

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-271
Table of Allotments,)	RM-9696
FM Broadcast Stations.)	RM-9800
(Boulder City, Nevada, Bullhead City, Lake)	
Havasu City, Kingman, Dolan Springs, and)	
Mohave Valley, Arizona, and Ludlow,)	
California) ¹)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 7, 2000

Released: June 16, 2000

By the Chief, Allocations Branch:

1. At the request of Centennial Broadcasting Licensee, LLC ("petitioner"), licensee of Station KSTJ, Boulder City, Nevada, the Commission has before it the Notice of Proposed Rule Making and Orders to Show Cause, 15 FCC Rcd 6660 (1999), proposing the substitution of Channel 274C for Channel 288C2 at Boulder City and the modification of Station KSTJ's license to specify operation on the higher powered channel. To accommodate the allotment at Boulder City, the Notice also proposed the following channel substitutions and license modifications: (1) substitute Channel 289C for Channel 274C at Bullhead City, Arizona, and modify the license of Station KFLG-FM; (2) substitute Channel 272C2 for Channel 224C2 at Lake Havasu City, Arizona, and modify the license of Station KJJJ; (3) substitute Channel 224C1 for Channel 290C1 at Kingman, Arizona, and modify the license of Station KRCY; and (4) substitute Channel 273A for Channel 289A at Ludlow, California, and modify the license of Station KDUQ. Comments were filed by the petitioner and Tele-Media Company of Southern California ("Tele-Media"), licensee of Station KDUQ, Ludlow.² In addition, a counterproposal was filed by Mag Mile Media, L.L.C. ("Mag Mile"), licensee of Station KFLG-FM, Bullhead City.³ Reply comments were filed by the petitioner and Mag Mile.

2. Mag Mile counterproposes that its station, KFLG-FM, be licensed to Dolan Springs, Arizona, instead of its present Bullhead City, and that Channel 272A be allotted to Mohave Valley, Arizona, as each community's first local aural service. Bullhead City would retain local aural service

¹ The communities of Dolan Springs and Mohave Valley, AZ, have been added to the caption.

² After the record closed, Tele-Media filed a request that its Comments opposing the substitution of channels at Ludlow and the modification of Station KDUQ(FM)'s license accordingly. We will grant Tele-Media's request and consider it to have consented to the channel substitution and modification of its license as set forth in the Notice.

³ Public Notice of the filing of the counterproposal was given on January 11, 2000, Report No. 2378.

from AM Stations KBAS and KFLG(AM). It states that Dolan Springs is a community for allotment purposes, with a 1990 U.S. Census population of 1,090 people, post office and zip code (86441). In addition, Mag Mile submits that Dolan Springs has its own fire department, library, Chamber of Commerce, churches, school, bank, water company, local newspaper, medical facilities and local businesses, such as the Double D Market, Ace Hardware and Dolan Springs Unique Gifts. Further, according to Mag Mile, Dolan Springs has social and fraternal organizations such as local chapters of the Veterans of Foreign Wars and American Legion. Finally, it states that Dolan Springs is not located in or near an Urbanized Area.

3. As to the attributes of Mohave Valley, Mag Mile points out that the community is listed in the 1990 U.S. Census and attributed with a population of 6,962 persons. In addition, it has its own zip code, fire district, elementary, middle and high school, as well as a campus of the Mohave Community College. Mag Mile states that the community has a branch of the Mohave County library, two churches, the Mohave Valley Raceway, as well as numerous businesses.

4. In addition to providing two communities with their first local aural services, Mag Mile states that the reallocation of Station KFLG-FM from Bullhead City to Dolan Springs will enable the station to provide service to 640,953 people within a 26,128 square kilometer area, or an increase of 562,620 people within an additional 1,161 square kilometer service area. It recognizes that this will result in a loss of service by 7,189 people, but contends that this loss is mitigated by the fact that the entire loss area will continue to receive at least two fulltime aural services. In support, it cites Earle, Pocahontas and Wilson, Arkansas and Como and New Albany, Mississippi, 10 FCC Rcd 8270 (1995), and Huntsville and Willis, Texas, 10 FCC Rcd 3329 (1995).

5. In reply comments, petitioner states that both requests can be accommodated. Specifically, it states that Channel 240A in lieu of Channel 272A can be allotted to Mohave Valley and Channel 289C, as originally proposed, can be allotted to Dolan Springs. Mag Mile, in its reply comments, consents to petitioner's alternate channel proposal and reiterates its intention to apply for both Channel 289C at Dolan Springs and Channel 240A at Mohave Valley, and promptly construct the facilities upon grant of the construction permit.⁴

6. Based on the record before us, we find that the public interest would be served by substituting Channel 274C for Channel 288C2 at Boulder City and modifying the license of Station KSTJ to specify the higher powered channel since it could provide service to an area 250 times larger than at present and thus serve a greater population. In accordance with Section 1.420 of the Commission's Rules, interested parties were given an opportunity to file a competing expression of interest in Channel 274C at Boulder City. However, no such expression was received. We will also adopt the channel substitutions proposed in the Notice for Bullhead City, Kingman and Lake Havasu City, Arizona, and Ludlow, California, and modify the respective station licenses. Having found that the allotment of Channel 274C at Boulder City serves the public interest, we now turn to Mag Mile's

⁴ Mag Mile states that it has not withdrawn its expression of interest in the channels proposed in its counterproposal in exchange for any financial consideration and that neither Mag Mile nor any of its principals have received or will receive any money or other consideration in exchange for the withdrawal of that proposal.

counterproposal. Having carefully reviewed the record before us, we also find that the allotment of a first local aural service at Dolan Springs would result in a preferential arrangement of allotments since it would further a higher allotment priority and not deprive Bullhead City of its sole local aural service.⁵ A staff engineering review shows that the reallocation of Channel 289C to Dolan Springs will not create any white area (no fulltime aural service) but would result in the creation of a gray area (one fulltime aural service) affecting 85 people within a 1,915 square kilometer area. However, the allotment at Dolan Springs will eliminate a white area consisting of 413 people within a 1,559 square kilometer area and a gray area with 2,432 people within a 5,549 square kilometer area. Therefore, while we are concerned with the loss of an existing service, especially one which results in the creation of an gray area, we find that this fact is mitigated by the provision of a first and second fulltime aural service to a substantially greater population. The staff engineering study also confirms that Dolan Springs is not located within any Urbanized Area and its 70 dBu signal will cover less than ten percent of the Las Vegas, Nevada, Urbanized Area. Further, we believe that Mag Mile has presented sufficient information demonstrating that Dolan Springs is a community for allotment purposes. We will also allot Channel 240A to Mohave Valley, Arizona, as its first local aural service. We find that Mag Mile has sufficiently demonstrated that it is a community for allotment purposes.

7. As stated in the Notice, whenever an existing licensee or permittee is ordered to change frequencies in order to accommodate a new channel allotment, Commission policy requires the benefiting party to reimburse the licensee of the affected station for the reasonable costs associated with the frequency change. To this end, petitioner has stated its commitment to such reimbursement. With the withdrawal of Tele-Media's opposition to the modification of its Ludlow station, and the adoption of Mag Mile's counterproposal, albeit with alternate channels, all of the affected stations are deemed to have consented to their respective channel changes.

Technical Summary

8. Channel 274C can be allotted to Boulder City in compliance with the Commission's minimum distance separation requirements at Station KSTJ's presently licensed transmitter site.⁶ Channel 289C can be allotted to Dolan Springs with a site restriction of 27 kilometers (17 miles) north to accommodate Mag Mile's desired transmitter site. Channel 272C2 can be allotted to Lake Havasu City at Station KJJJ's licensed transmitter site. Channel 224C1 can be allotted to Kingman at Station KRCY's licensed transmitter site. Channel 240A can be allotted to Mohave Valley without the imposition of a site restriction. Channel 273A can be allotted to Ludlow at Station KDUQ's licensed transmitter site.⁷ Mexican concurrence in the allotments at Kingman, Lake Havasu City, Arizona and

⁵ The allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local aural service; and (4) other public interest matters. Priorities (2) and (3) are given co-equal weight. See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

⁶ Station KFLG has pending before the Commission an application to correct its transmitter site coordinates to specify 35-15-08 North Latitude; 114-44-58 West Longitude (BPH-19980527IA).

⁷ The coordinates for Channel 274C at Boulder City are 35-59-45 North Latitude; 114-51-51 West Longitude. The coordinates for Channel 289C at Dolan Springs are 35-50-00 NL; 114-19-00 WL. The coordinates for Channel 272C2 at Lake Havasu City are 34-33-06 NL; 114-11-37 WL. The coordinates for Channel 224C1 at Kingman are 35-01-58 NL;

Ludlow, California, have been obtained since they are located within 320 kilometers (199 miles) of the U.S.-Mexican border. Concurrence in the allotment at Mohave Valley was requested on March 17, 2000, but has not yet been received. However, rather than delay any further the opportunity to file applications for these channels, we will allot Channel 240A to Mohave Valley at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican Government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the USA-Mexico FM Broadcast Agreement."

9. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 31, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Bullhead City, Arizona	--
Dolan Springs, Arizona	289C
Kingman, Arizona	224C1, 234C, 260C2
Lake Havasu City, Arizona	244C2, 266C1, 272C2, 283C2
Mohave Valley, Arizona	240A
Ludlow, California	273A
Boulder City, Nevada	274C

10. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of: (1) Mag Mile Media, L.L.C., for Station KFLG-FM, IS MODIFIED to specify operation on Channel 289C in lieu of Channel 274C, and to specify Dolan Springs, Arizona, in lieu of Bullhead City, Arizona, as its community of license; and (2) the license of Centennial Broadcasting Licensee, LLC, for Station KSTJ(FM), Boulder City, Nevada, IS MODIFIED to specify operation on Channel 274C in lieu of Channel 288C2, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

114-21-57 WL. The coordinates for Channel 240A at Mohave Valley are 34-55-40 NL; 114-35-51 WL. The coordinates for Channel 273A at Ludlow are 34-43-21 NL; 116-10-04 WL.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

11. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of: (1) Hualapai Broadcasters, Inc., for Station KRCY(FM), Kingman, Arizona, IS MODIFIED to specify operation on Channel 224C1 in lieu of Channel 290C1; (2) Steven M. Greeley for Station KJJJ, Lake Havasu City, Arizona, IS MODIFIED to specify operation on Channel 272C2 in lieu of Channel 224C2, and (3) Tele-Media Company of Southern California, L.L.C. for Station KDUQ, Ludlow, California, IS MODIFIED to specify operation on Channel 273A, in lieu of Channel 289A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in: (1) Station KRCY(FM)'s license, (BLH-19931108KB); (2) Station KJJJ's license (BLH-19940601KA); and (3) Station KDUQ's license (BLH-19950718KB), except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with licenses BLH-19931108KB; BLH-19940601KA and BLH-19950718KB, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

12. IT IS FURTHER ORDERED, That the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the licensees, as follows: Hualapai Broadcasters, Inc., Station KRCY, 1955 Casino Drive, #101, Laughlin, NV 89029; Steven M. Greeley, Station KJJJ, P.O. Box 2009, Lake Havasu City, AZ 86405; Tele-Media Company of Southern California, Station KDUQ, 320 West College Avenue, Pleasant Gap, PA 16823; and Mag Mile Media, L.L.C., Station KFLG, 980 N. Michigan Avenue, Chicago, IL 60611.

13. A filing window for Channel 240A at Mohave Valley, Arizona, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

14. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

15. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
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