000 U.S. Census with a population of 508 persons. See

Exhibit 4. Therefore, Cleveland is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). The United States Postal Service associates the zip code 84518 with Cleveland and operates an office in the town. Cleveland has several businesses, a church (Church of Jesus Christ of Latter Day Saints), a town government, a library, a fire department and various other community indicia. The Town of Cleveland was named in honor of Grover Cleveland who was President at the time of the town's founding. The town government is composed of an elected mayor and four town council members with a recorder/clerk. The Town government has an animal control center, building inspector, garbage collection, a fire department, planning committee and beautification committee. The Emery County Library operates a branch in Cleveland. The Emery County School District provides public school education to the residents of the town. The Cleveland Elementary School is located within the city limits. Among the businesses located in Cleveland include the following: J.M. Counter Top, R&A Enterprises Landscaping, A.J. Transport, Bill's Medical Products, Copinga Construction, Debbie's Place, Dingman Lumber Co. Dudes & Dolls Hair Care, Jensen Masonry and Ty's Cabinets.

18. Marathon states that, if Channel 269C2 is allotted to Cleveland, it will file the necessary applications and construct the facilities as authorized.

E. STATION KPLD, KANAB, UTAH TO INDIAN SPRINGS, NEVADA

19. In order to allot Channel 264C to Enoch, Utah, Channel 266C must be deleted at Kanab, Utah. Joint Parties propose to relocate Station KPLD(FM) from Kanab, Utah, to Indian Springs, Nevada as that community's second local service.

1. Technical Studies

20. As indicated in the attached channel study, Figure 14, Channel 266C can be allotted to Indian Springs, Nevada in compliance with the Commission's spacing rules provided

that a change is made at Amargosa Valley, Nevada. The Amargosa Valley change will be discussed below. From the proposed site the station will provide a 70 dBu signal to Indian Springs. See Figure 15. Marathon, the licensee of KPLD, hereby states that it will file an application for Channel 266C at Indian Springs and construct the facilities if its application is granted. Figure 16 is a gain/loss study and a showing of adequate service remaining in the loss area is found in Figure 17.

2. Change in Community of License

21. The relocation of KPLD from Kanab to Indian Springs complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 14, demonstrates that the proposed allotment of Channel 266C at Indian Springs is mutually exclusive with the current allotment of Channel 266C at Kanab. Kanab will retain existing local service, because College Creek has agreed to relocate its new station at Hurricane, Utah to Kanab as a replacement service. See Section III.E, below. Moreover, Canyon Media Corp. has agreed to relocate its station KONY from St. George, Utah to Hurricane, Utah. See Section III.F, below. St. George retains ample service from four other FM stations and three AM stations. The provision of a second local service at Indian Springs (2000 U.S. Census pop. 1,302), as well as a first local service at Enoch, Utah (2000 U.S. Census pop. 3,467) under priority (3) is preferred over the retention of an eighth local service at St. George (2000 Census pop. 49,663) under priority (4). The allotment of Channel 266C to Indian Springs will result in a net gain in 60 dBu service to 356,683 people. See Figure 25.

22. Indian Springs is not located in an Urbanized Area and the proposed 70 dBu contour of KPLD will not encompass over 50% of any Urbanized Area. In addition, the Joint Parties are not proposing a first local service preference. Therefore, this relocation does not

implicate the Commission's policy regarding the migration of stations into urban areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995).

23. Indian Springs enjoys the attributes that the Commission traditionally associates with a community. Indian Springs is listed in the 2000 U.S. Census with a population of 1,302 persons and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992). Moreover, the Commission had already held that it had the traditional attributes of a community. *See Indian Springs, Nevada*, 4 FCC Rcd 5610 (1989).

F. STATION KPKK, AMARGOSA VALLEY, NEVADA

24. As discussed above, the relocation of Channel 263C from Monroe, Utah to 264C at Enoch, Utah requires Station KPLD to relocate from Kanab to Indian Springs. The KPLD change, in turn, conflicts with the current facilities of Station KPKK, Channel 266C1, Amargosa Valley, Nevada. Accordingly, Joint Parties propose that Channel 276C be substituted for Channel 266C at Amargosa Valley.

25. As demonstrated in the channel study, Exhibit E, Figure 18, Channel 276C can be allotted to Amargosa Valley in compliance with the Commission's spacing rules provided that a change is made at Hurricane, Utah. From the proposed reference point, the station will place a 70 dBu contour over all of Amargosa Valley. *See Figure 19*. A gain-loss study is provided. *See Figure 20*. Sky Media is the licensee of Station KPKK. Sky Media hereby affirms that it will apply for the new channel and transmitter site for KPKK and construct the facilities if its application is granted.

G. CHANNEL 276C, HURRICANE, UTAH TO KANAB, UTAH

26. In order to allot Channel 276C at Amargosa Valley, Channel 276C must be deleted at Hurricane, Utah. College Creek holds a construction permit for Channel 276C at

Hurricane. File No. BMPH-20050630ACG. Joint Parties propose to allot Channel 276C at Kanab, Utah, and modify College Creek's construction permit accordingly.

1. Technical Studies

27. The channel study, Exhibit E, Figure 21, shows that Channel 276C can be allotted to Kanab, Utah provided that a change is made at Fredonia, Arizona. The Fredonia change will be discussed below. The proposed 70 dBu contour will cover Kanab. See Figure 22. A gain/loss analysis is provided. See Figure 23. Adequate services will remain in the loss area. See Figure 24. College Creek, the holder of the construction permit at Hurricane, states that it will file an application for Channel 276C at Kanab and construct the facilities if its application is granted.

2. Change in Community of License

28. The relocation of the unbuilt station from Hurricane to Kanab complies with the criteria set forth in *Community of License, supra*. As shown in Figure 21, the allotment of Channel 276C at Kanab is mutually exclusive with the current use of Channel 276C at Hurricane. Although Hurricane has no other local service, Station KONY has agreed to relocate from St. George, Utah to Hurricane as described below. Moreover, Station KPLD is also moving from Kanab to Indian Springs, Nevada as described previously. Thus, the proper comparison is an eighth local service at St. George versus a second local service at Indian Springs. As discussed above, this arrangement of allotments is preferred under the Commission's priorities.

29. Kanab, a self-governing city with a 2000 U.S. Census population of 3,564 easily qualifies as a community for allotment purposes. As noted above, the allotment currently occupied by Station KPLD has already been made to the community.

H. STATION KONY, ST. GEORGE TO HURRICANE, UTAH

30. In order to avoid the loss of the authorized service at Hurricane, Utah, Joint Parties propose to reallocate Station KONY(FM) from St. George, Utah to Hurricane, Utah.

1. Technical Studies

31. The channel study, Exhibit E, Figure 25, shows that Channel 260C can be allocated to Hurricane, Utah with no other changes required. No change in transmitter site is necessary. From the current KONY transmitter site, the station places a 70 dBu contour over Hurricane. See Figure 26. Canyon Media Corporation, the licensee of KONY, has furnished a statement consenting to the change. See Exhibit 1. There is no loss area. Marathon states that it will reimburse the licensee for its expenses in making the changes to its facility.

2. Change in Community of License

32. The relocation of Station KONY from St. George to Hurricane complies with the criteria set forth in *Community of License, supra*. As shown in Figure 25, the allotment of Channel 260C at Hurricane is mutually exclusive with its current use at St. George. As discussed above, St. George retains ample local service. This relocation is made in furtherance of a first local service at Enoch, Utah as set forth above. The community losing service is St. George, and the community gaining service is Indian Springs, Nevada. Thus, this arrangement of allotments is preferred under the Commission's priorities.

33. Hurricane, a city with a 2000 U.S. Census population of 8,250, easily qualifies as a community under the Commission's policies, and the Commission has already allotted a channel to Hurricane.

I. VACANT CHANNEL 278C1, FREDONIA, ARIZONA

34. In order to allot Channel 276C at Kanab, Utah, the vacant allotment on Channel 278C1 at Fredonia, Arizona must change its channel. Joint Parties propose to substitute Channel 247C1 for 278C1 at Fredonia.

35. As demonstrated in the channel study, Exhibit E, Figure 27, Channel 247C1 can be allotted to Fredonia in compliance with the Commission's spacing rules provided that a change is made at First Mesa, Arizona, as discussed below.

J. CHANNEL 247C, FIRST MESA, ARIZONA

36. In order to allot Channel 247C1 to Fredonia, Arizona, the vacant allotment on Channel 247C at First Mesa, Arizona must change its channel.⁴ Joint Parties propose to substitute Channel 237C for 247C at First Mesa. Channel 237C can be allotted to First Mesa in compliance with the Commission's spacing rules provided that a change is made at Teec Nos Pos, Arizona. See Exhibit E, Figure 28. The same coordinates are being used for Channel 237C so it is believed that it is unnecessary to demonstrate 70 dBu coverage.

K. CHANNEL 237C1, TEEC NOS POS, ARIZONA

37. In order to allot Channel 237C at First Mesa, Arizona, channel 237C1 must be deleted at Teec Nos Pos, Arizona. College Creek, holds a construction permit for Channel 237C1 at Teec Nos Pos. File No. BNPH-20050103AAC. Joint Parties propose to substitute Channel 278C2 for 237C1 at Teec Nos Pos.

38. As shown in the channel study, Exhibit E, Figure 29, Channel 278C2 can be allotted to Teec Nos Pos in compliance with the Commission's spacing rules. The proposed 70 dBu signal will cover Teec Nos Pos. See Figure 30. The gain/loss showing is provided in Figure 31. There is no loss area. No further changes are required. College Creek hereby states that it

⁴ The First Mesa channel was allotted in *Cameron, Arizona, et al.*, 19 FCC Rcd 6846 (2004).

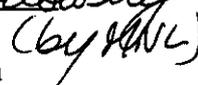
will apply for Channel 278C2 at the Teec Nos Pos and construct the facility. However, this allotment is mutually exclusive with the *NPRM* proposal to allot Channel 279C at Church Rock, New Mexico. As discussed above, the Commission should favor first aural service and first local services at Hanksville, Cleveland, and Enoch, Utah (2000 pop. 2,383) over a first local service at Church Rock (2000 pop. 1,077), even when the loss at Castle Dale (2000 pop. 1,657) is taken into account.

IV. CONCLUSION

Grant of this Counterproposal is in the public interest because it will provide first aural service, first local services at Hanksville and Enoch, Utah, and a net gain in radio service to 205,511 people. *See* Figure 32. Joint Parties are confident that the changes can be implemented without disruption. Accordingly, the Commission should grant this Counterproposal.

Respectfully submitted,

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October 17, 2005

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ENGINEERING STATEMENT

**IN SUPPORT OF A
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MB Docket 05-263, RM-11269

The Joint Parties

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October, 2005

ENGINEERING STATEMENT

In Support of a

Counterproposal
MB Docket 05-263, RM-11269
The Joint Parties

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EXHIBIT E, FIGURE 29	Allocation Study for Channel 278C2, New.C Tec Nos Pos, AZ
EXHIBIT E, FIGURE 30	New.C Teec Nos Pos, AZ, 70 dBu Contour Map
EXHIBIT E, FIGURE 31	New.C Teec Nos Pos, AZ, Gain and Loss Area Map
EXHIBIT E, FIGURE 32	Composite gain/loss study

ENGINEERING STATEMENT

In Support of a
Counterproposal

ADD Ch 262C1 (New FM) Hanksville, UT
New.C (Ch 263C Monroe, UT) Ch 264C Enoch, UT
(Ch 271C2 Castle Dale, UT) Ch 271C Monroe, UT
KPLD (FM) Ch 266C Indian Springs, NV
KPKK (FM) Ch 276C Amargosa Valley, NV
(Ch 276C Hurricane, UT) Ch 276C Kanab, UT
(KONY) Ch 260C Hurricane, UT
VAC Ch 247C1 Fredonia, AZ
VAC Ch 237C First Mesa, AZ
New.C (Ch 237C1 Teec Nos Pos, AZ) Ch 278C2 Teec Nos Pos, AZ

The Joint Parties

INTRODUCTION

This engineering statement is prepared in support of a counterproposal (to MB 05-263, hereinafter referred to as the “NPRM”) filed by Sanpete County Broadcasting Co.; Marathon Media Group, LLC (“Marathon”); College Creek Broadcasting, LLC; and Sky Media, LLC (the “Counterproposal”). In the instant statement these parties will be referred to as the Joint Parties or the Parties. The Joint Parties submit that the public interest will be served by implementing its proposed scenario. As a result of the spectrum modification advanced by the Joint Parties, (i) a first aural service will be provided to a total of 330 persons (white area), (ii) a new first local will be provided to 3 new communities, and (iii) a new primary service will be provided to 205,511 persons in four states.

METHODS

A summary of all communities and their related channels (present and proposed) is included in Table 1 for technical reference. The following amendments to the FM Table of Allotments are requested (listed alphabetically):

Community	Channel	
	Existing	Proposed
Amargosa Valley, AZ	266C1	276C
First Mesa, AZ	247C	237C
Fredonia, AZ	278C1	247C1
Teec Nos Pos, AZ	237C1	278C2
Indian Springs, NV	257C0	257C0, 266C
Castle Dale, UT	271C2	---
Cleveland, UT	---	269C2
Enoch, UT	---	264C
Hanksville, UT	---	262C1
Hurricane, UT	276C	260C
Kanab, UT	266C	276C
Monroe, UT	263C	271C
St. George, UT	260C	--- ¹

All proposed spectrum modifications are first depicted in the form of a detailed channel or allocations study that shows the spacing to all known pertinent FM facilities, licenses, approved, pending requests, and proposed additions (deletions). If a site change is proposed, a 70 dBu contour map is included to verify compliance with §73.315 (city grade to 100% of the proposed community of license). Second, a gain/loss map depicts the population and land area that is gained or lost. Finally, with respect to modifications in which a change in the community of license is proposed, the Joint Parties have also included a remaining services study showing that no white area is created and that all areas continue to have a minimum of two remaining services. The vast majority of all loss areas have five or more remaining services.

The discussion in the Hurricane, UT section identifies the required spectrum modifications required to replace Kanab's only aural service with channel 276C (from Hurricane). This replacement service at Kanab in turn requires spectrum modifications that create a conflict with the proposed allotment of channel 279C at Church Rock.

¹ St. George will continue to be served by four FM and three AM stations.

This engineering statement is concluded with a cumulative gain/loss study giving the net gain of The Joint Parties' Counterproposal.

JOINT PARTIES' COUNTERPROPOSAL MODIFICATIONS EXPLAINED

The Joint Parties propose to modify the spectrum in the following manner:

- (1) Add channel 262C1 to Hanksville, UT as that community's first local service;
- (2) delete channel 263C at Monroe, UT and allot MX channel 264 at Enoch, UT for use by the CP at Monroe;
- (3) delete channel 271C2 at Castle Dale, UT and allocate MX channel 271C to Monroe (replacement service);
- (4) add channel 269C2 at Cleveland, UT (replacement of grey area service);
- (5) delete channel 266C at Kanab, UT and allocate channel 266C at Indian Springs, NV for use by KPLD;
- (6) substitute channel 276C for channel 266C for use by KPKK Amargosa Valley, NV with a transmitter site modification;
- (7) delete channel 276C at Hurricane and allocate channel 276C at Kanab using community reference coordinates;
- (8) delete channel 260C at St. George, UT and allocate 260C to Hurricane, UT for use by KONY as a replacement service that requires no technical modifications;
- (9) substitute channel 247C1 for channel 278C1 using the vacant channel allotment reference at Fredonia, AZ;
- (10) substitute channel 237C for channel 247C using the vacant channel allotment reference at First Mesa, AZ; and

(11) substitute channel 278C2 for channel 237C1 at Teec Nos Pos, AZ for use by New.C (CP) at Teec Nos Pos. The use of channel 278C2 at Teec Nos Pos is MX with the proposed use of channel 278C at Church Rock, NM. Therefore, the Counterproposal is mutually exclusive with the NPRM of MB Docket 05-263.

The following discussion describes each proposed modification in sequential order.

I. Channel 262C1 at Hanksville, UT.

The Joint Parties propose to add channel 262C1 at Hanksville, UT as that community's first local and wide area service. Marathon (licensee of KPLD Kanab) is filing, simultaneously herewith, an expression of interest in the allotment of this channel. The allotment of channel 262C1 can be made with a site restriction of only 2.61 kilometers from the US Census Bureau's coordinates for the community reference. It requires only one sub move, the deletion of channel 263C at Monroe, UT.

A. CH 263C Monroe, UT -- Proposed channel 264C Enoch, UT.

The distance between channel 262C1 at Hanksville and the authorized (CP) site of channel 263C at Monroe is 120.02 kilometers, while 209.0 kilometers are required to be fully spaced. This creates a prohibited short space of 88.98 kilometers. The Joint Parties propose to eliminate this prohibited short space by deleting channel 263C at Monroe and allotting MX channel 264C to Enoch, UT as that community's first local service. The spacing from channel 263C at Monroe to channel 264C at Enoch is 86.75 kilometers short. Therefore the allotments are MX.

1. **CH 271C2 Castle Dale, UT – Proposed channel 271C Monroe, UT (Current).**

The Joint Parties propose to add channel 269C2 at Cleveland, UT as that community's first local service. Marathon (licensee of KPLD Kanab) is filing, simultaneously herewith, an expression of interest in the allotment of this channel. The allotment of channel 269C2 can be made at the permitted site of channel 271C2 Castle Dale as a result of the deletion of 271C2 from Castle Dale and subsequent addition of channel 271C at Monroe, UT. The distance between the permitted site for the CP on channel 271C2 at Castle Dale and the proposed reference coordinates for the allotment of channel 271C at Monroe is 170.45 kilometers while 249.0 kilometers is required to be fully spaced. This creates a prohibited short space or MX spacing of 78.55 kilometers. Thus, the move to Monroe is MX and permitted.

(a) **Add New Service Channel 269C2 at Cleveland, UT.**

The Joint Parties propose to add channel 269C2 at Cleveland, UT as that community's first local service. Marathon (licensee of KPLD Kanab) is filing, simultaneously herewith, an expression of interest in the allotment of this channel. The allotment of channel 269C2 can be made at the permitted site of CH 271C2 Castle Dale as a result of the deletion of 271C2 from Castle Dale and subsequent addition of channel 271C at Monroe, UT. No additional sub-changes are required to allot channel 269C2 at