

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 11-207
Table of Allotments, FM Broadcast Stations.)	FILED/ACCEPTED
Ehrenberg, First Mesa, Kachina Village,)	RM-11517
Wickenburg, and Williams, Arizona))	
)	
(Ehrenberg, First Mesa, and Kachina Village,)	RM-11518 and
Arizona))	File No. BPH-20080915AFP
)	
(First Mesa and Munds Park, Arizona))	RM-_____ and
)	File No. BPH-20120221_____

FEB 21 2012
Federal Communications Commission
Office of the Secretary

Directed to: Office of the Secretary
Attention: Audio Division, Media Bureau

COUNTERPROPOSAL AND RESPONSE TO ORDER TO SHOW CAUSE

Grenax Broadcasting II, LLC (“Grenax”), by its attorneys, hereby respectfully submits its Counterproposal and Response to Order to Show Cause with regard to the “Notice of Proposed Rule Making and Order to Show Cause” in the above-referenced proceeding, DA 11-2058, released December 23, 2011 (“NPRM”)¹. With respect thereto, Grenax submits that the public interest would be better served by an allotment of Channel 246C2 as a second local service at Munds Park, Arizona, with a substitution of Channel 281C for Channel 247C at First Mesa, Arizona, to accommodate the Munds Park allotment.

The NPRM in this proceeding seeks comments and counterproposals with regard to the mutually exclusive Petition for Rule Making filed by Rocket Radio, Inc. (“Rocket Radio”) and Petition for Rule Making and hybrid application filed by Univision Radio License Corporation

¹ This Counterproposal is timely filed as the comment deadline established in the NPRM fell on a holiday, and this Counterproposal is being filed on the first business day after the holiday.

(“Univision”), licensee of Station KHOV-FM, Wickenburg, Arizona. As set forth in the attached Engineering Statement, Grenax herein advances its Counterproposal to the Rocket Radio and Univision proposals and instead requests that Channel 246C2 be allotted to Munds Park as its second local and first competing service. In order to accommodate that allotment, Grenax also requests that Channel 281C be substituted for vacant Channel 247C at First Mesa.

The attached Engineering Statement demonstrates that Channel 246C2 can be allotted to Munds Park in full compliance with the Commission’s technical rules and policies. Specifically, the proposed allotment is fully spaced, except to the First Mesa allotment for which Grenax has proposed a channel substitution, and the proposed facility would provide greater than 70 dBu coverage to the entire community of Munds Park.

The Commission previously recognized that Munds Park is a community deserving of a first local aural transmission service when it allotted Channel 291A to that community in 1999. *Munds Park, Arizona*, DA 99-769, released April 22, 1999. At that time, the Commission noted that there were numerous business located in Munds Park, many of which used the name “Munds Park” in their business names. In addition, the Commission recognized that Pinewood is a planned community located within Munds Park, and additional businesses and organizations identified themselves with that portion of Munds Park. In the interim that has elapsed since 1999, Munds Park has continued to be home to many organizations, governmental services, a newspaper, and other businesses. Furthermore, while in 1999, Munds Park was not a Census Designated Place (“CDP”), it has achieved CDP status in the interim. Grenax is now proposing to add a second local service, and first competing service, to this thriving community.

In its “Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rule Making” in MB Docket No. 09-52, *Policies to Promote Rural Radio*

Service and to Streamline Allotment and Assignment Procedures, 26 FCC Rcd 2556 (2011) (the “*Rural Radio Order*”) the Commission adopted a rebuttable presumption that when a proposal to serve a community of license will result in a station’s coverage of 50 percent or more of an urbanized area, that proposal is actually for service to the entire urbanized area rather than for the named community. While the proposed Munds Park facility would provide coverage of greater than 50 percent of the Flagstaff urbanized area, the information set forth herein rebuts that presumption and demonstrates that the public interest would be serviced by allotting Channel 246C2 to Munds Park.

In its *Rural Radio Order*, the Commission stated that it did “not intend to erect an insurmountable wall around urbanized areas to prevent all entry by broadcasters seeking to improve service or to serve specific audience segments that may be located in those areas.” *Rural Radio Order*, 26 FCC Rcd at 2570, ¶ 27. Further, the Commission stated that, in order to rebut the urbanized area service presumption, “an applicant may rely on factors, such as ... physical, geographic, or cultural barriers separating the community from the remainder of the urbanized area.” *Rural Radio Order* at 2573, ¶ 30. Here, as the Commission noted in initially allotting a channel, the community of Munds Park is surrounded by the Coconino National Forest, which creates a physical and geographic barrier between it and other communities. In addition, Munds Park is located in a valley and extends up the hills around it. *See* http://en.wikipedia.org/wiki/Munds_Park,_Arizona, visited 02/17/2012.

These geographical barriers serve to separate the community from the larger Flagstaff metropolitan area.

Moreover, the community functions as its own separate entity located outside of the Flagstaff urbanized area and with concerns and interests different from those of the urbanized

area as a whole. While the 2010 U.S. Census population of Munds Park was 631 persons, the Pinewood-Munds Park Guide lists the 2010 population as 3,019. *Pinewood-Munds Park Guide* at 28. Furthermore, there are approximately 3,000 homes in the community. See <http://pinewoodmundsparkguid.com/index.html>, visited 02/17/2012. An explanation of this disparity is that many of the homes are second homes. While the owners of these homes would not be counted as full-time residents, Munds Park's location within easy weekend driving distance of major metropolitan areas is likely to lead to frequent visits. Other residents will spend entire seasons there. Munds Park is only about 124 miles from Phoenix and 19 miles from Flagstaff. Its mountain location makes it a welcome retreat from the heat of summer for residents of the Valley of the Sun and a great jumping-off-place for winter sporting activities. *Pinewood-Munds Park Guide* at 18.

The many seasonal activities reflect Munds Park's spirit as a separate community. Many summer activities center around the Pinewood Country Club, including theatrical performances by local residents, swimming, golf, and tennis. The Fourth of July is celebrated with a community parade and other activities. Later in the year, the Pinewood-Munds Park Fire Department hosts a Halloween party and a Christmas sing-along with Santa, which travels around the community. *Id.* at 17-18.

The community's demographics also are quite different from those of the urbanized area as a whole and lead to further separation of Munds Park as a community. For example, the median age of Munds Park residents is 50.4 years (<http://www.city-data.com/city/Munds-Park-Arizona.html>), while the median age of Flagstaff residents is 26.20 years. http://www.clrsearch.com/Flagstaff_Demographics/AZ/Population-Growth-and-Population-Statistics. Likewise, the population density in Munds Park is 61 people per square mile, in

contrast with Flagstaff, whose population density is 515. *Id.* Furthermore, the different segment of the population which makes up the residents of Munds Park is reflected in the fact that the average household size is 2.1 people, as opposed to 2.6 people for Arizona as a whole. The significantly older age group and greatly less urban setting of the community demonstrate that the needs and interests of Munds Park necessarily will be quite different from those of the Flagstaff urbanized area.

The businesses and organizations of Munds Park reflect that it operates as an autonomous community. As noted above, it has one radio station, and it also has a local newspaper, the *Pinewood News*, to cover the events and issues of Munds Park. As noted above, it is served by the Pinewood-Munds Park Fire Department, and its sanitation needs are handled by Pinewood Sanitation. The community also has its own post office and zip code, 86017. The variety of its businesses reflects a fully-functioning community, as those businesses range from motels (Motel in the Pines) to RV resorts (Munds Park RV Resort) to restaurants (Lone Pine Restaurant & Pub, Pinewood's Pizza & Grill) to beauty salons (Munds Park Beauty Salon) to electrical contractors (Red Desert Electric, Inc.) to painters (Manny's Painting, Jeff's Painting Co.) to pet sitters (Reigning Cats & Dogs). There are three real estate companies located in Munds Park (Carol Woltz & Associates, Foxboro Ranch Estates, LLC, and Mountain Dreams Realty) and a community church (Munds Park Community Church). *Pinewood-Munds Park Community Guide* at 28-37.

Taking all of these matters into consideration, it is clear that Munds Park is its own community, with its own needs and interests which need the coverage of a first competing local station. The proposed facility would provide new service to 119,500 persons, far in excess of the new service to be provided by the Williams proposal, which would provide new service to only

8,405 persons. While Rocket Radio claims that it would provide second service to 417 persons, that amount is *de minimis* (see *Seabrook, Huntsville, et al., Texas*, 10 FCC Rcd 9360 (1992), particularly in comparison to much larger number of people who would receive new service from Grenax's proposal.

Grenax is submitting an application for construction permit for the proposed Munds Park facility simultaneously herewith. If Channel 246C2 is allotted at Munds Park, Grenax will prosecute its application participate in the auction for the facility. If Grenax becomes the permittee, it will promptly construct the facilities authorized.

In sum, Grenax proposes the allotment of Channel 246C2 to Munds Park as the communities second local service and the substitution of Channel 281C for Channel 247C at First Mesa to accommodate this allotment. The community of Munds Park is a separate community, with needs and interests of its own, which is in need of such a first competitive local transmission service.

Respectfully submitted,

GRENAX BROADCASTING II, LLC

By: 
M. Scott Johnson
Anne Goodwin Crump
Christine E. Goepf

Its Attorneys

FLETCHER, HEALD & HILDRETH, P.L.C.
1300 N. 17th Street - Eleventh Floor
Arlington, Virginia 22209
(703) 812-0400

February 21, 2012

BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE
ERIK C. SWANSON, PE

THOMAS S. GORTON, PE
MICHAEL H. MEHIGAN, EIT

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

TELEPHONE (206) 783-9151
FACSIMILE (206) 789-9834
E-MAIL hatdaw@hatdaw.com

JAMES B. HATFIELD, PE
CONSULTANT

MAURY L. HATFIELD, PE
(1942-2009)
PAUL W. LEONARD, PE
(1925-2011)

ENGINEERING STATEMENT

COUNTERPROPOSAL IN MB DOCKET NO. 11-207

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 246C2
FOR USE AT MUNDS PARK, ARIZONA**

**TO SUBSTITUTE FM CHANNEL 281C FOR 247C
FOR USE AT FIRST MESA, ARIZONA**

GRENAX BROADCASTING II, LLC

FEBRUARY 2012

Engineering Statement

This Engineering Statement has been prepared on behalf of Grenax Broadcasting II, LLC ("Grenax") in support of a Counterproposal in MB Docket No. 11-207, requesting that the Commission amend §73.202 of the Commission's Rules to:

- 1) Allot Channel 246C2 at Munds Park, Arizona, as that community's second local service, and;
- 2) Substitute Channel 281C for vacant Channel 247C at First Mesa, Arizona.

Channel 246C2 at Munds Park

As outlined in the attached channel study, Channel 246C2 can be assigned for use at Munds Park in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, assuming that Channel 281C is substituted for Channel 247C at First Mesa. The proposed allotment will provide greater than 70 dBu coverage for all of Munds Park, and will provide a new service to the 119,500 persons (2010 Census) within the 60 dBu contour.

In the context of MB Docket No. 11-207, there are two separate proposals (one by Rocket Radio and one by Univision) which request that an Order to Show Cause be issued to the licensee of FM station KBTK at Kachina Village, regarding an involuntary channel change for that station from Channel 286C2 to Channel 246C2. The instant proposal is being filed as a counterproposal in Docket 11-207, and so it is not necessary for the instant proposal to provide spacing protection to the Kachina Village proposal in that proceeding.¹

This Counterproposal is being filed simultaneous with a Form 301 application to implement Channel 246C2 at Munds Park, as required.

¹ "We recognize that counterproposals may be filed against the Wickenburg Petition's allotment proposals at Ehrenberg, First Mesa, and Kachina Village, because, as rulemaking proposals, they are not cut-off on the day filed." Notice of Proposed Rulemaking and Order to Show Cause, MB Docket No. 11-207, Released December 23, 2011, at Footnote 16.

Channel 281C at First Mesa

In order to accommodate the allotment of Channel 246C2 at Munds Park, it is proposed to substitute Channel 281C for vacant Channel 247C at First Mesa, Arizona. As outlined in the attached channel study, Channel 281C can be assigned for use at First Mesa in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, at the current Channel 247C allotment site coordinates. There will consequently be no change in the First Mesa allotment's service area.

SEARCH PARAMETERS

FM Database Date: 120206

Channel: 246C2 97.1 MHz
 Latitude: 34 58 6
 Longitude: 111 30 29
 Safety Zone: 32 km
 Job Title: MUNDS PARK 246C2

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Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT (m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KWMX-FM1 LIC	FLAGSTAFF AZ	BLFTB-971126TB	244D 96.7	0.100 601.0	DA 35-14-27 111-35-48	345.1	31.29 0.00	0 BOOST
KWMX-FM2 LIC	SEDONA AZ	BLFTB-10821AAT	244D 96.7	0.099 0.0	DA 34-51-11 111-47-01	243.1	28.24 0.00	0 BOOST
KWMX LIC	WILLIAMS AZ	BLH-970609KA	244C2 96.7	10.500 325.0	35-07-52 112-08-03	287.8	59.91 1.91	58 CLOSE
KMXP LIC	PHOENIX AZ	BMLH-941024KC	245C 96.9	100.000 475.0	33-20-03 112-03-36	195.8	188.28 0.28	188 CLOSE
KMXPaux CP	PHOENIX AZ	BXPH-10726ADP	245C 96.9	11.000 264.0	33-35-47 112-05-32	199.5	161.41 0.00	0 AUX
K248BW CP	TUBA CITY AZ	BPFT-10414AAO	245D 96.9	0.250 117.0	35-25-12 111-13-00	27.7	56.70 0.00	0 TRANS
K246AQ LIC	COTTONWOOD AZ	BLFT-70423ABA	246D 97.1	0.010 1224.0	DA 34-41-12 112-07-00	240.8	63.85 0.00	0 TRANS
NEW-T APP	HOLBROOK AZ	BNPFT-30317DVG	246D 97.1	0.115 158.0	34-52-13 110-09-06	94.6	124.42 0.00	0 TRANS
ADD	KACHINA VILLAGE AZ	RM-11427	246C2 97.1	0.000 0.0	34-58-06 111-30-29	0.0	0.00 -190.00	190 SHORT
ADD	KACHINA VILLAGE AZ	RM-11518	246C2 97.1	0.000 0.0	34-58-06 111-30-29	0.0	0.00 -190.00	190 SHORT
K246AA LIC	PRESCOTT AZ	BLFT-931115TE	246D 97.1	0.011 733.0	DA 34-29-20 112-32-15	240.8	108.25 0.00	0 TRANS
K246BI LIC	WINSLOW AZ	BLFT-70806AAT	246D 97.1	0.025 -7.0	35-01-30 110-41-29	84.9	74.82 0.00	0 TRANS
VAC	FIRST MESA AZ	RM-10742	247C 97.3	0.000 0.0	35-41-09 110-21-43	52.2	131.13 -56.87	188 SHORT

SEARCH PARAMETERS

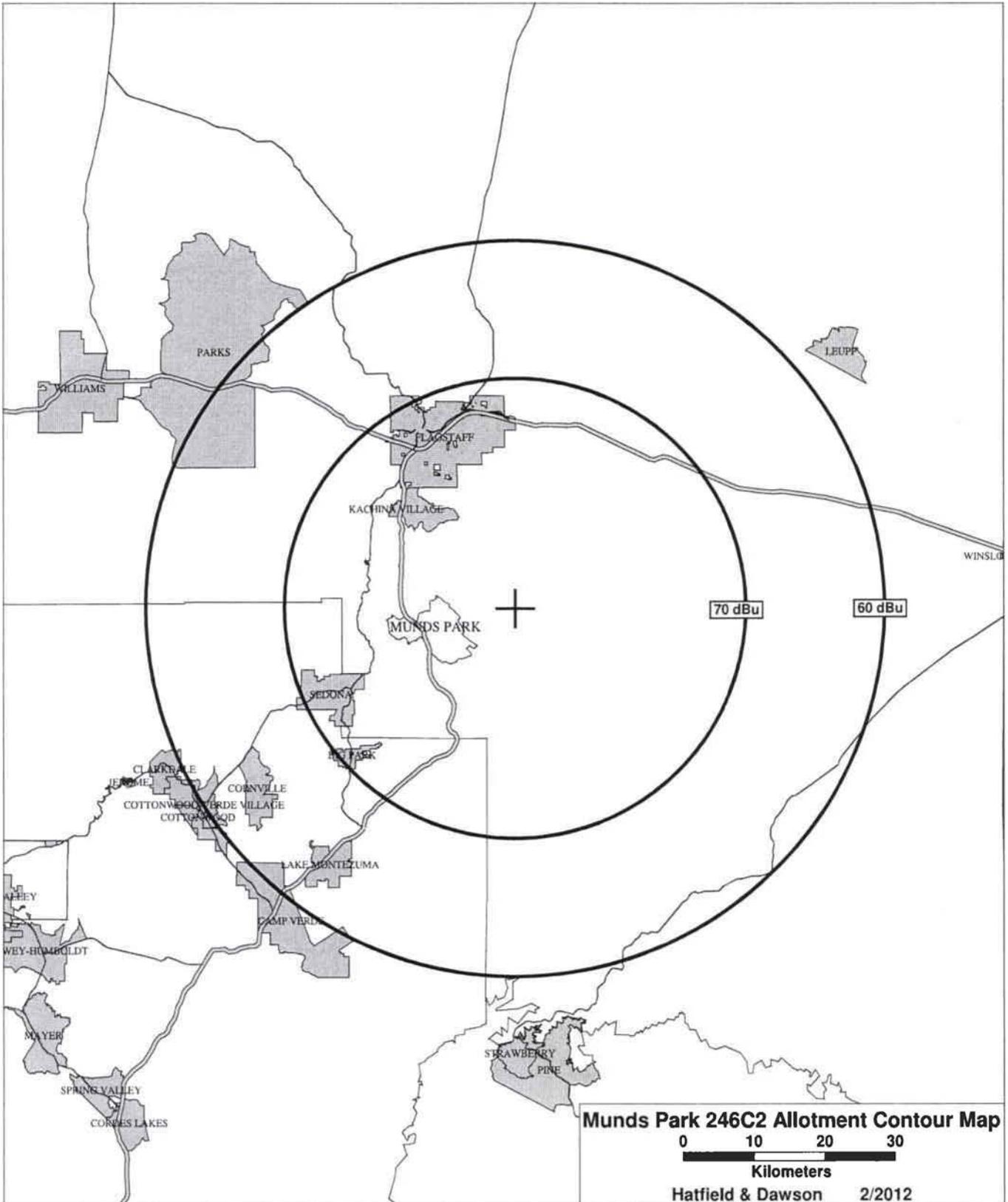
FM Database Date: 120206

Channel: 246C2 97.1 MHz
 Latitude: 34 58 6
 Longitude: 111 30 29
 Safety Zone: 32 km
 Job Title: MUNDS PARK 246C2

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Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
DEL	FIRST MESA AZ	RM-11427	247C 97.3	0.000 0.0	35-41-09 110-21-43	52.2	131.13	188 SHORT
DEL	FIRST MESA AZ	RM-11518	247C 97.3	0.000 0.0	35-41-09 110-21-43	52.2	131.13	188 SHORT
DEL	FIRST MESA AZ	RM-bg-143*	247C 97.3	0.000 0.0	35-41-04 110-21-43	52.2	131.04	188 SHORT
DEL	FIRST MESA AZ	RM-bg-144*	247C 97.3	0.000 0.0	35-41-09 110-21-43	52.2	131.13	188 SHORT
KMVA LIC	DEWEY-HUMBOLDT AZ	BLH-50413ABX	248C 97.5	42.000 849.0	34-14-05 112-22-02	224.2 SS	113.29	105 CLOSE
K248BW LIC	TUBA CITY AZ	BLFT-10412AAB	248D 97.5	0.140 135.0	35-37-03 111-09-16	23.9	78.88	0 TRANS
NEW-T APP	FLAGSTAFF AZ	BNPFT-30317CBC	300D 107.9	0.010 771.0	35-14-33 111-36-37	343.1	31.81	0 TRANS

==== END OF FM SPACING STUDY FOR CHANNEL 246 =====



Munds Park 246C2 Allotment Contour Map

0 10 20 30

Kilometers

Hatfield & Dawson 2/2012

SEARCH PARAMETERS

FM Database Date: 120206

Channel: 281C 104.1 MHz
 Latitude: 35 41 9
 Longitude: 110 21 43
 Safety Zone: 32 km
 Job Title: FIRST MESA 281C

Page 1

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KZGL LIC	FLAGSTAFF AZ	BLH-70806AAV	279C3 103.7	0.560 597.0	35-14-25 111-35-53	246.5	122.61 26.61	96 CLEAR
NEW-T APP	WINSLOW AZ	BNPFT-30317CSW	280D 103.9	0.170 121.0	35-01-25 110-37-38	198.2	77.33 0.00	0 TRANS
ADD	FIRST MESA AZ	RM-11427	281C 104.1	0.000 0.0	35-41-09 110-21-43	0.0	0.00 -290.00	290 SHORT
ADD	FIRST MESA AZ	RM-11518	281C 104.1	0.000 0.0	35-41-09 110-21-43	0.0	0.00 -290.00	290 SHORT
K281BE LIC	FLAGSTAFF AZ	BLFT-00805AKX	281D 104.1	0.018 812.0	35-14-27 111-35-47	246.5	122.45 0.00	0 TRANS
NEW-T APP	SPRINGERVILLE AZ	BNPFT-30317EIG	281D 104.1	0.092 169.0	34-08-17 109-16-10	149.6	198.62 0.00	0 TRANS
KAJM LIC	CAMP VERDE AZ	BLH-80411ABM	282C 104.3	40.000 807.0	34-13-47 112-21-03	228.8 SS	243.09 2.09	241 CLOSE
K284BO LIC	FLAGSTAFF AZ	BLFT-90122ADI	284D 104.7	0.250 DA 794.0	35-14-26 111-35-51	246.5	122.55 0.00	0 TRANS

==== END OF FM SPACING STUDY FOR CHANNEL 281 ====

Statement of Engineer

This Engineering Statement supporting a Counterproposal in MB Docket No. 11-207 has been prepared on behalf of Grenax Broadcasting II, LLC. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and Colorado.

Signed this 17th day of February, 2012.



Erik C. Swanson, P.E.

CERTIFICATE OF SERVICE

I, Deborah N. Lunt, hereby state that copies of the foregoing COUNTERPROPOSAL AND RESPONSE TO ORDER TO SHOW CAUSE were sent, by first class mail, postage prepaid, this 21st day of February, 2012, to the following:

Erwin G. Krasnow, Esq.
Garbey Schubert Barer
1000 Potomac Street, NW
Fifth Floor, Flour Mill Building
Washington, DC 20007-3501
Counsel to Rocket Radio, Inc.

Scott R. Flick, Esq.
Pillsbury Winthrop Shaw Pittman, LLP
2300 N Street, NW
Washington, DC 20037-1128
Counsel to Univision Radio License Corporation



Deborah N. Lunt