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December 15, 2005

## VIA HAND DELIVERY

Marlene H. Dortch, Esq.  
Secretary  
Federal Communications Commission  
Portals II – 12th Street Lobby  
Filing Counter – TW-A325  
445 12th Street, SW  
Washington, D.C. 20554

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DEC 15 2005

Federal Communications Commission  
Office of Secretary

**Re: MM Docket No. 02-167  
RM-10479, 10770  
(Eldorado, Mason, Mertzon and Fort Stockton, Texas)  
Supplement**

Dear Ms. Dortch:

Transmitted herewith, on behalf of Bryan A. King, licensee of Station KOTY(FM), Mason, Texas, is an original and four (4) copies of his Supplement. Please contact the undersigned should the Commission have any questions with respect to this filing.

Sincerely,

  
Lee J. Peltzman  
Counsel for  
BRYAN A. KING

LJP/kdm

Enclosure

JA# FCC\King KOTY Dortch ltr.121305 (Supplement).doc

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**RECEIVED**

DEC 15 2005

Federal Communications Commission  
Office of Secretary

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 02-167
Table of Allotments	)	RM-10479, 10770
FM Broadcast Stations	)	
(Eldorado, Mason, Mertzon and Fort	)	
Stockton, Texas)	)	

To: Assistant Chief, Audio Division  
Media Bureau

**SUPPLEMENT**

Bryan A. King ("BK"), licensee of Station KOTY(FM), Mason, Texas, hereby submits a supplement in the above-captioned proceeding. The purpose of this supplement is to provide an updated list of broadcast services within the gain and loss areas resulting from the BK Counterproposal.

1. On August 26, 2002, BK's predecessor, BK Radio, filed a counterproposal in this proceeding proposing the substitution of Channel 240C2 for Channel 239C2 and the reallocation of that channel from Mason to Mertzon, Texas, and the modification of license for KOTY. BK's Counterproposal was accepted by Commission Public Notice on August 26, 2003 (Report No. 2624). On July 26, 2004, BK and Katherine Pyeatt, the original Petitioner in this proceeding, jointly filed a Supplement which contained a technical solution which would streamline the rule making so that both Pyeatt's and BK's proposals could be granted.

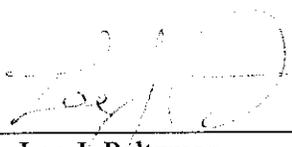
2. Attached hereto is a showing containing an updated determination regarding the loss and gain areas resulting from BK's proposal. The showing is divided into two parts. The Technical Statement considering the loss area resulting from the KOTY relocation shows that a

small portion of the loss area containing 13,900 persons residing in an area of 8,495 square kilometers will now have less than five full-time services and be underserved. There will be a total of 4,700 persons residing in an area of 2,099 square kilometers in these underserved areas. A total of 22 persons will lose a third service, 3,204 persons will lose a fourth service and 1,474 persons will lose a fifth service. Against this, as noted by a separate Technical Statement, KOTY will provide new service to 103,349 persons residing in a gain area of 8,495 square kilometers. Within that gain area a white area consisting of 63 persons within 45 square kilometers will be eliminated. Additionally, KOTY will provide a second service to 126 persons in an area of 272.5 square kilometers, a third service to 265 persons residing in an area of 476.5 square kilometers, a fourth service to 81 persons residing in an area of 211.5 square kilometers and a fifth service to 559 persons residing in an area of 1,057.6 square kilometers.

In view of the above, BK again respectfully urges the Commission to adopt the joint proposal contained in the July 26, 2004 Supplement of BK Radio and Katherine Pyeatt.

Respectfully submitted,

BRYAN A. KING

By: 

\_\_\_\_\_  
Lee J. Peltzman  
Its Counsel  
Shainis & Peltzman, Chartered  
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Suite 240  
Washington, D.C. 20036  
Tel: (202) 293-0011

Date: December 15, 2005

**SUPPLEMENT TO PETITION FOR RULE MAKING  
MB DOCKET #02-167  
BK RADIO  
RE-ALLOT CHANNEL 240C2  
MERTZON, TEXAS**

**TECHNICAL STATEMENT**

This technical statement and exhibits have been prepared for Bryan King (“BK”), licensee of KOTY, Channel 239C2, Mason, Texas. BK herein supplements with its review of services and unserved “white” areas and under served areas within the proposed KOTY 60dbu contour, once the channel is re-allotted to Mertzon, Texas (Gain Area).

As a result of the re-allotment of Channel 240C2 to Mertzon, Texas, KOTY will provide service to 8494.8 square kilometers and 103,349 persons, assuming the theoretical 60 dBu at maximum Class C2 s and no terrain variations. KOTY presently serves 8,404.9 square kilometers and a population of 13,900 persons. A portion of this gain area contains white area not being served by any FM or AM signals. A map showing the gain area and white are is attached as Exhibit 1.

Within the gain area created by the relocation of KOTY certain white area is eliminated. This white area consists of 45 square kilometers where 63 persons reside. In addition, the relocation of KOTY will provide second service to 272.5 square kilometers

where 126 persons reside, third service to 476.5 square kilometers where 265 persons reside, fourth service to 211.5 square kilometers where 81 persons reside and fifth service to 52.1 square kilometers where 24 persons reside. The total underserved area (5 or less) is 1057.6 km where a total of 559 persons reside. The stations serving this gain area are labeled on their respective contours, have been color coded by station Class and have been listed in the attached table, Exhibit 2.

Data related to the station facilities were extracted from the FCC CDBS. Population calculations were made using the Census database for 2000. The foregoing statement was prepared by Bryan A. King. All information contained herein is true and correct to the best of my knowledge and belief. My qualifications are a matter of record before the Federal Communications Commission.

  
Bryan A. King

Date: Dec 6, 2005

# Channel 240C2 Mertzon Gain Area Exhibit



Proposed 240C2 Mertzon 60 dBu

- C0
- C1
- C2
- A
- Proposed

Scale  
5 mi.

- 99°54' 16", 30°19' 23"

## Exhibit 2

### Tabulation of Stations in KOTY Gain Area

Call Sign	Freq/Channel Class	City
KKCN	276C1	Ballenger
KPDB	252C2	Big Lake
KAUM	296A	Colorado City
KOOK	228C2	Junction
KHLB	273C2	Mason
KHXS	274C1	Merkel
KYXX	232A	Ozona
KUTX	211C2	San Angelo
KDCD	225C1	San Angelo
KCRN	230C1	San Angelo
KIXY	234C1	San Angelo
KGKL	248C1	San Angelo
KELI	254C0	San Angelo
KCLL	261C2	San Angelo
KWFR	270C1	San Angelo
KMDX	291C2	San Angelo
KSJT	298C1	San Angelo
KHOS	221A	Sonora
KKJW	290C2	Stanton
KNRX	243C2	Sterling City
KNCE	241C2	Winters
WOAI	1200 kHz	San Antonio
WBAP	820 kHz	Fort Worth

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

**SUPPLEMENT TO PETITION FOR RULE MAKING**

**MB DOCKET #02-167**

**BK RADIO**

**RE-ALLOT CHANNEL 240C2**

**MERTZON, TEXAS**

**June 2005**

**TECHNICAL EXHIBIT**

*Copyright 2005*

**SUPPLEMENT TO PETITION FOR RULE MAKING**  
**MB DOCKET #02-167**  
**BK RADIO**  
**RE-ALLOT CHANNEL 240C2**  
**MERTZON, TEXAS**  
**June 2005**

**TECHNICAL STATEMENT**

1. This technical statement and attached exhibits have been prepared on behalf of BK Radio ("BK"), licensee of KOTY, Channel 239C2, Mason, Texas. In MB Docket #02-167, BK submitted a counterproposal requesting a change in channel for KOTY from Channel 239C2 to Channel 240C2 and a re-allotment of the channel to Mertzon, Texas. BK herein supplements its review of services/assignments remaining within the 60 dBu contour of KOTY, once the channel is re-allotted to Mertzon, Texas (loss area).

2. As a result of the re-allotment of Channel 240C2 to Mertzon, Texas, the area presently receiving service from KOTY at Mason, Texas will no longer receive the signal of the station. Within the theoretical 60 dBu contour of KOTY, assuming a maximum Class C2 facility, with no terrain variations, 13,900 persons reside within 8,494.8 square kilometers. A portion of this area has less than five full-time services.<sup>1</sup> A map depicting the loss area is attached as Exhibit #1.

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1) To determine services, all AM stations, and commercial and non-commercial FM stations in the area were reviewed. For AM Class A stations, the nighttime 0.5 mV/m contour was used for a service contour; all other AM stations nighttime interference free signals were calculated and used for service contributions (based on the sparse number of other AM stations, their respective nighttime interference free contours did not impact the underserved area). For FM commercial stations, maximum facilities were used for each Class, except A. Some Class A stations were considered 3.0 kilowatt Class A stations, while others were depicted as 6.0 kilowatt Class A stations, based on their operating facilities, or spacing review. Class C FM stations are depicted based on minimum Class C at 100.0 kilowatts @ 451 meters. Any non-commercial FM station's 60 dBu reference contour was determined from its licensed facility. Aside from AM facilities, the FM contours assumed uniform terrain.

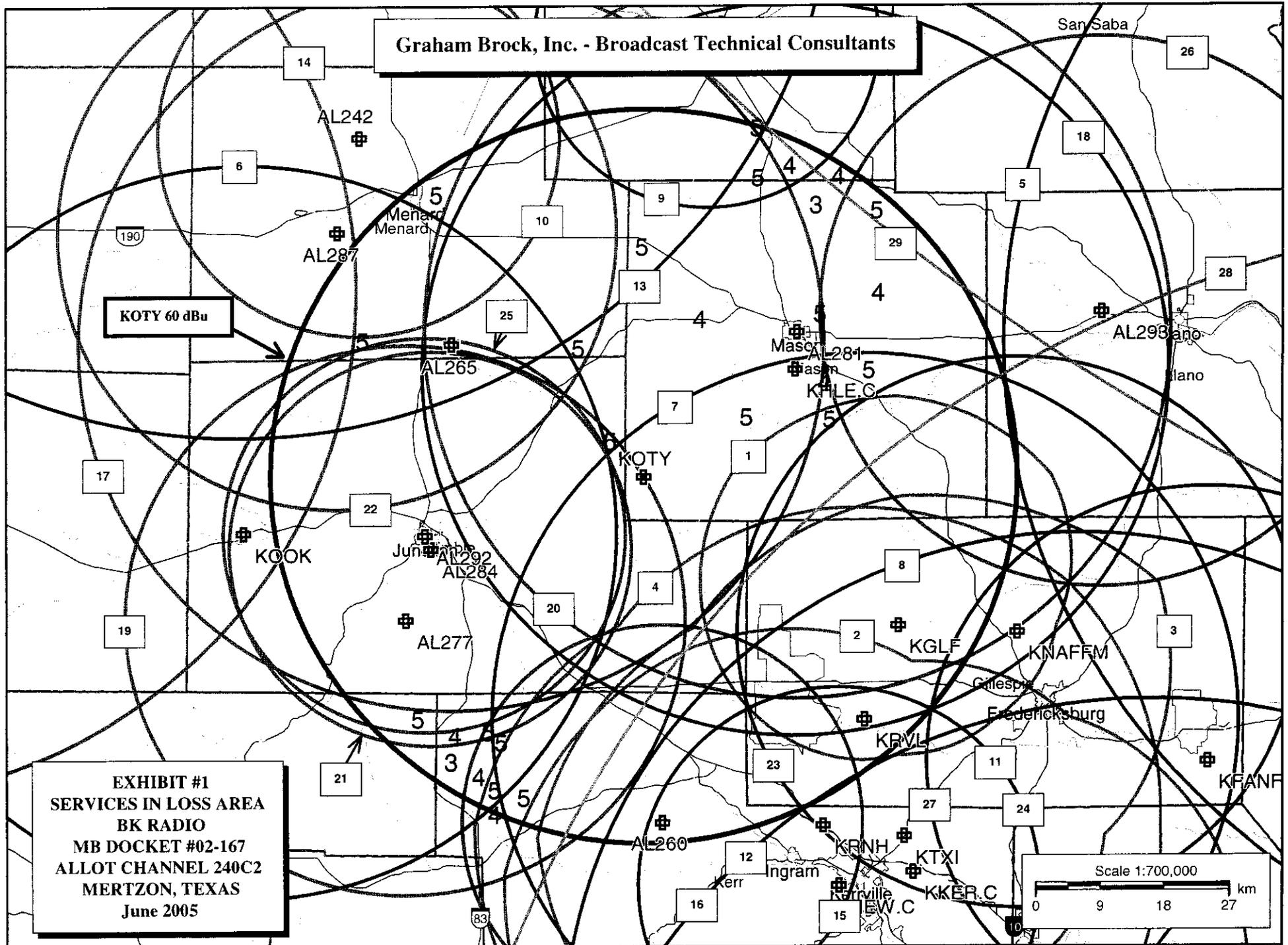
Within the loss area created by the KOTY relocation, there are some under-served areas.<sup>2</sup>

Exhibit #1A lists the stations/assignments serving the loss area. There are a total of 4,700 persons in 2,099.2 square kilometers in these under-served areas.<sup>3</sup> A list of the stations serving the loss area is attached as Exhibit #1A. The proposed re-allotment will not create any white area issues.

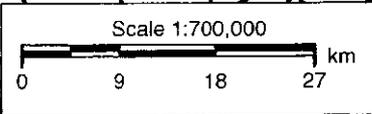
3. The foregoing technical statement was prepared on behalf of BK Radio by Graham Brock, Inc., its Technical Consultants. All data related to AM and FM facilities was extracted from the CDBS database and all population data was extracted from the 2000 Census database. We assume no liability for errors or omissions in those databases that may be adverse to the requests contained herein.

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- 2) The number of persons and land area within the loss area was calculated using an electronic polar planimeter function contained with the V-Soft Communications Probe 3 Professional Signal Propagation Software.
  - 3) KOTY, assuming uniform terrain, presently provides a third service to 22 persons in 104.4 square kilometers; a fourth service to 3,204 persons in 1,130.6 square kilometers and a fifth service to 1,474 persons in 864.2 square kilometers.

Graham Brock, Inc. - Broadcast Technical Consultants



**EXHIBIT #1**  
**SERVICES IN LOSS AREA**  
**BK RADIO**  
**MB DOCKET #02-167**  
**ALLOT CHANNEL 240C2**  
**MERTZON, TEXAS**  
**June 2005**



**SUPPLEMENT TO PETITION FOR RULE MAKING**  
**MB DOCKET #02-167**  
**BK RADIO**  
**RE-ALLOT CHANNEL 240C2**  
**MERTZON, TEXAS**  
**June 2005**

**EXHIBIT #1A**

**Tabulation of stations in KOTY Loss Area**

<b><u>#</u></b>	<b><u>Call Sign</u></b>	<b><u>Freq or Channel/Class</u></b>	<b><u>City/State</u></b>
1	KGLF	201A	Doss, TX
2	KKER CP	204C1	Kerrville, TX
3	KTXI	211C2	Ingram, TX
4	KRNH	222C2	Kerrville, TX
5	KDHT	227C	Cedar Park, TX
6	KOOK	228C2	Junction City, TX
7	KRVL	232C3	Kerrville, TX
8	KCOR-FM	236C1	Comfort, TX
9	KNEL-FM	237A	Brady, TX
10	Ch 242 Allocation	242A	Menard, TX
11	Ch 243 CP	243A	Ingram, TX
12	KAJA	247C	San Antonio, TX
13	KELI	254C	San Angelo, TX
14	Ch 258 Allocation	258C1	Eldorado, TX
15	Ch 260 Allocation	260A	Hunt, TX
16	KCYY	262C	San Antonio, TX
17	Ch 265 Allocation	265C2	Menard, TX
18	KHLE CP	273C2	Mason, TX
19	Ch 277 Allocation	277C3	Junction, TX
20	Ch 281 Allocation	281C2	Mason, TX
21	Ch 284 Allocation	284A	Junction, TX
22	Ch 287 Allocation	287C3	Menard, TX
23	KNAF-FM	289C3	Fredericksburg, TX
24	Ch 291 CP	291A	Kerrville, TX
25	Ch 292 Allocation	292A	Junction, TX
26	Ch 293 Allocation	293C3	Llano, TX
27	KFAN-FM	300C3	Johnson City, TX
28	WOAI AM	1200 kHz	San Antonio, TX
29	WBAP AM	820 kHz	Fort Worth, TX

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

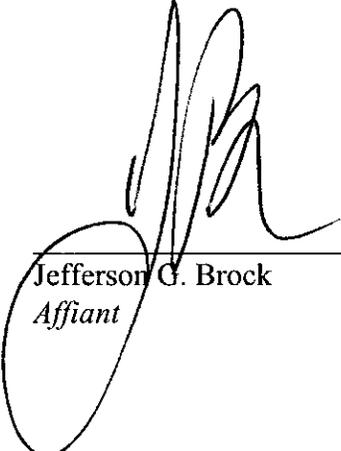
*State of Georgia )*  
*St. Simons Island ) ss:*  
*County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by BK Radio to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 22nd day of June, 2005.*

  
\_\_\_\_\_  
Jefferson G. Brock  
*Affiant*

*Sworn to and subscribed before me  
this the 22nd day of June, 2005*

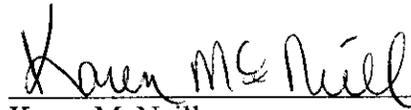
  
\_\_\_\_\_  
*Notary Public, State of Georgia  
My Commission Expires: September 3, 2007*

**CERTIFICATE OF SERVICE**

I certify that on this 15<sup>th</sup> day of December, 2005, I caused to be sent by U.S. mail, postage prepaid, copies of the foregoing Supplement to the following:

Sharon P. McDonald\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 3-A226  
Washington, D.C. 20554

Andrew J. Rhodes, Esq.\*  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room 2-C261  
Washington, D.C. 20554

  
\_\_\_\_\_  
Karen McNeill

\*Via Hand Delivery