

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

MM Docket No. 07-172

In the matter of)
)
Amendment of Service and Eligibility Rules) RM-11338
For FM Broadcast Translator Stations)

To: The Commission

COMMENTS OF KGVY, LLC

KGVY, LLC ("KGVY"), by its counsel, herewith submits its comments in the above-captioned proceeding as follows:

1. KGVY is licensee of daytime AM station KGVY, Green Valley, Arizona. It is the only AM station licensed to Green Valley. It has been denied post-sunrise authority, making it impossible for the station to serve its community at night.

2. As is the case with other daytime stations, KGVY has experienced the frustration of trying to provide adequate radio coverage to its community of license on a full-time basis. Accordingly, KGVY supports the NAB proposal so as to permit KGVY to operate using FM translators to provide nighttime service to its community of license and adopts by reference the Comments filed by WYGR Broadcasting in this proceeding.

3. KGVY submits that the need for the adoption of this proposal is urgent as a means of assuring the continued availability of local community service. Local news and information are simply not available through the multitude of other non-local services that are being provided, including most FM services owned by conglomerate owners.

4. Listeners today are overwhelmed with generic choices from national providers but have little left in the way of local service. The exception is the AM daytime-only station, which must go off the air at sunset and cannot return to operation until sunrise.

5. KGVY delivers quality local news and information to the Green Valley and Sahuarita communities. This is news that is researched, written, and delivered for the stations service area that no other radio station in Green Valley (or for that matter the Tucson area) delivers. Additionally the KGVY staff is live all day ready to react and cover local events, weather, and important issues of the Green Valley/Sahuarita communities. The local FMs in the area, while licensed to Green Valley, run automated operations not serving the needs of the community. KGVY cover local news every day as well as high school and college sports. KGVY's staff attends and broadcasts meetings of local government officials.

6. News and weather don't stop at sunset. Town meetings are at night, high school games are played in the evening, emergencies happen around the clock. KGVY desires and needs to be available whenever an event or emergency takes place and not just during the day.

7. The other radio stations whose signals come into Green Valley simply do not serve the local community the way KGVY does. They don't cover local news and community events. They don't cover local politics, or what happens in our local courthouse, school, or town hall. They don't cover crime or local church services. There is one newspaper in Green Valley that only prints three times per week. There is no other immediate local news outlet other than KGVY AM.

8. KGVY's service to its local community should not be so seriously limited by rules that require it, as a vital community resource, to go off the air. It should also be noted that although the station has pre-sunrise authority, it is tied to a Texas sunrise that forces KGVY to sign on much later than actual sunrise.

9. For all the above reasons, KGVY strongly urges the Commission to adopt rules which would allow AM daytime-only stations, like KGVY, to broadcast on FM translators (or by any other means) when their AM facility must go off the air. This is what the listeners and the public interest require. The current rules act as an impediment to the people of Green Valley, emergency services, and the paramount rights of the public KGVY serves under the Constitution.

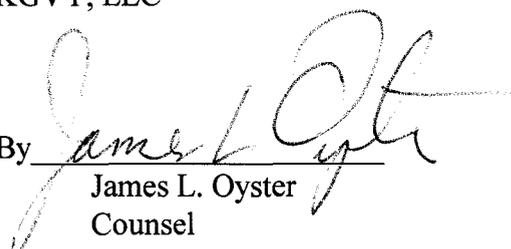
WHEREFORE THE PREMISES CONSIDERED, it is respectfully requested that the Commission adopt the NAB proposal.

Respectfully submitted,

Law Offices
JAMES L. OYSTER
108 Oyster Lane
Castleton, Virginia 22716-9720

(540) 937-4800
January 7, 2008

KGVY, LLC

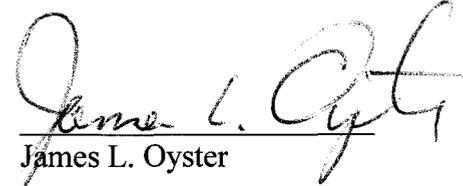
By 
James L. Oyster
Counsel

CERTIFICATE OF SERVICE

James L. Oyster hereby certifies that he has sent a copy of the foregoing Comments by first class U.S. mail, postage prepaid, or by hand delivery, on or before the 7th day of January, 2008, to the following:

Lawrence A. Walke, Esq.
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20554

Cary S. Tepper, Esq.
Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue
Suite 304
Bethesda, MD 20814-3628


James L. Oyster