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

MAY - 5 2006

Federal Communications Commission
Office of Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-305
Table of Allotments,)	RM-10980
FM Broadcast Stations.)	RM-11328
)	RM-11329
(Oak Harbor and Sedro-Wooley, Washington) ¹)	

To: **The Secretary**
(Attention: Assistant Chief, Audio Division)

STATEMENT REGARDING COUNTERPROPOSALS

Bible Broadcasting Network, Inc. ("BBN"), by its attorneys, respectfully files its Statement Regarding Counterproposals as invited by the *Public Notices*, Report Nos. 2669 and 2770, released April 21, 2006.² By *Notice of Proposed Rule Making*, DA 04-2461, released August 6, 2004 ("NPRM"), the Commission proposed, *inter alia*, to allot FM Channel 289A to Oak Harbor, Washington. On September 30, 2004, the deadline for filing comments and counterproposals, BBN supported the allotment of the channel to Oak Harbor, Washington, but requested that it be reserved for noncommercial educational ("NCE") use as Channel *289A in the Commission's Table of Allotments.

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¹ Sedro-Wooley has been added to the caption.

² The *Public Notice* affords interested persons 15 days within which to file statements, so this pleading is timely filed.

Initial Comments and Counterproposals

Supporting Comments were filed by Dana J. Puopolo, the petitioner. Opposing Comments were filed by Dr. Sandra Woodruff, who noted that the Oak Harbor petition for rule making does not comply with Section 73.207 of the Commission's Rules, since it is short spaced to Canadian station CBU-FM, Vancouver, BC. A counterproposal was filed by Jodesha Broadcasting, Inc. ("Jodesha"), proposing to allot Channel 289A to Sedro-Wooley, Washington, in lieu of Oak Harbor.³

Reply Comments

On October 15, 2004, BBN filed Reply Comments showing that Jodesha's proposal would result in a fifth local service to Sedro-Wooley, since Jodesha did not take into consideration that Sedro-Wooley is within the Mount Vernon, Washington, Urbanized Area. In order to claim a first local service preference for Sedro-Wooley, Jodesha was required to submit in its counterproposal, pursuant to *Faye and Richard Tuck*,⁴ evidence that Sedro-Wooley is independent of the Mount Vernon Urbanized Area. Jodesha did not submit such a showing. BBN incorporates herein its prior statements concerning the Jodesha counterproposal. In sum, the BBN's Engineering Statement shows that the allotment of Channel 289A to Sedro-Wooley would result in a fifth local service to the Urbanized Area, while the BBN proposal would result in a second local service to Oak Harbor, and a preferential arrangement of allotments. Jodesha's

³ As BBN and the petitioner, Dana Puopolo, have noted, Jodesha is the licensee of KJET, Raymond, Washington, that has on file an application (BPH-20031021ADK) that conflicts with the Oak Harbor proposal. It appears that Jodesha filed its counterproposal for Sedro-Wooley to shift the proposed Oak Harbor allotment to a community which could coexist with KJET upgraded to Channel 289C1. Puopolo points out that there are alternate channels available for Sedro-Wooley.

⁴ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

October 15, 2004, "Reply Comments" did not address this matter, but pointed out only that the proposal to allot Channel 298A to Oak Harbor, was not for a first local service, a fact that BBN does not dispute.

On October 18, 2004, the petitioner, Dana J. Puopolo, filed "Reply Comments" again expressing interest in the use of Channel 289A as a commercial channel, rather than as a noncommercial educational channel. Although Puopolo argues that Oak Harbor residents "deserve" a commercial station to air local programs and advertisements, Puopolo does not rebut BBN's showing in the record that Channel *289A should be reserved for NCE use at Oak Harbor.

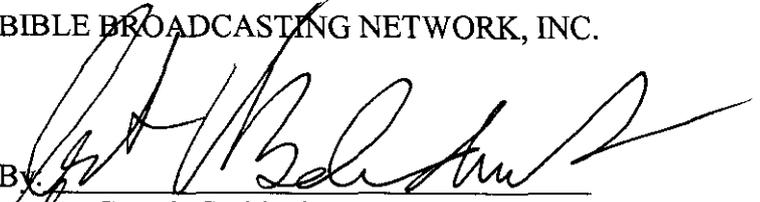
Finally, on October 22, 2004, Sandra Woodruff filed "Reply to Comments" in which she argues that the channel should not be allotted at all due to Canadian separation considerations. BBN pointed out previously that it would not comment on this aspect of the proceeding because it appears that the channel can be allotted as a specially-negotiated short-spaced allotment with Canada.

In light of the foregoing, BBN respectfully requests the Commission to reserve Channel *289A at Oak Harbor, Washington, for NCE use, and deny Jodesha's Counterproposal for use of Channel 289A at Sedro-Wooley, Washington.⁵

⁵ To the extent necessary, BBN again reaffirms its interest in the channel. If Channel *289 is allotted to Oak Harbor, BBN will file an application during the appropriate filing window, and if awarded a construction permit, will construct and operate a station at Oak Harbor.

Respectfully submitted,

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May 5, 2006

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that a copy of the foregoing "Statement Regarding Counterproposals" was mailed by First Class U.S. Mail, postage prepaid (or hand delivered as marked with an asterisk), this 5th day of May, 2006, to the following:

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