

**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. 02-12
FM Broadcast Stations.)	RM-10356
(Ash Fork, Chino Valley, Dolan Springs,)	RM-10551*
Fredonia, Gilbert, Lake Montezuma, Payson,)	RM-10552*
Peach Springs, Seligman, and Tusayan, Arizona;)	RM-10553*
Moapa Valley, Nevada; and Beaver and Cedar)	RM-10554*
City Utah))	
)	

ORDER TO SHOW CAUSE

Adopted: April 30, 2003

Released: May 5, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a Joint Counterproposal filed by NPR Phoenix, LLC (“NPR”) and Spectrum Scan, LLC (“SS”) in response to the *Notice of Proposed Rule Making* (“Notice”) in this proceeding.¹ The Joint Counterproposal involves allotting Channel 285C3 to Peach Springs, Arizona, which conflicts with the *Notice*’s proposal to allot Channel 285A to Ash Fork, Arizona, as its first local aural transmission service. To accommodate the reallocation of Station KRCY(FM), Channel 224C, from Dolan Springs, Arizona, to Moapa Valley, Nevada, the Joint Counterproposal requests the substitution of Channel 221C for Channel 223C at Station KXFF(FM), Cedar City, Utah.² For the reasons discussed below, we are issuing this *Order to Show Cause* directed to MB Media Group, Inc. (“MB Media”), the

¹ *Ash Fork, Arizona*, 17 FCC Rcd 1660 (MB 2002). Both NPR and SS filed separate counterproposals by the comment due date in this proceeding. After discovering that their counterproposals were mutually exclusive, they filed a “global resolution” of their counterproposals in their Joint Reply Comments, which removed the mutual exclusivity between the original counterproposals. We shall label their “global resolution” as their “Joint Counterproposal.” NPR’s component of the Joint Counterproposal has rulemaking number RM-10551*, while SS’s component of the Joint Counterproposal has rulemaking number RM-10553*. The Joint Counterproposal has removed some of the individual proposals in SS’s original counterproposal.

² In its original counterproposal, SS proposed the allotment of Channel 223A to Ash Fork, Arizona. This proposal has been removed from the Joint Counterproposal. The original proposal to reallocate Station KRCY(FM), Channel 224C, from Dolan Springs, Arizona, to Moapa Valley, Nevada, which was originally proposed to accommodate the allotment of Channel 223A to Ash Fork, Arizona, has been retained, along with the referenced change in channels for Station KXFF and two other proposals that accommodate the allotment of Channel 221C to Cedar City, Utah. Thus, the Joint Counterproposal includes a proposal to substitute Channel 222A for Channel 221A at Station KSGC(FM), Tusayan, Arizona, to which Tusayan Broadcasting Co., the licensee of that station, has agreed. Tusayan Broadcasting Co.’s proposal to substitute Channel 222C2 for Channel 221A must be rejected because the request was made after the comment date in this proceeding. To further accommodate the allotment of Channel 221C at Cedar City, Utah, and to remove the mutual exclusivity between that proposed allotment and Deborah Comley’s counterproposal to allot Channel 221A to Beaver, Utah, (RM-10554*), the Joint Counterproposal requests the allotment of Channel 246A at Beaver, Utah.

licensee of Station KXFF(FM) ("KXFF"), Cedar City, Utah.

2. In order to proceed with our analysis of the Joint Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this *Order to Show Cause* directed to MB Media to show cause why its Station KXFF license should not be modified to specify operation on Channel 221C in lieu of Channel 223C at Cedar City, Utah. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. *See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 221C for Channel 223C at Cedar City, Utah, will accommodate the allotment of Channel 224C to Moapa Valley, Nevada. We consider this change in channels for Station KXFF, Cedar City, Utah, to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KXFF license at Cedar City can be modified to specify operation on Channel 221C at its currently authorized transmitter site.³ SS has agreed to reimburse MB Media for the reasonable costs incurred in connection with the change of the Station KXFF channel.⁴

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, MB Media Group, Inc., licensee of Station KXFF(FM), Cedar City, Utah, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 221C in lieu of Channel 223C.

5. Pursuant to Section 1.87 of the Commission's Rules, MB Media Group, Inc. may, no later than June 19, 2003, file a written statement showing with particularity why its construction permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

MB Media Group, Inc.
251 West Hilton Dr.
St. George, Utah 84770
[Licensee of Station KXFF(FM)]

Susan A. Marshall, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, Virginia 22209

³ The reference coordinates for Channel 221C at Cedar City, Utah, are 37-38-41 NL and 113-22-28 WL.

⁴ In its reply comments filed September 10, 2002, SS explains that it has entered into an agreement to assign the license of Station KRCY(FM) to Entravision Holdings LLC ("Entravision") and the Commission had consented to that proposed assignment. Nevertheless, the assignment had not been consummated as of September 10, 2002. SS also explains that under the terms of the agreement governing the assignment, Entravision is committed to prosecuting the allotment proposal advanced by SS and implementing the modifications should they be authorized subsequent to consummation. SS also states that notwithstanding the proposed assignment, SS will remain obligated to reimburse the licensee of Station KXFF(FM) for the reasonable costs of any changes contemplated by the SS/NPR counterproposal.

[Counsel for Station KXFF(FM)]

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau