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CARRIE A. WARD
ASSOCIATE COUNSEL

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July 15, 2013

VIA FEDERAL EXPRESS

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re **Reply to Opposition to Petition for Reconsideration
Application of Community Broadcasting, Inc.
Station KCVW(FM), Kingman, KS (Facility ID No. 6506)
(File No. BPED-20111214ABT)**

Dear Ms. Dortch:

On behalf of Entercom Wichita License, LLC ("**Entercom**") licensee of station KDGS(FM), Andover, Kansas (Facility ID No. 70266) ("**KDGS**"), enclosed is an original and four copies of Entercom's Reply to Opposition to Petition for Reconsideration in the above-referenced manner.

The undersigned counsel is authorized to represent that neither the licensee nor any party holding an attributable interest in the licensee is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 USC Section 862.

Kindly date stamp the enclosed additional copy of this filing acknowledging its receipt by your office and return it to me in the enclosed self-addressed stamped envelope. If any additional information is desired in connection with this matter, please contact the undersigned.

Respectfully submitted,

Carrie Ward

Enclosure

JUL 16 2013

FCC Mail Room

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

In re Application of:

COMMUNITY BROADCASTING, INC.) File No. BPED-20111214ABT
Station KCVW(FM), Kingman, Kansas) Facility ID No. 6506
)
For Minor Changes)

To: The Office of the Secretary
Forward to: Chief, Audio Division, Media Bureau

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

Entercom Wichita License, LLC (“Entercom”), licensee of station KDGS(FM), Andover, Kansas (Facility ID No. 70266) (“KDGS”), respectfully submits a reply to Community Broadcasting Inc.’s (“Community”) Opposition to Petition for Reconsideration (the “Opposition”) of the Audio Division’s grant of the above-referenced application (the “Application”). In reply to Community’s Opposition, Entercom submits the following:

Community incorrectly relies on *Skytower Communications—94.3, LLC*, 25 FCC Rcd 13204 (Audio Div. 2010) (“*Skytower*”) to support its use of Point-to-Point methodology (“PTP”) to demonstrate compliance with Section 73.315 of the Commission’s rules with respect to community of license coverage.¹ *Skytower* is not on point with the case at hand. The facts in *Skytower* surround a licensee that relocated its main studio location, without prior Commission approval, outside of the station’s principal community contour (as calculated using the standard contour prediction method specified in Section 73.313 of the Commission’s rules) that was more

¹ See Community’s Opposition to Entercom’s Petition for Reconsideration filed July 10, 2013 at pages 2 and 4.

than twenty-five miles from the center of the station's community of license.² One of the main issues addressed by the Audio Division in *Skytower* was whether or not the licensee proved that the terrain in question departed widely from the norm to support the use of a supplemental showing to demonstrate compliance with Section 73.1125 of the Commission's rules.³ In *Skytower*, the licensee utilized a Longley-Rice propagation methodology as its supplemental showing and argued that Longley-Rice is a "favored method used in Section 73.313(e) showings..."⁴ The Audio Division did note that "the Commission has no favored or standard method for supplemental coverage analyses submitted in connection with main studio locations..."⁵ The Audio Division ultimately concluded that the licensee could use its Longley-Rice supplemental showing because the terrain along the propagation path from station's transmitter site to the station's relocated main studio departed widely from the norm and the licensee's supplemental showing satisfied Section 73.1125. However, nothing in the *Skytower* case supports the use of PTP in a supplemental community of license showing.

The facts here could not be any more different than the facts in *Skytower*. Here, Community used a supplemental showing to demonstrate compliance with the community of license coverage requirements in Section 73.315 of the Commission's rules—not main studio location requirements of Section 73.1125. Unlike the issue in *Skytower*, the issue here is not whether Community is entitled to use a supplemental showing because the terrain does not depart greatly from the norm. To the contrary, the issue here is that Community submitted a supplemental showing using the PTP methodology, which has not been approved for use by the

² *Id.* at page 13205.

³ *Id.* at page 1306.

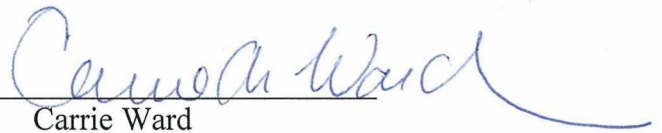
⁴ *Id.* at page 1311 n.57.

⁵ *Id.*

Commission and does not take into account the local terrain obstructions outside of Kingman, Kansas.⁶

WHEREFORE, for this matter and all of the other matters submitted in Entercom's Petition for Reconsideration, the Media Bureau must reconsider its May 28, 2103 Letter Decision, deny Community's Application, and reverse the change of channel ordered for KDGS..

Respectfully submitted,

By: 

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July 15, 2013

⁶ *Streamlining of Radio Technical Rules*, 15 FCC Rcd 21649, 21652-53 (Comm. 2000).

CERTIFICATE OF SERVICE

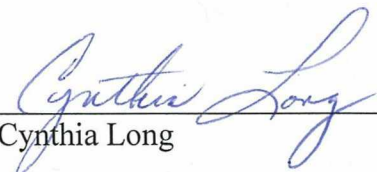
I, Cynthia Long, an assistant at Entercom Communications Corp., do hereby certify that on July 15, 2013 that a true copy of Entercom Wichita License, LLC's Reply to Opposition to Petition for Reconsideration was sent via United States First Class Mail, postage prepaid, to the following:

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Overland Park, KS 66212

Niemeyer Communications LLC
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Driftwood, TX 78619

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Cynthia Long