

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 92-3
FM Broadcast Stations.)	RM-7874
(Prineville and Sisters, Oregon))	RM-7958
)	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: December 6, 2000

Released: December 8, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a Petition for Reconsideration filed jointly on behalf of multiple licensees (“petitioners”) directed to the Report and Order in this proceeding.¹ 7 FCC Rcd 6516 (1992). Schuyler H. Martin (“Martin”) filed an Opposition to Petition for Reconsideration and the petitioners filed a Reply. For the reasons discussed below, we dismiss the Petition for Reconsideration.

Background

2. At the request of Danjon, Inc. (“Danjon”), the Notice of Proposed Rule Making in this proceeding proposed the allotment of Channel 284A to Prineville, Oregon, as a first local service. 7 FCC Rcd 501 (1992). In response to the Notice, Martin, former permittee of Station KPXA, Channel 281A, Sisters, Oregon, filed a Counterproposal. In that Counterproposal, Martin proposed the substitution of Channel 281C1 for Channel 281A at Sisters, and modification of his Station KPXA construction permit to specify operation on Channel 281C1. Thereafter, Danjon withdrew its proposed Channel 284A allotment at Prineville. In accordance with Section 1.420(j) of the Rules, Danjon stated that no consideration had been received or promised for the withdrawal. In view of this withdrawal, the Report and Order upgraded Station KPXA to specify operation on Channel 281C1. In the Petition for Reconsideration directed against the Report and Order, the petitioners contend that an investigation is warranted into the conduct of Danjon and Martin concerning the filing of the Petition for Rule Making and the Counterproposal. According to the petitioners, these filings were an abuse of the Commission processes orchestrated by Danjon and Martin in order to achieve a Station KPXA upgrade in this proceeding without subjecting this upgrade to competing proposals.

¹ These licensees are Central Oregon Broadcasting, Inc., licensee of Station KBND, Bend, Oregon, and Station KLRR, Redmond, Oregon; Redmond Broadcast Group, Inc., licensee of Stations KPRB and KSJJ, Redmond, Oregon; Highlakes Broadcasting Company, licensee of Stations KRCO and KIJK-FM, Prineville, Oregon; JJP Broadcasting, Inc., licensee of Station KQAK, Bend, Oregon; Oak Broadcasting, Inc., licensee of Stations KGRL and KXIQ, Bend, Oregon; Sequoia Communications. Licensee of Station KICE, Bend, Oregon; and The Confederate Tribes of Warm Springs Reservation of Oregon, licensee of Station KTWS, Bend, Oregon, and Station KTWI, Warm Springs, Oregon.

3. We dismiss the Petition for Reconsideration. At this time, neither Danjon nor Martin has any relationship with this proceeding or with Station KPXA. As stated earlier, Danjon has dismissed its proposal pursuant to Section 1.420(j) of the Rules. In a separate context, on January 14, 2000, the Station KPXA construction permit was assigned from Martin to Thunderegg Wireless, L.L.C. (File No. BAPH-981009GE). Both of those actions are now final. Thereafter, on September 29, 2000, Thunderegg Wireless was granted a one-step application to modify the Station KPXA construction permit to specify operation on Channel 281C2. That action is also final. That modification supersedes the action in this proceeding upgrading Station KPXA to specify operation on Channel 281C1. In view of that action and the fact that there is no allegation directed Thunderegg Wireless, there is no issue that needs to be resolved in this proceeding regarding either Thunderegg Wireless or the current Station KPXA authorization.

4. Accordingly, IT IS ORDERED, That the aforementioned Petition for Reconsideration jointly filed by the previously listed Oregon licensees IS HEREBY DISMISSED.

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

6. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

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