

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

| | | |
|--|---|---------------------------|
| In re Applications of |) | |
| |) | |
| ALPHA MEDIA LICENSEE, LLC |) | File No. BNPH-20151013AIK |
| |) | File No. BMPH-20171109ACR |
| For Construction Permit for a New FM Broadcast |) | |
| Station, KTLH, at Hallsville, Texas and for |) | |
| Modification of Construction Permit for |) | |
| KTLH(FM) Hallsville, Texas |) | |

PETITION FOR RECONSIDERATION/INFORMAL OBJECTION

Reynolds Radio, Inc. (“Reynolds”), by its attorneys, hereby seeks reconsideration of the grant of a construction permit for a new FM broadcast station at Hallsville, Texas, now assigned call letters KTLH, to Alpha Media Licensee, LLC (“Alpha”) and objects to Alpha’s above-captioned application for modification of the KTLH construction permit. With respect thereto, the following is submitted:

Reynolds is the licensee of KAPW, KAZE, and KBLZ, all of which are licensed to communities in the Tyler-Longview radio market. In light of this fact, Reynolds is a competitor of Alpha in that market and is a future competitor of KTLH. While Reynolds did not oppose the initial application for construction permit filed by Alpha, a recent change in circumstances demonstrates that one of the representations made by Alpha in its application is no longer true. Furthermore, it is clear that Alpha’s construction and operation of KTLH will place it out of compliance with the Commission’s multiple ownership rules. Accordingly, the public interest requires that the Commission accept and consider this petition for reconsideration.

The change in circumstances referenced above is Alpha’s filing of its application for modification of the KTLH construction permit to which Reynolds is now objected. That

modification application proposes a change in transmitter location and an increase in effective radiated power above that approved in its initially granted construction permit. In its application for an initial construction permit, Alpha specifically stated in Exhibit 36 that the 70 dBu contour proposed Hallsville facilities “will not cover more than 50% of any urbanized area.” Clearly, this fact was of significance to the Commission in deciding whether to approve a change in the KTLH proposed community of license. This statement, upon which the Commission relied in granting the KTLH application at Hallsville, is no longer true, however. Attached hereto is an exhibit which demonstrates that the proposed new 70 dBu coverage area of KTLH encompasses well more than 50 percent of the Longview Urbanized Area. Indeed, KTLH will serve approximately 85 percent of the population and 75.4 percent of the area of the Longview Urbanized Area. At the very least, grant of the KTLH permit should be rescinded and reconsidered in light of this new information. Moreover, the fact that, within 30 days of the construction permit’s grant, Alpha located a new location that would take KTLH from covering less than 50 percent to well more than 50 percent of the Longview Urbanized area raises questions concerning Alpha’s level of candor in making its assertion as to Urbanized Area coverage in its application for an initial construction permit.

Furthermore, it is clear that the proposed ownership and operation of KTLH will result in a violation of the Commission’s multiple ownership rules. Alpha has stated that KTLH is licensed to a community which is outside of the Tyler-Longview market. It is clear, however, that this statement is factual only because KTLH is a new station which has never been on the air and thus could never have been included in any market as yet.

While Reynolds recognizes that the Commission has indicated that drawing conclusions about the market in which a new station will be included can be speculative, KTLH’s market

placement is quite clear. Attached hereto as Exhibit 2 is a contour map attached to the KTLH modification application to depict the overlapping contours of co-owned Alpha stations and other stations in the market. From this map, it is clear that the signal contour of KTLH is entirely contained within the KYKX contour. Attached hereto as Exhibit 3 is a listing of stations located in the Tyler-Longview market. Included among those stations is KYKK. Because of the fact that KTLH is placed entirely within the contour of an in-market station, and because it covers the majority of the Urbanized Area of the one the cities which comprises the market, it is entirely clear that KTLH will be in the Tyler-Longview market as soon as it begins operations.

Exhibit 3 also demonstrates that, aside from KTLH, Alpha owns four stations in the Tyler-Longview market. These are KKUS, Tyler, Texas; KOOI, Jacksonville, Texas; KOYE, Frankston, Texas; and KYKX, Longview, Texas, all of which are FM stations. Further, as shown in Exhibit 3, the Tyler-Longview market has a total of 34 stations in the market. Pursuant to Section 73.3555(a)(ii), in a market with between 30 and 44 stations, one party may own up to four stations in the same service. 47 C.F.R. §73.3555(a)(ii). Once KTLH begins broadcast operations, Alpha will have five stations in the Tyler-Longview market, one more than the maximum number allowable. It is clear that Alpha is seeking to skirt the multiple ownership rules by obtaining a modification of its construction permit for KTLH before it begins operation so that it will not yet be listed in any market report. Such clear attempts to evade FCC rules and policies are contrary to the public interest and must not be allowed to succeed. Moreover, the transparent attempt at manipulation reeks of a lack of candor.

WHEREFORE, the premises considered, Reynolds respectfully requests that the grant of the KTLH construction permit be rescinded and reconsidered and that the KTLH modification application be dismissed or denied.

Respectfully submitted,

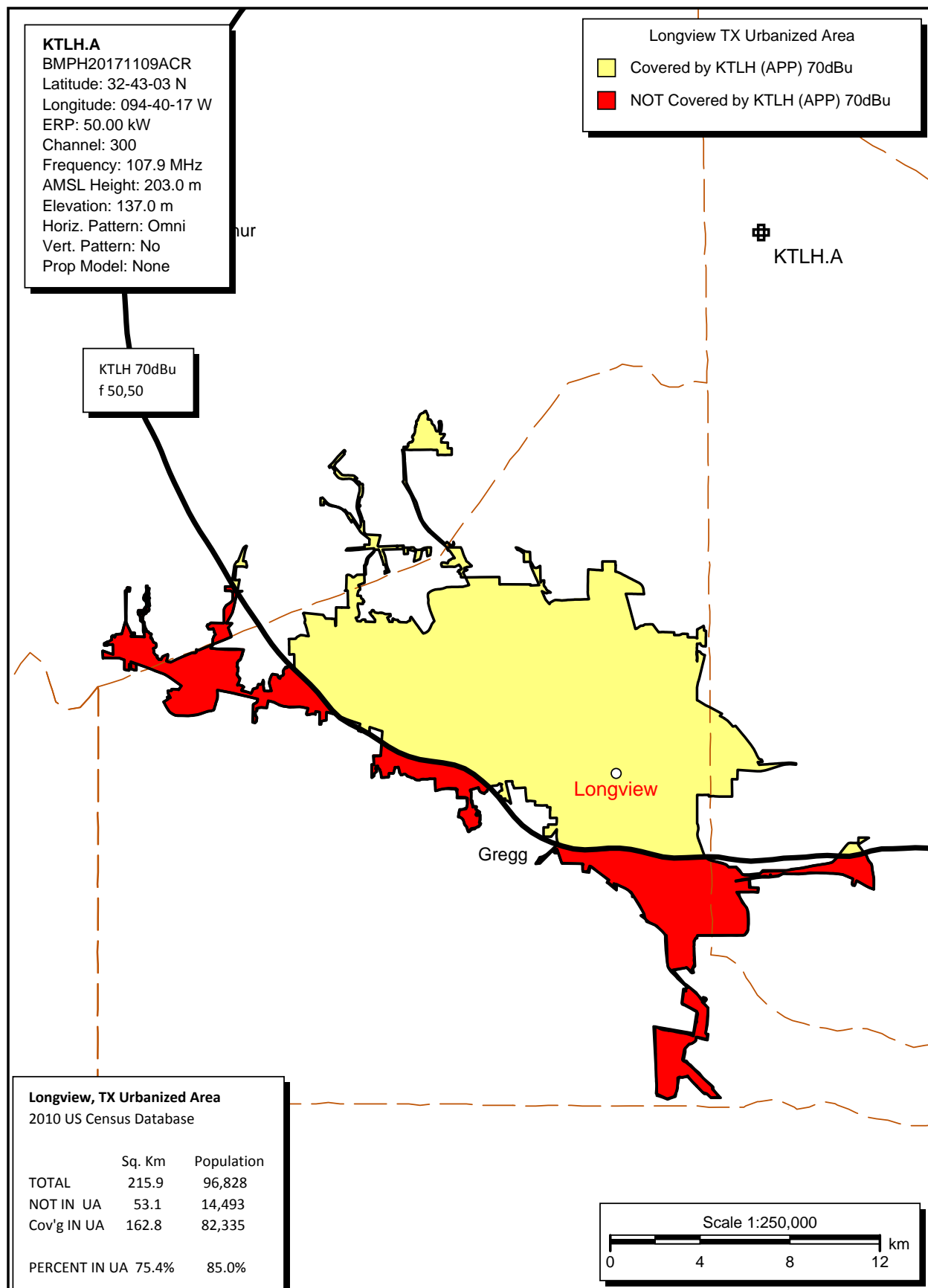
REYNOLDS RADIO, INC.

By: /s/
Anne Goodwin Crump

Its Attorney

Exhibit 1

KTLH 70dBu Longview, TX, Urbanized Area Coverage



KTLH 70dBu Longview, TX, Urbanized Area Coverage

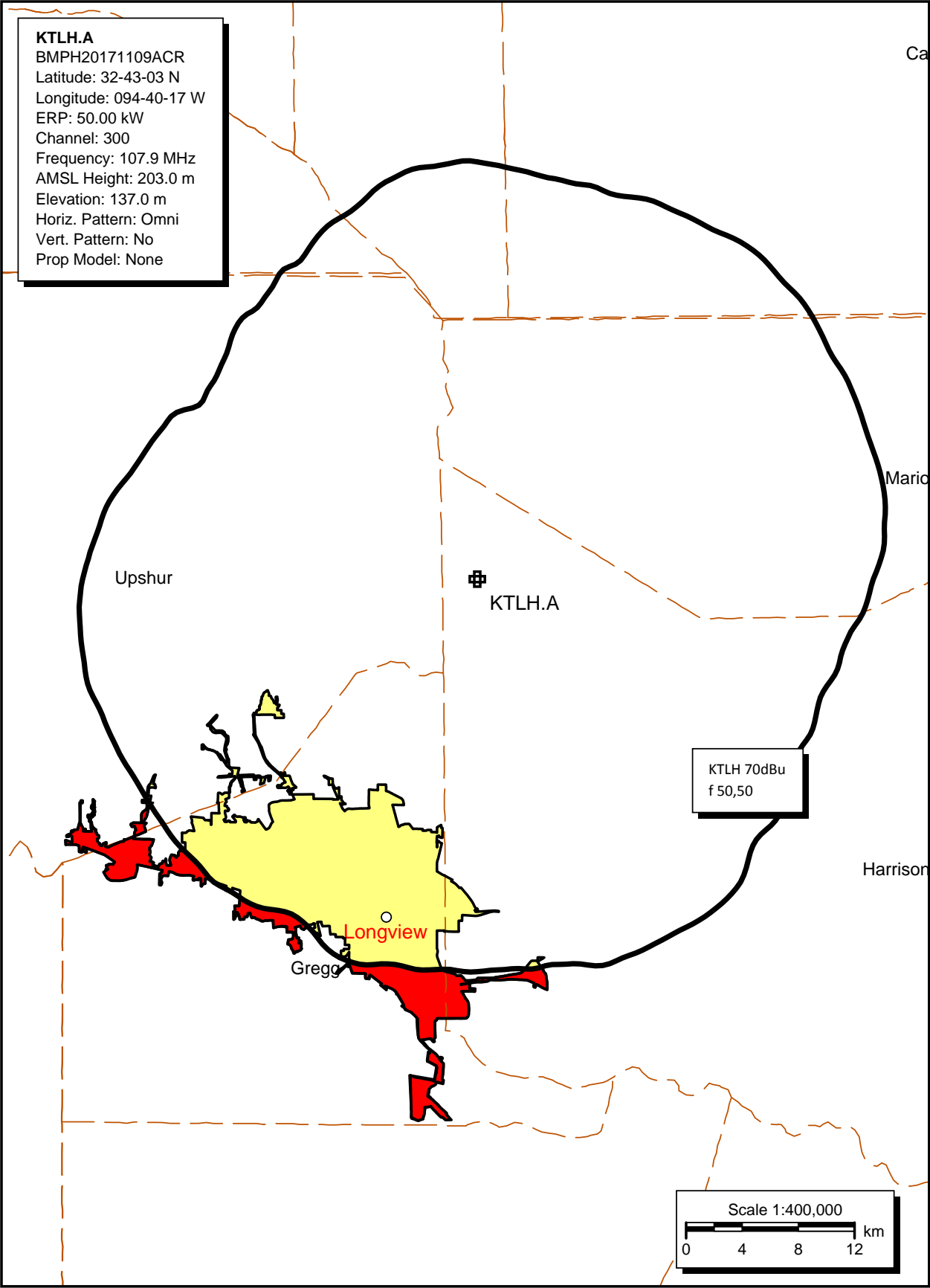


Exhibit 2

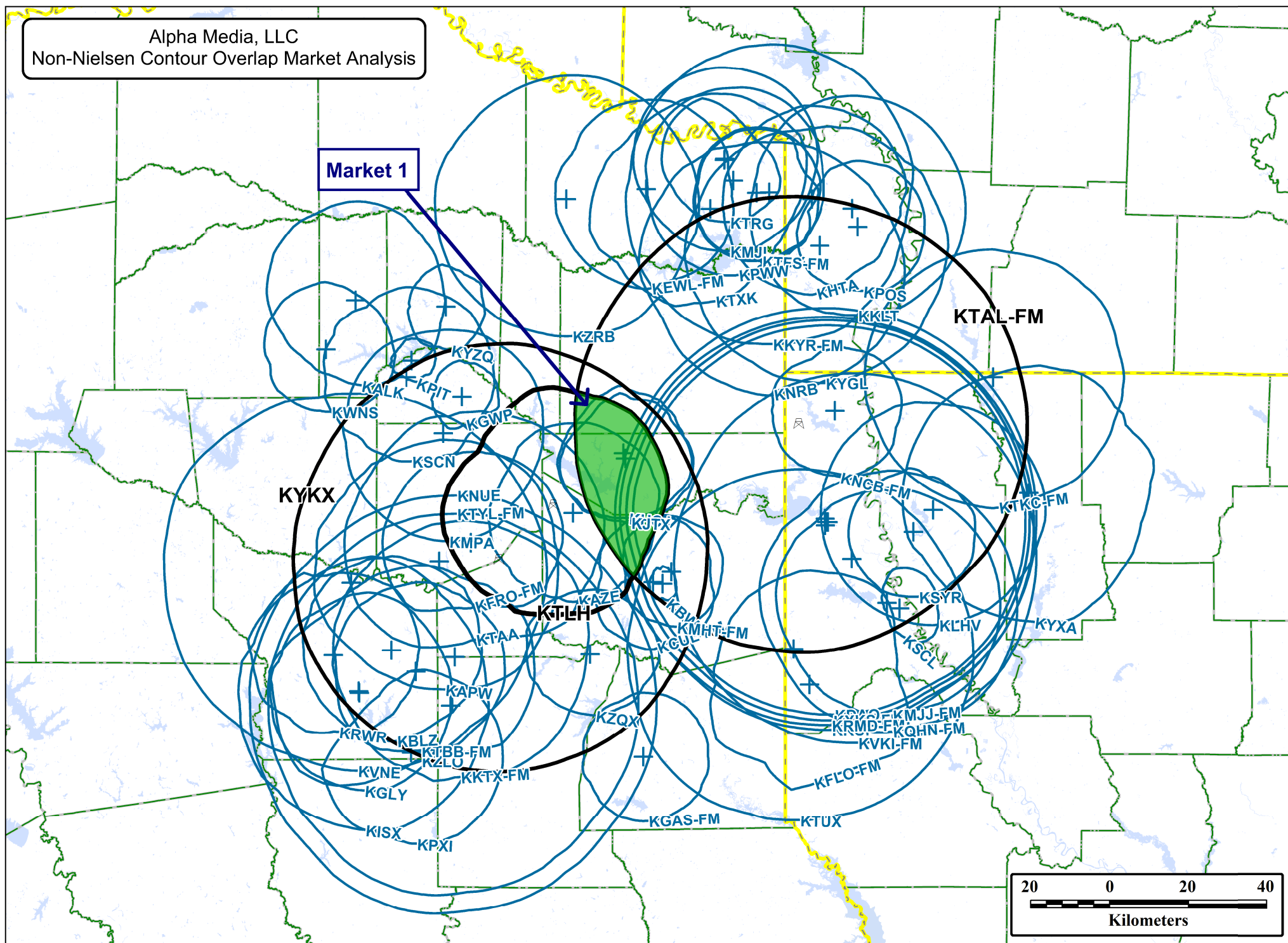


Exhibit 3

FCC Geographic Market Definition for Tyler-Longview, TX

| Call Letters | AM/FM | Freq | Type Station | Format | Home Market | Market Designtn Date | Home Mkt Rank | Owner | City & State of License | County of License |
|--------------|-------|-------|--------------|-------------|--------------------|----------------------|---------------|--|-------------------------|-------------------|
| KAPW | FM | 99.3 | C | Mexican | Tyler-Longview, TX | 07/02/2003 | 142 | Reynolds Radio Inc | White Oak, TX | Gregg |
| KAZE | FM | 106.9 | C | Rhymc/CHR | Tyler-Longview, TX | 07/02/2003 | 142 | Reynolds Radio Inc | Ore City, TX | Upshur |
| KBJS | FM | 90.3 | NC | Chrst/Talk | Tyler-Longview, TX | 07/02/2003 | 142 | East Texas Media Association Inc | Jacksonville, TX | Cherokee |
| KBLZ | FM | 102.7 | C | Rhymc/CHR | Tyler-Longview, TX | 07/02/2003 | 142 | Reynolds Radio Inc | Winona, TX | Smith |
| KCUL | FM | 92.3 | C | Mexican | Tyler-Longview, TX | 01/26/2006 | 142 | Access.1 Communications Corp | Marshall, TX | Harrison |
| KDOK | AM | 1240 | C | Clsc Hits | Tyler-Longview, TX | 07/02/2003 | 142 | Chalk Hill Communications LLC | Kilgore, TX | Gregg |
| KEBE | AM | 1400 | C | Oldes/AdStd | Tyler-Longview, TX | 07/02/2003 | 142 | Witkovski, Richard | Jacksonville, TX | Cherokee |
| KEES | AM | 1430 | C | Gospel | Tyler-Longview, TX | 07/02/2003 | 142 | Salt of the Earth Broadcasting Inc | Gladewater, TX | Gregg |
| KFRO | AM | 1370 | C | DARK | Tyler-Longview, TX | 07/02/2003 | 142 | RCA Broadcasting LLC | Longview, TX | Gregg |
| KFRO | FM | 95.3 | C | DARK | Tyler-Longview, TX | 07/02/2003 | 142 | Waller Media LLC | Gilmer, TX | Upshur |
| KGLD | AM | 1330 | C | Gospel | Tyler-Longview, TX | 07/02/2003 | 142 | Salt of the Earth Broadcasting Inc | Tyler, TX | Smith |
| KGLY | FM | 91.3 | NC | Inspiration | Tyler-Longview, TX | 07/02/2003 | 142 | Educational Radio Foundation of East Texas Inc | Tyler, TX | Smith |
| KGWP | FM | 91.1 | NC | Span/Relgn | Tyler-Longview, TX | 11/04/2004 | 142 | Andres Serranos Ministries Inc | Pittsburg, TX | Camp |
| KISX | FM | 107.3 | C | Urban AC | Tyler-Longview, TX | 07/02/2003 | 142 | Townsquare Media Incorporated | Whitehouse, TX | Smith |
| KKTX | FM | 96.1 | C | Rock | Tyler-Longview, TX | 07/02/2003 | 142 | Townsquare Media Incorporated | Kilgore, TX | Gregg |
| KKUS | FM | 104.1 | C | Country | Tyler-Longview, TX | 07/02/2003 | 142 | Alpha Media | Tyler, TX | Smith |
| KLJT | FM | 102.3 | C | DARK | Tyler-Longview, TX | 07/02/2003 | 142 | Waller Media LLC | Jacksonville, TX | Cherokee |
| KMPA | FM | 103.1 | C | DARK | Tyler-Longview, TX | 07/02/2003 | 142 | Waller Media LLC | Pittsburg, TX | Camp |
| KNUE | FM | 101.5 | C | Country | Tyler-Longview, TX | 07/02/2003 | 142 | Townsquare Media Incorporated | Tyler, TX | Smith |
| KOOI | FM | 106.5 | C | Adult Hits | Tyler-Longview, TX | 07/02/2003 | 142 | Alpha Media | Jacksonville, TX | Cherokee |
| KOYE | FM | 96.7 | C | Mexican | Tyler-Longview, TX | 07/02/2003 | 142 | Alpha Media | Frankston, TX | Anderson |
| KPXI | FM | 100.7 | C | Country | Tyler-Longview, TX | 07/02/2003 | 142 | Hanszen Broadcast Group Inc | Overton, TX | Rusk |
| KRWR | FM | 92.1 | C | Sports | Tyler-Longview, TX | 07/02/2003 | 142 | Gleiser Communications LLC | Tyler, TX | Smith |
| KTBB | AM | 600 | C | News/Talk | Tyler-Longview, TX | 07/02/2003 | 142 | Gleiser Communications LLC | Tyler, TX | Smith |
| KTBB | FM | 97.5 | C | News/Talk | Tyler-Longview, TX | 07/02/2003 | 142 | Gleiser, Paul | Troup, TX | Smith |
| KTLU | AM | 1580 | C | Clsc Hits | Tyler-Longview, TX | 07/02/2003 | 142 | Lewis County Press LLC | Rusk, TX | Cherokee |
| KTYL | FM | 93.1 | C | Adult CHR | Tyler-Longview, TX | 07/02/2003 | 142 | Townsquare Media Incorporated | Tyler, TX | Smith |
| KVNE | FM | 89.5 | NC | ChrsContem | Tyler-Longview, TX | 07/02/2003 | 142 | Educational Radio Foundation of East Texas Inc | Tyler, TX | Smith |
| KYKX | FM | 105.7 | C | Country | Tyler-Longview, TX | 07/02/2003 | 142 | Alpha Media | Longview, TX | Gregg |
| KYYK | FM | 98.3 | C | Country | Tyler-Longview, TX | 08/02/2003 | 142 | Tomlinson-Leis Communications LP | Palestine, TX | Anderson |
| KYZS | AM | 1490 | C | Span/Sprts | Tyler-Longview, TX | 07/02/2003 | 142 | Gleiser Communications LLC | Tyler, TX | Smith |
| KZLO | FM | 88.7 | NC | ChrsContem | Tyler-Longview, TX | 07/02/2003 | 142 | Educational Media Foundation | Kilgore, TX | Gregg |
| KZQX | FM | 100.3 | C | Oldes/AdStd | Tyler-Longview, TX | 07/02/2003 | 142 | Chalk Hill Communications LLC | Tatum, TX | Rusk |
| KZXM | FM | 94.3 | C | DARK | Tyler-Longview, TX | 03/28/2012 | 142 | Waller Media LLC | Bullard, TX | Smith |

"C" - Commercial Station; "NC" - Non Commercial Station

"p" indicates pending sale to owner listed

FCC Geographic Market Definition for Tyler-Longview, TX

| Call Letters | AM/ FM | Freq | Type Station | Format | Home Market | Market Designtn Date | Home Mkt Rank | Owner | City & State of License | County of License |
|-----------------|-----------|------|-----------------|--------|-------------|----------------------------|---------------------|-------|----------------------------|----------------------|
|-----------------|-----------|------|-----------------|--------|-------------|----------------------------|---------------------|-------|----------------------------|----------------------|

Number of Stations in Geographic Market 34

Previous Stations in Geographic Market

CERTIFICATE OF SERVICE

I, Anne Goodwin Crump, hereby certify that a true and correct copy of the foregoing
“Petition for Reconsideration/Informal Objection” was sent on this 15th day of November, 2017,
via electronic mail (e-mail), to the following:

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/s/
Anne Goodwin Crump