

DOCKET FILE COPY ORIGINAL
Before The

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of) MB Docket No. 07-163
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations) RM-11385
Markham, Texas)
Ganado, Texas) RM-

FILED/ACCEPTED
SEP 28 2007
Federal Communications Commission
Office of the Secretary

To: Marlene H. Dortch, Secretary
Office of The Secretary,
Federal Communications Commission

ORIGINAL

COMMENTS AND COUNTERPROPOSAL

Fort Bend Media Broadcasting Company (hereinafter "Fort Bend"), licensee of radio station KULF(FM) in Ganado, Texas, (facility No. 27619) pursuant to Sections 1.415 and 1.420 of the Commission's Rules hereby files the instant Comments and Counterproposal in response to the Notice of Proposed Rulemaking ("NPR") issued in the above-captioned proceeding as released August 10, 2007, (DA 07-3561).

I. PRELIMINARY STATEMENT

The essential purpose of this counterproposal is to upgrade the service presently provided by radio station KULF, currently licensed to operate on channel 284C2 in Ganado, to operate on Channel 235C from a new transmitter site location still meeting all requirements for its continued and improved service to Ganado. The attached Engineering Statement compares the different coverage areas and change in population coverage from its

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existing service as a C2 channel to its improved service at the new site as a Class C service, and clearly demonstrates the public interest benefits of increased area and population service at KULF with adoption of this counterproposal. All that is necessary to make this improvement in service at Ganado is to replace the originally requested channel at Markham with a new fully equivalent channel, and to replace the existing channel of radio station KVIC(FM) in Victoria with a fully equivalent channel operating from its existing site. The requested changes are more fully described below.

II. Changes Proposed in this Counterproposal

1. Substitution of an Equivalent Channel in Markham, Texas

As originally requested by the Petitioner, and as proposed in the NPR, Markham would receive a new drop-in channel 235A to operate with the existing channel 223A in service to Markham. In the original Petition, the Petitioner included information describing Markham and the basis for addition of an additional FM service to that community. Fort Bend does not oppose the addition of a new channel to serve Markham but proposes here to substitute a fully equivalent channel 283A in place of the channel 235A originally requested in the rulemaking petition and as proposed in the NPR. This change, which is essential to the Fort Bend proposal, is in conflict with the original petition as proposed in the NPR and appropriate for consideration in this proceeding.

In the case of the Markham channel, Fort Bend has proposed the allotment of channel 283A in Markham as a fully equal equivalent channel in place of the channel originally requested and as proposed in the NPR. As Fort Bend is making this request for a different channel to be allotted to Markham, it has simultaneously with the filing of this Counterproposal electronically filed its own FCC form 301 (file # ARN20070928ABI) requesting a permit to operate on that equivalent replacement channel in Markham as requested by Fort Bend in this Counterproposal, if allotted by the Commission, and to participate in the auction for that channel and, if selected there as the Permittee, to proceed to build and operate the channel as requested, and it reaffirms that commitment here. 1/

2. Substitution of an Equivalent Channel for Substitution and Use at Radio Station KVIC(FM) in Victoria.

Again, as part of the Fort Bend proposal and as an essential part of that proposal, it is necessary to request substitution of channel 284C3 as a fully equivalent channel to replace channel 236C3 now in use there by KVIC(FM) (facility # 28477) as licensed to Victoria Radio Works, Ltd. Fort Bend submits that the new channel is fully equivalent to the existing channel now in use at KVIC and requests the Commission to issue an Order to Show Cause to Victoria Radio Works, licensee of KVIC(FM) in Victoria, Texas, now operating on channel 236C3, as to why it should not change

1/ The filing of this form 301 is in accordance with the requirements as set forth in Revision of Procedures Governing Amendments to FM Table of Allotments and Changes in the Radio Broadcast Services, 21 FCC Rcd, 14212 (206) at pa. 18 and 20.

its operating channel to 284C3, as requested here. Moreover, as part of that request, Fort Bend specifically agrees and commits to reimburse the licensee of KVIC(FM), now operating on that channel, for all of its reasonable and prudent out-of-pocket expenses incurred in making that requested change in channel.

**3. The Proposed Change in Channel at KULF(FM),
Ganado, Texas, from 284C2 to 235C**

At the present time, KULF operating in Ganado on its existing channel 284C2, provides service to an area of 8,139 sq.km. and a population of 123,190 within its service area. It is the only local service licensed to Ganado, serving that community as well as providing service to its surrounding area. Fort Bend's engineer has calculated that with the requested change from 284C2 to 235C, the service provided from KULF will increase to serve an area of 21,936 sq.km., and to serve a population within that area of 246,293 persons. That represents an increase in area served by KULF of 269% and an increase in population served of 200%. It is also noteworthy that this substantial gain in area and population receiving service from KULF with adoption of this Fort Bend Counterproposal comes at no cost to any other allocation or licensed station. Neither the substitution of the equivalent channel for Markham nor the substitution of the equivalent channel for KVIC in Victoria will result in any change in the service area at either community.

In seeking to implement this change at Ganado, Fort Bend has simultaneously with filing of this Counterproposal electronically

filed its form 301 (File # ARN20060407AAE) requesting the change in site location and operating channel from 284C2 to 235C and has committed there and commits again here to proceed to build and operate the station on that new channel and site location upon grant of this Counterproposal and application by the Commission (See footnote 1, supra).

It is submitted that this counterproposal is fully supported by the Engineering submitted in the applications as filed by Fort Bend and attached hereto which definitively set forth every element of the requested changes and clearly demonstrates in each case that the Fort Bend Counterproposal meets all FCC Engineering rules and that the improvements and changes requested herein are in full compliance with all Commission rules and policies.

III. SUMMARY

In sum, it is respectfully requested that the Commission amend the FM table of Allotments as follows:

City	Present	Proposed
Markham, Texas	235A (in NPR)	283A
Victoria, Texas	236C3	284C3
Ganado, Texas	284C2	235C

IV. CONCLUSION

It is therefore respectfully submitted that the instant Counterproposal is clearly superior to the original proposal for Markham, Texas, as set forth in the NPR and preferable to that original proposal since it will still accommodate a new FM second service for Markham as proposed by the original petitioner, but simply on a different equivalent channel which will then also enable the change of channel from 284C2 at Ganado to 235C thereby resulting in a significant increase in service to both area and population provided by the radio station in Ganado and a far more efficient use of FM channels allocated to that area.

It is further noted that under the Fort Bend counterproposal, all that is required to implement the upgrade in service at Ganado is a change in equivalent channel for the new service requested at Markham, and a change in equivalent channel at the existing station in Victoria. Under this proposal, no community would lose any aspect of existing or requested service, while the community at and around Ganado would, as set forth in the attached engineering, receive an appreciable increase in population and area served from its existing upgraded station KULF. It is therefore clear that adoption of the Fort Bend counterproposal would result in a substantial net service benefit for the communities involved and that adoption of that counterproposal would be in the public interest.

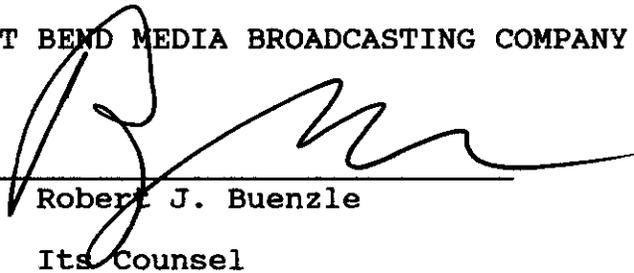
As such, it is respectfully submitted that adoption of this counterproposal would be in clear furtherance of the stated goal

of Section 307(b) of the Communications Act of 1934 (47 U.S.C. 307(b)) of maximization of the most efficient use of the available allocations in the area and providing the public with the greatest amount of overall service to the community, consistent with the priorities as set forth by the Commission in Revision of FM Assignment Policies and Procedures, Second Report and Order, 90 FCC 2d 88 (1982), and as further set forth in Columbus, Nebraska, et.al., 59 RR 2d 1184 (1986). For these reasons, it is respectfully submitted that the instant Counterproposal is clearly in the public interest and should be adopted.

Respectfully submitted,

FORT BEND MEDIA BROADCASTING COMPANY

by



Robert J. Buenzle

Its Counsel

Law Offices
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(703) 430-6751

September 28, 2007

Fort Bend Media Broadcasting Company
Radio Station KULF(FM)
Ganado, Texas

Comments and Counterproposal
MB Docket 07-163
September 27, 2007

Engineering Statement¹

The proposed upgrade of Radio Station KULF(FM) from FM Channel 284C2 to FM Channel 235C at Ganado, Texas is in conflict with a pending Petition for Rule Making, MB Docket 07-163, adopted August 8, 2007 and released on August 10, 2007. A copy of that Notice of Proposed Rulemaking² is attached as Exhibit E-1.

This application to upgrade the present facilities of Radio Station KULF(FM), (Facility ID 27619), Ganado, Texas proposes channel changes at Markham, Texas and at Victoria, Texas. Specifically, Fort Bend Media Broadcasting Company, licensee of Radio Station KULF(FM), Ganado, Texas proposes that FM Channel 283A be assigned to Markham, Texas as an alternate allotment and that FM Channel 284C3 be assigned to Victoria, Texas and that the present license of Radio Station KVIC(FM) be amended to specify operation on the alternate equivalent FM Channel 284C3. The proposed changes are summarized below.

Community	Present	Proposed
Ganado, Texas	284C2	235C
Markham, Texas	235A ³	283A
Victoria, Texas	236C3 ⁴	284C3

¹ This Engineering Statement was filed as an attachment to FCC Form 301 requesting the upgrade of KULF(FM) from FM Channel 284C2 to FM Channel 235C and is reproduced here to be used in connection with the filing of Comments and Counterproposal in MB Docket 07-163. See ARN-20060407AAE.

² The applicant is filing this proposal in MB Docket 07-163 as a counterproposal to the allotment of FM Channel 235A to Markham, Texas

³ As is proposed in MB Docket 07-163.

⁴ This channel is occupied by Radio Station KVIC(FM), Facility ID 28477, Victoria, Texas.

Ganado, Texas
FM Channel 284C2 to FM Channel 235C

It is proposed that Radio Station KULF(FM), Ganado, Texas be upgraded to a full Class C status on FM Channel 235C.

The allocation coordinates for the assignment of FM Channel 235C at Ganado, Texas are N28-43-58, W96-02-28. This allotment site is 57 km southeast of Ganado, Texas and a sample transmitter operating with full Class C facilities at this site will provide the community of Ganado, Texas with the required 70 dbu signal using the Commission's f(50,50) curves with both smooth earth and actual terrain. The site is fully spaced⁵ to all other facilities, with the exception of the pending rulemaking proposal, MB Docket 07-163, which proposes the assignment of FM Channel 235A⁶ to Markham, Texas and, in order to specify the alternate FM Channel at Markham, Texas, it is requested that the alternate equivalent FM Channel 284C3 be assigned to Victoria, Texas and that the license of Radio Station KVIC(FM)⁷ at Victoria, Texas be amended accordingly. If the proposed changes are implemented, FM Channel 284C2 at Ganado, Texas can be upgraded to FM Channel 235C as requested.

The presently licensed facility on FM Channel 284C2 at Ganado, Texas provides service to a population of 123,190 persons in an area of 8,139 sq. km. The upgraded FM Channel 235C at the application site coordinates will serve a population of 246,293 persons in an area of 21,936 sq. km., an increase in population served of 200% and an area increase of 269 percent. There are no changes in the service area of either KVIC(FM) or in the proposed substitution of FM Channel 283A for FM Channel 235A at Markham, Texas.

⁵ Channel studies for the proposed channel changes are not being submitted as exhibits but will be supplied if requested by the Commission.

⁶ The alternate equivalent FM Channel 283A is proposed as a replacement channel and FCC Form 301 is being simultaneously filed requesting that allotment for Markham, Texas.

⁷ It is proposed that FM Channel 284C3 be substituted for the presently assigned FM Channel 236C3 at the present KVIC(FM) transmitter site.

Markham, Texas
FM Channel 235A to FM Channel 283A

The proposed allotment of FM Channel 283A at Markham, Texas can be assigned at the reference coordinates specified for FM Channel 235A in MB Docket 07-163. FM Channel 283A is fully spaced to all facilities at allotment site N28-51-18, W96-02-06. The allotment site for FM Channel 283A fully complies with all of the Commission's Rules as was documented in the Notice of Proposed Rulemaking issued in MB Docket 07-163.

Fort Bend Media Broadcasting Company is filing FCC Form 301-FM seeking the allotment of FM Channel 283A to Markham, Texas and, if the Commission assigns the requested FM Channel 283A to Markham, Texas it will participate in the auction of Channel 283A and will promptly construct the facility if it is the winning bidder.

Victoria, Texas
FM Channel 236C3 to FM Channel 284C3

In order to assign FM Channel 283A to Markham, Texas and to assign the upgraded FM Channel 235C to Ganado, Texas Fort Bend Media Broadcasting Company is requesting the substitution of FM Channel 284C3 as an alternate equivalent channel for the presently licensed facilities of Radio Station KVIC(FM), (Facility ID 28477), Victoria, Texas.

The proposed channel substitution for Radio Station KVIC(FM), Victoria, Texas would be an involuntary channel change and Fort Bend Media Broadcasting is requesting that the Commission issue an Order to Show Cause to Victoria Radio Works, LTD, licensee of Radio Station KVIC(FM) to show cause, if any it has, why its channel should not be changed from FM Channel 236C3 to the alternate equivalent FM Channel 284C3. The requested channel FM Channel 284C3 at Victoria, Texas can be licensed at the present site of Radio Station KVIC(FM) and Fort Bend Media Broadcasting Company commits to reimburse the licensee of Radio Station KVIC(FM) its reasonable and prudent expenses, in accordance

with Commission Policy, related to the involuntary channel change to FM Channel 284C3 as requested by Fort Bend Media Broadcasting Company.

In view of the foregoing, Fort Bend Media Broadcasting Company requests that the Commission:

1. Amend the license of Radio Station KULF(FM) to specify operation on FM Channel 235C at a new site specified in its FCC Form 301 application.
2. Issue an Order to Show Cause to Victoria Radio Works, LTD, licensee of Radio Station KVIC(FM), Victoria, Texas requesting that it show cause, if any it has, why its license should not be amended to specify operation on FM Channel 284C3 as requested by Fort Bend Media Broadcasting Company. Fort Bend Media Broadcasting Company will reimburse the licensee of Radio Station KVIC(FM) its reasonable and prudent expenses, in accordance with Commission Policy, to change its operation channel from FM Channel 236C3 to FM Channel 284C3.
3. Assign FM Channel 283A to Markham, Texas as an alternate equivalent channel in accordance with FCC Form 301-FM as filed by Fort Bend Media Broadcasting Company. This alternate channel can be assigned at the same reference coordinates as specified in the NPRM in Docket 07-163 and Fort Bend Media Broadcasting Company will participate in the auction for FM Channel 283A and will construct the facility if it is the winning bidder at auction.

The changes proposed in this application would provide Markham, Texas with a Class A channel as proposed in MB Docket 07-163, it would provide an alternate equivalent channel for Radio Station KVIC(FM), Victoria, Texas and would provide an upgraded channel for Ganado, Texas. The upgraded channel would provide additional FM service to a substantial population within its service area and would provide a more efficient distribution of FM services than the mere assignment of one single channel at Markham, Texas. Adoption of the proposed changes of Fort Bend Media Broadcasting Company would clearly serve the public interest and the proposal should be adopted.

CERTIFICATION

This engineering statement has been prepared by the undersigned and is true and correct to the best of his knowledge and belief, and is submitted in good faith. My qualifications are a matter of record before the Commission.

The undersigned is aware that this document is being filed with the Federal Communications Commission in connection with FCC Form 301-FM filed by Fort Bend Media Broadcasting Company, and hereby consents to its use for that purpose.

Dated this 27th day of September 2007.

Respectfully,

A handwritten signature in black ink, appearing to read "F. W. Hannel", written in a cursive style.

F. W. Hannel, PE

F. W. Hannel & Associates
10733 East Butherus Drive
Scottsdale, AZ 85255
(480) 585-7475
Fax (815) 327-9559
<http://www.fwhannel.com>

**Notice of Proposed Rulemaking
MB Docket 07-163**

Exhibit 1

September 27, 2007

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

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. 07-163
Table of Allotments,) RM-11385
FM Broadcast Stations.)
(Markham, Texas))

MAILED

AUG 10 2007

FCC MARKHAM TEXAS

NOTICE OF PROPOSED RULE MAKING

Adopted: August 8, 2007

Released: August 10, 2007

Comment Date: October 1, 2007

Reply Comment Date: October 16, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Petition for Rule Making filed by Katherine Pyeatt ("Petitioner"), proposing to allot Channel 235A at Markham, Texas. Petitioner has concurrently filed a FCC Form 301 new station application¹ for Channel 235A at Markham, and was required to submit a filing fee pursuant to *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*.² Petitioner certifies in its petition, that if the requested FM channel is allotted and its concurrent application is granted, it will participate in the auction for the channel.

2. We believe the proposal warrants consideration because it would provide a second local service to the community under Priority 4 of the FM allotment priorities.³ A staff engineering analysis indicates that Channel 235A can be allotted to Markham consistent with the minimum distance separation requirements of the Commission's rules, at coordinates 28-51-18 NL and 96-02-06 WL, with a site restriction of 12 kilometers (7.5 miles) south of the community

3. Accordingly, we seek comment on the proposed amendment of the FM Table of Allotments, Section 73.202(b),⁴ as follows:

<u>Community</u>	<u>Proposed</u>
Markham, Texas	223A, 235A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference

¹ File No. BNPB-20070524ABR.

² Report and Order, 21 FCC Rcd 14212 (2006) ("*Revised Allotment Procedures R&O*")

³ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1988).

⁴ 47 C.F.R. § 73.202(b).

herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

5. Pursuant to Sections 1.415 and 1.419,⁵ interested parties may file comments on or before October 1, 2007 and reply comments on or before October 16, 2007, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of such comments should be served on Petitioner and Petitioner's counsel, as follows:

Katherine Pyeatt
3500 Maple Avenue, #1320
Dallas, Texas 75219

Gene Bechtel, Esq.
Suite 600
1050 17th Street, N.W.
Washington, DC 20036
(Petitioner's counsel)

6. Parties must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. **All filings must be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. See 47 C.F.R. Section 1.7. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.**

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b).⁶ This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* Section 3506(c)(4).⁷

8. For further information concerning a proceeding listed above, contact Victoria McCauley, Media Bureau (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An *ex parte* presentation is not prohibited if specifically requested by the

⁵ 47 C.F.R. §§ 1.415 and 1.419.

⁶ *See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549 (Feb. 9, 1981).

⁷ 44 U.S.C. § 3506(c)(4).

*Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in a particular docket unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.*

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS PROPOSED TO AMEND the FM Table of Allotments, 47 C.F.R. Section 73.202(b), as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments (*see* 47 C.F.R. Section 1.420(d).)

(b) Petitions for rule making which conflict with the proposals in this *Notice* will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; service. Pursuant to applicable procedures set out in 47 C.F.R. Sections 1.415 and 1.420, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. The person filing the comments shall serve comments on the petitioners. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments (*see* 47 C.F.R. Section 1.420(a), (b) and (c).) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of 47 C.F.R. Section 1.420, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center, at its headquarters, 445 12th Street, S.W., Washington, D.C.

CERTIFICATE OF SERVICE

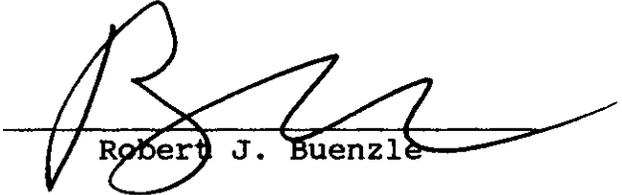
I, Robert J. Buenzle, do hereby certify that copies of the foregoing Comments and Counterproposal have been served by United States mail, postage prepaid this 28th day of September, 2007, upon the following:

John A. Karousos, Esq.
Federal Communications Commission
Mass Media Bureau
Portals II, Room 3-A266
445 12th Street SW
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Robert J. Buenzle