

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

FILED/ACCEPTED
FEB 22 2008
Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)
(Pima and Pinetop, Arizona))
)
)

MB Docket No. 07-297
RM-11413

FILED/ACCEPTED
FEB 25 2008
Federal Communications Commission
Office of the Secretary

COMMENTS AND COUNTERPROPOSAL
OF
WILLIAM S. KONOPNICKI

William S. Konopnicki, by his undersigned counsel, hereby respectfully submits these comments and a counterproposal in connection with the above-captioned rule making proposal.

1. The Audio Division Notice of Proposed Rule Making¹ was in response to a Petition for Rule Making filed by Circle S Broadcasting Co., Inc. ("Petitioner"), the licensee of Station KSWG(FM), Wickenburg, Arizona. Petitioner's Petition for Rule Making proposes to substitute Channel 249C1 for vacant Channel 294C1 at Pinetop, Arizona, and Channel *289A (noncommercial educational channel) for vacant Channel *296A at Pima, Arizona. The channel substitution for Pima is at the current allotment site for Channel *296A's transmitter. Petitioner has also filed a contingent application² to

¹ DA 08-68, released January 11, 2008; Comment Date February 25, 2008.

² This application has File No. BMPH-20070119AID. Konopnicki is contemporaneously herewith filing a petition for the dismissal of this application since the underlying construction permit that it proposes to modify has expired and no longer exists.

No. of Copies rec'd 044
List ABCDE

modify Station KSWG(FM)'s antenna site. The channel substitutions at Pima and Pinetop would accommodate Petitioner's above-referenced modification application.

2. As an initial matter, Konopnicki would note that the Channel 294C1 allotment at Pinetop, Arizona is not "vacant", since he has been issued a construction permit to operate KWSK(FM) on that allotment and at that location. See, FCC File BPH-19951109MG, granted on April 27, 2007.

3. Konopnicki counter proposes the use of FM channel 249C1 at McNary, Arizona, as that community's first local aural broadcast allocation, and as a preferential addition of a new, first FM allotment over the Petitioner's proposal to merely substitute existing channels. McNary is a census-designated place (CDP) in Apache County, Arizona. The population was 349 at the 2000 census. According to the United States Census Bureau, the CDP has a total area of 5.6 square miles (14.4 km²), of which, 5.5 square miles (14.2 km²) of it is land and 0.1 square miles (0.2 km²) of it (1.08%) is water. At an elevation of 7,316 ft (2,230 m), it is the highest city in Arizona.

4. Contemporaneously with the filing of this counterproposal, Konopnicki is submitting an FCC Form 301 application for the use of the proposed FM Channel 249C1 allotment at McNary, Arizona.

5. Attached to this counterproposal is the engineering support for the proposed McNary allocation showing conformity with the Commission's rules and policies for such an allotment.

6. Accordingly, William S. Konopnicki respectfully proposes that the Commission amend the FM Table of Allotments, Section 73.202(b),³ to effectuate the

³ 47 C.F.R. § 73.202(b).

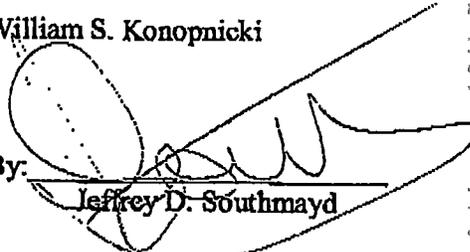
following addition of FM Channel 249C1 to McNary, Arizona, as that community's first local FM allocation:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Pima, Arizona	*296A	*289A
McNary, Arizona	-----	249C1

Respectfully submitted,

William S. Konopnicki

By:


Jeffrey D. Southmayd

His Attorney

Southmayd & Miller
1220 19th Street N.W.
Suite 400
Washington, D.C. 20036
202.331.4100
386.445.9156
jdsouthmayd@msn.com

Date: February 25, 2008

I hereby certify that a copy of the forgoing has been served on this date by first class United States mail on the following:

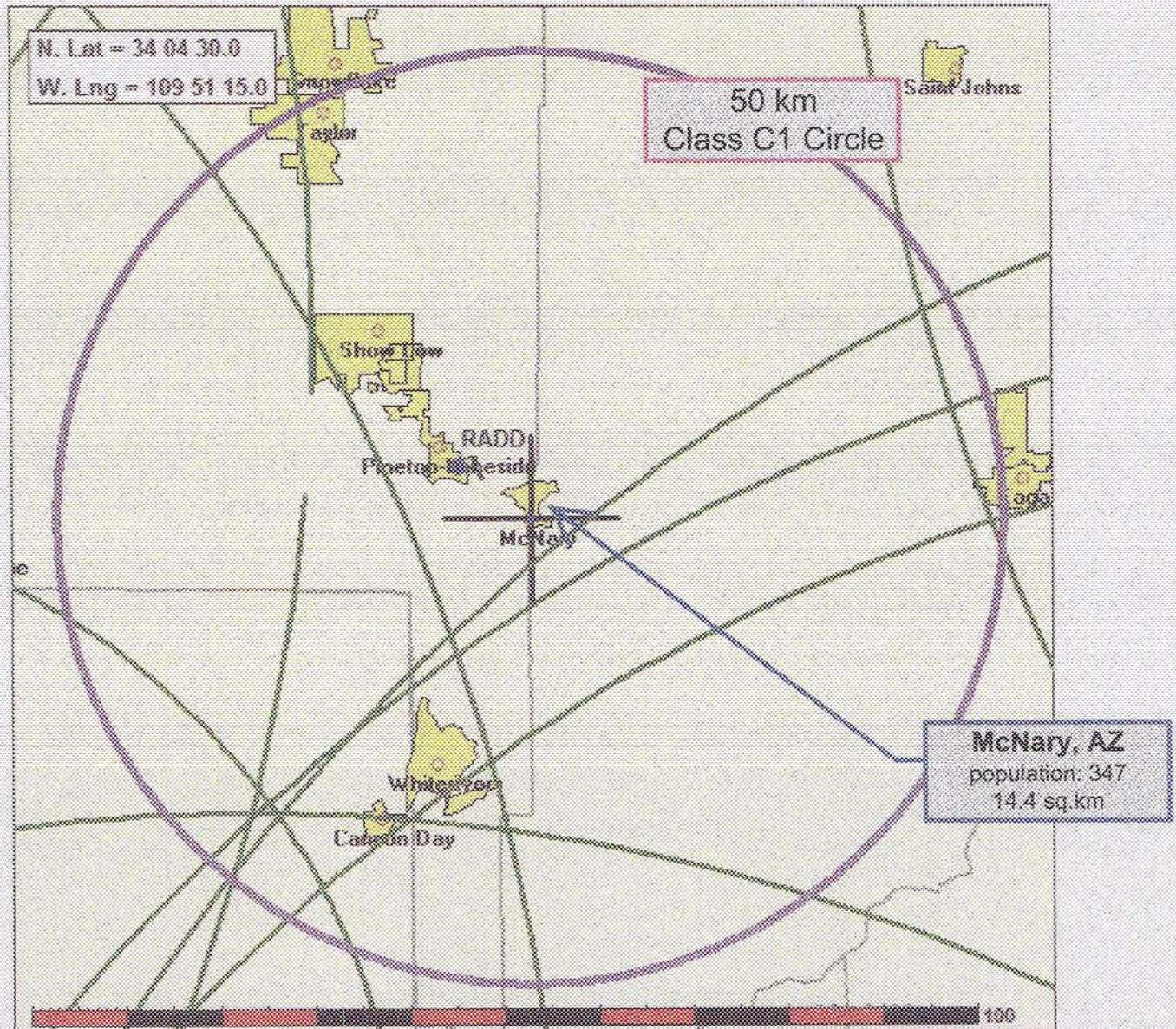
Lee J. Peltzman, Esq.
Shainis & Peltzman, Chartered
1850 M Street, N.W., Suite 240
Washington, D.C. 20036

**ENGINEERING SHOWING IN SUPPORT OF
THE ALLOTMENT OF FM CHANNEL 249C1**

AT

MCNARY, ARIZONA

CH 249 C1, C1, 97.7 MHz
Current Spacings to 3rd Adj.



Data Date:02-19-08 Job Date:02-22-08

Call	CR#	Type	Location		Azi	D-FM	FCC	Margin	
RADD	249C1	ADD	Pinetop	AZ	306.2	9.41	244.5	-235.09	MB 07-297
KPSA-FM.C	250C	CP	Lordsburg	NM	140.9	212.39	208.5	3.89	
KPSA-FM	250C	RSV	Lordsburg	NM	149.1	216.62	208.5	8.12	
KUPD	250C	LIC	Tempe	AZ	248.6	220.84	208.5	12.34	
KPSA-FM	249A	LIC	Lordsburg	NM	150.6	219.34	199.5	19.84	
KMVA	248C	LIC N	Dewey-humboldt	AZ	275.1	232.42	208.5	23.92	
KAVV	249A	LIC	Benson	AZ	187.4	232.98	199.5	33.48	
KIKO-FM	247A	RSV	Claypool	AZ	230.0	115.16	74.5	40.66	
KIKO-FM.A	247A	APP	Claypool	AZ	230.0	115.16	74.5	40.66	
KDLW	249C1	LIC	Belen	NM	73.0	290.51	244.5	46.01	
NEW.C	250A	CP	-Z Doney Park	AZ	309.6	205.54	132.5	73.04	

FIGURE 1 - FM CHANNEL STUDY - 249C1
New FM Allotment - McNary, Arizona



Counterproposal - MB Docket 07-297
February 2008



FIGURE 2 - FCC REFERENCE POINT - 249C1
New FM Allotment - McNary, Arizona

Counterproposal - MB Docket 07-297
 February 2008

