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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-295
Table of Allotments,)
FM Broadcast Stations) RM-11280
(Cumberland, Kentucky; Weber City,)
Virginia, Glade Spring, and Marion, Virginia))

RECEIVED

To: The Secretary

SEP - 7 2006

Attn: Assistant Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of Secretary

COMMENTS OF ASRADIO, LLC ON
PETITION FOR RECONSIDERATION

ASRadio, LLC ("ASRadio"), permittee of radio broadcast station WFYE(FM), Glade Spring, Virginia, by its attorneys, hereby submits its comments in support of the Petition for Reconsideration submitted by JBL Broadcasting, Inc. ("JBL") in the above-referenced proceeding, and, for the reasons stated below, urges that the Commission act expeditiously on JBL's Petition.¹

In its Petition, JBL sought reconsideration of the Bureau's denial of the reallocation of JBL's licensed station, WVEK-FM, from Channel 274A at Cumberland, Kentucky, to Channel 274C3 at Weber City, Virginia.² To accommodate this change, JBL also proposed that the Commission change the allotment for WFYE(FM), Glade Spring, Virginia, from Channel 274A to Channel 263A and change the allotment for WOLD-FM, Marion, Virginia, from Channel

¹ Petition for Reconsideration, dated July 28, 2006 ("Petition").

² See *id.*

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263A to 273A.³ The Commission earlier changed WOLD-FM's allotment to Channel 263A to accommodate a new service on Channel 274A at Glade Spring, Virginia. WOLD-FM, however, continues to operate on Channel 273A and has not yet moved to its new allotment because the Commission only recently awarded a permit for the Glade Spring allotment to ASRadio. Thus, the Commission's grant of the petition would relieve WOLD-FM of the obligation to change channels to accommodate WFYE(FM). ASRadio received a permit for a new station on Channel 274A at Glade Spring this summer, following the Commission's recently-concluded FM auction, and ASRadio is now preparing to construct the station. The outcome of this proceeding will decide whether WFYE(FM) will occupy Channel 274A or 263A and, thus, directly affects ASRadio's plans to bring a first FM transmission service to Glade Spring.

ASRadio submits that the balance of the public interest concerns in this proceeding weighs in favor of the prompt grant of JBL's Petition. By granting JBL's Petition and permitting JBL's reallocation request to be implemented, the Commission would allow for a more efficient use of broadcasters' resources, expedite a first transmission service to Glade Spring, and also limit public confusion in local markets.⁴ ASRadio cannot construct facilities on Channel 274A unless it first relocates WOLD-FM to Channel 263A.⁵ If the Commission should grant the Petition promptly, ASRadio could construct immediately, with no disruption to WOLD-FM. If, however, ASRadio must construct with the Petition pending, then, if the Commission should later grant JBL's Petition, JBL would be forced to fund the relocation of WFYE(FM) to Channel 263A and also move WOLD-FM back to its current operating location, Channel 273A. A

³ See *id.* See also Report and Order, MB Docket No. 05-295 (rel. June 9, 2006) ("Report and Order").

⁴ See Petition ¶ 9.

⁵ See WFYE(FM) construction permit. FCC File No. BNPH-20060308ALW.

required channel change soon after WFYE(FM) first begins broadcast operations would create confusion in the marketplace and disrupt the establishment of this new service, as well as continuation of the existing service of WOLD-FM. Because ASRadio has not yet begun the channel-specific portions of its construction, the Commission can obviate the need for multiple moves and the risk of market confusion by acting upon JBL's Petition promptly.⁶

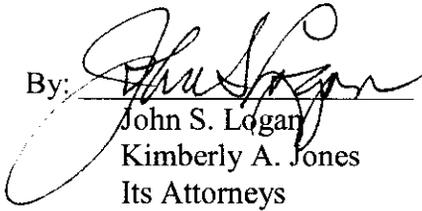
ASRadio agrees with JBL's contention that Commission grant of the Petition would maximize the benefit to the public. Following receipt of JBL's Petition, ASRadio analyzed the prospects for operation on Channel 263A at Glade Spring, Virginia, in lieu of the presently assigned Channel 274A and has concluded that it can serve Glade Spring as well or better with Channel 263A. In addition, grant of the Petition would permit ASRadio to construct without regard to WOLD-FM. Securing these benefits, however, requires prompt action by the Commission. If ASRadio proceeds to construct channel-specific facilities with the Petition pending, both ASRadio and JBL could incur unnecessary expenditures and both WOLD-FM and WFYE(FM) and their communities could suffer from market confusion arising from multiple shifts of channels, all of which can create serious difficulties for a small broadcaster seeking to become established as a new service.

⁶ In ASRadio's Opposition to JBL's Petition for Reconsideration of the WFYE(FM) grant, filed July 28, 2006, ASRadio opposed JBL's petition for reconsideration of the Commission's grant of a construction permit for ASRadio to build the facilities for WFYE(FM) on Channel 274A. As ASRadio pointed out, the prospect of a channel change does not warrant a rescission of a grant duly made following a Commission auction.

Accordingly, for the reasons set forth above, ASRadio hereby urges the Commission to grant JBL's Petition expeditiously.

Respectfully submitted,

ASRADIO, LLC

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September 7, 2006

CEERTIFICATE OF SERVICE

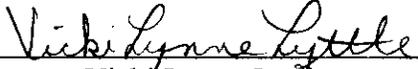
I, Vicki Lynne Lyttle, a legal secretary at Dow Lohnes PLLC, do hereby certify that on this 7th day of September, 2006, copies of the foregoing "Comments of ASRadio, LLC on Petition for Reconsideration" were served via first-class mail, postage pre-paid, to the following:

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