

ORIGINAL

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

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 09-18
Table of Allotments,) RM-11513
FM Broadcast Stations.)
(Dulac, Louisiana))

FILED/ACCEPTED

APR 27 2009

Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: Chief, Audio Division, Media Bureau

COMMENTS

Sunburst Media-Louisiana, LLC ("Sunburst") hereby submits its Comments in the above captioned proceeding. See *Notice of Proposed Rule Making (NPRM)*, DA 09-490, released February 27, 2009.¹ In response to a Petition for Rule Making filed by Sunburst, the *NPRM* proposed the substitution of Channel 230A for vacant Channel 242A at Dulac, Louisiana.² In an application simultaneously filed with its Petition for Rule Making, Sunburst proposed to change Station KMYO-FM from Channel 244C3 at Morgan City, Louisiana to Channel 244C2 at Gray, Louisiana. In order to accomplish this change, Sunburst requested the substitution of channels to the vacant Dulac allotment.

The *NPRM* requested that Sunburst address the loss area created by the move of the Dulac vacant allotment. In its Petition for Rule Making, Sunburst noted that this move would result in a net gain in service to 4,255 persons. In the *NPRM*, the FCC noted that its staff engineering analysis revealed that the move would result in a net loss in service to 14,576

¹ Sunburst is concurrently filing a Motion to accept these comments.

² The Commission does not require the filing of an application for the Dulac channel substitution since the proposal does not involve an expression of interest for a new allotment. See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212 (2006). Similarly, because Sunburst is not proposing the allotment of a new channel at Dulac, it is not required to file an expression of continuing interest in these Comments.

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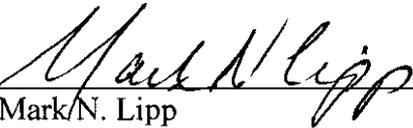
persons. Sunburst's consulting engineer recalculated the loss area and has determined that the proposed change in the reference coordinates needed for the channel change at Dulac would create a net loss in service to 12,860 persons.³ See Exhibit 1. This figure is much closer to that determined by the Commission staff. The attached map depicts the loss and gain area for the site proposed in Sunburst's Petition for Rule Making and should be used to evaluate Sunburst's proposal.

The loss area created by the change to the Dulac allotment should not be evaluated separately from the application of Station KMYO-FM proposing to upgrade the station Channel 244C3 at Morgan City, Louisiana to Channel 244C2 at Gray, Louisiana. This move will (i) provide the community of Gray (2000 U.S. Census pop. 4,958) with its first local transmission service, and (ii) result in a net gain in reception service to 43,971 persons. See Exhibit 2. Thus, when evaluated together, the change of the Dulac vacant allotment and the KMYO-FM change will result in the provision of first local service under priority 3 and an overall net gain in reception service to 31,111 persons. As a result, this proposal will provide a preferential arrangement of allotments. Accordingly, Sunburst respectfully requests that the FCC modify the vacant allotment at Dulac as proposed herein to permit the change proposed in the KMYO-FM application.

³ The Commission has previously granted changes to vacant allotments that create a net loss in service where the overall proposal is in the public interest. See *Meeteetse, Wyoming, et al.*, 23 FCC Rcd 447 (2008) (change of vacant allotment at Salina, Utah created a net loss in service to approximately 2,788 persons).

Respectfully submitted,

SUNBURST MEDIA-LOUISIANA, LLC

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April 27, 2009

EXHIBIT 1

Gain / Loss Analysis, Dulac, LA. 242A Vs. 230A

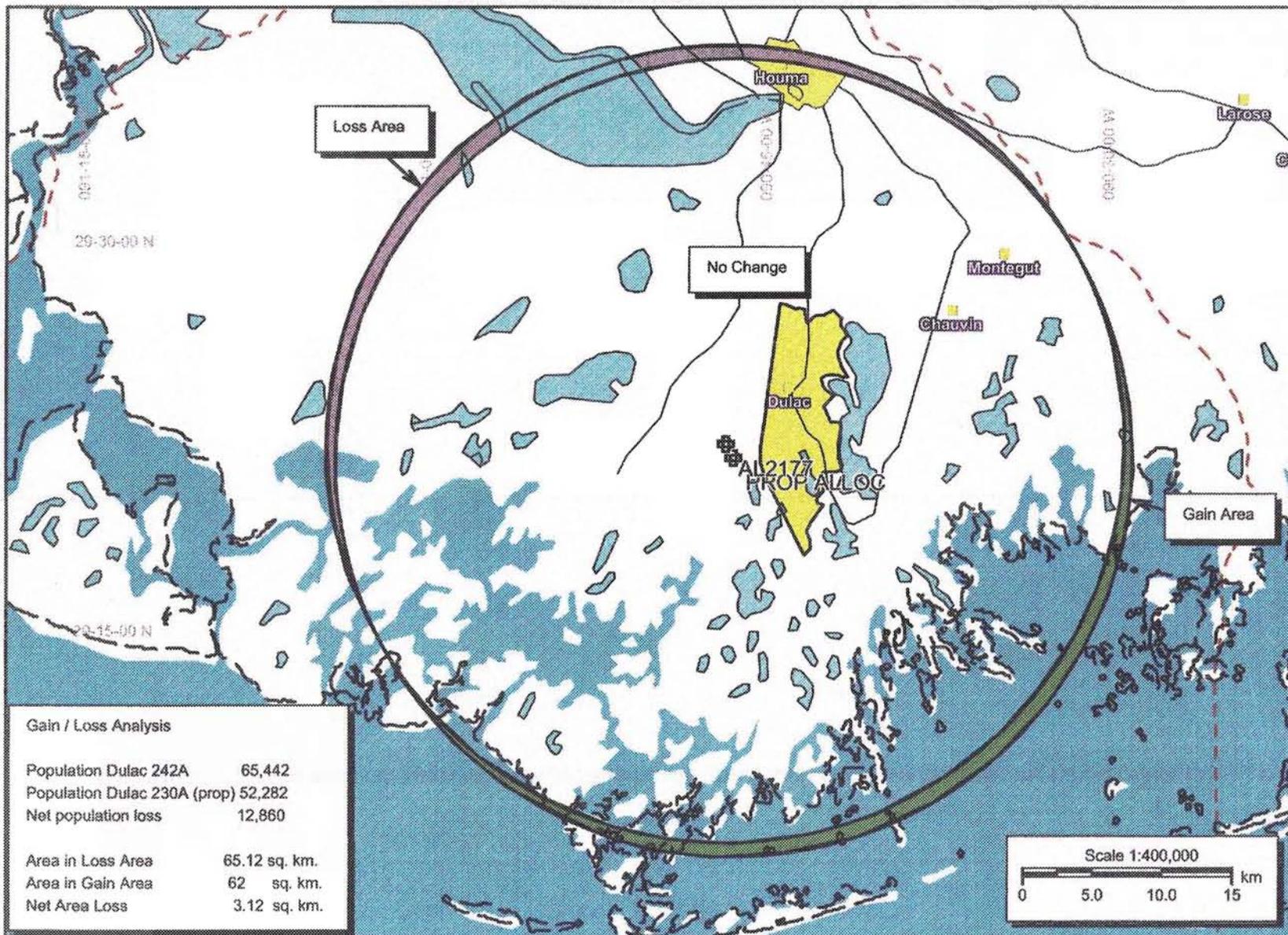
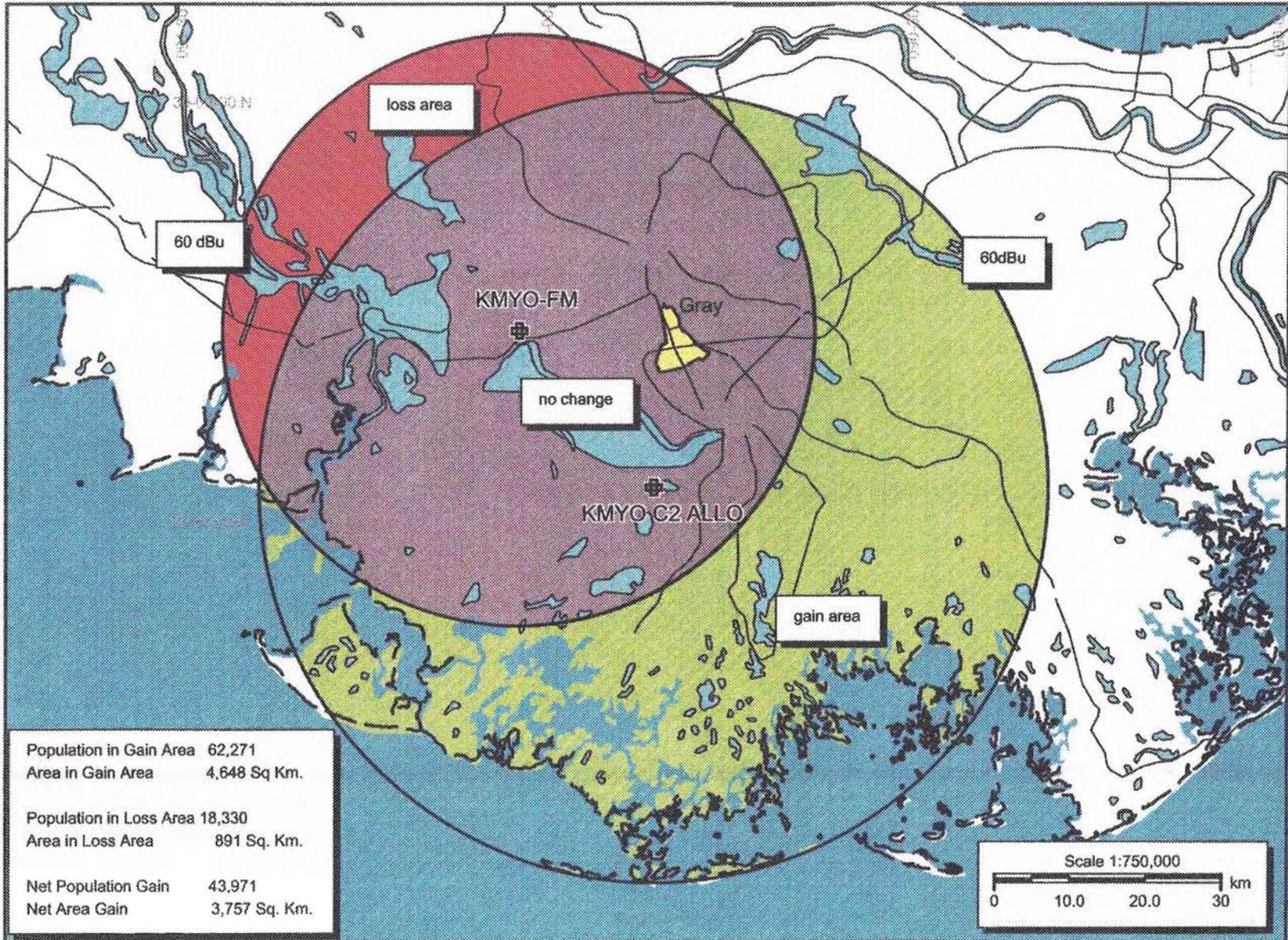


EXHIBIT 2

KMYO Gain / Loss Analysis



CERTIFICATE OF SERVICE

I, Randy Pannell, in the law firm of Wiley Rein LLP, hereby certify that I have on this 27th day of April, 2009, caused to be hand-delivered, a copy of the foregoing "**Comments**" to the following:

Andrew J. Rhodes
Federal Communications Commission
Audio Division, Media Bureau
445 12th Street, SW
Washington, DC 20554



Randy Pannell