

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

In the Matter of

Amendment of Section 73.202(b),)	
Table of Allotments,)	MB Docket No. 05-104
FM Broadcast Stations.)	RM-10837
(Cherokee Village, Black Rock, and)	RM-10838
Cave City, Arkansas, and Thayer, Missouri))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 17, 2006

Released: May 19, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding.¹ KFCM, Inc. and Bragg Broadcasting, Inc. jointly filed Comments and Charles Crawford (“Crawford”) filed Comments. No other comments were received. For the reasons discussed below, we are dismissing the proposal filed by Crawford and granting the proposal jointly filed by KFCM, Inc. and Bragg Broadcasting, Inc.

2. The *Notice* set forth two separate conflicting Petitions for Rule Making. The first Petition was filed jointly by KFCM, Inc., licensee of Station KFCM, Channel 252C3, Cherokee Village, Arkansas, and Bragg Broadcasting, Inc., licensee of Station KSAR, Channel 222C2, Thayer, Missouri. That Petition proposed the substitution of Channel 252C2 for Channel 252C3 at Cherokee Village, reallocation of Channel 252C2 to Black Rock, Arkansas, and modification of the Station KFCM license to specify operation on Channel 252C2 at Black Rock. In order to replace the loss of the sole local service at Cherokee Village, the Petition also proposed the reallocation of Channel 222C2 from Thayer, Missouri, to Cherokee Village and the modification of the Station KSAR license to specify Cherokee Village as the community of license. The second Petition was filed by Crawford proposing the allotment of Channel 254A to Cave City, Arkansas.²

¹ *Cherokee Village and Black Rock, Arkansas, and Thayer, Missouri, and Cave City, Missouri*, Notice of Proposed Rule Making, 20 FCC Rcd 15047 (MB 2005).

² To accommodate this allotment, Crawford proposed the reclassification of Station KURB, Channel 253C, Little Rock, Arkansas, to Channel 253C0. To this end, we issued an *Order to Show Cause* directed to Citadel Broadcasting Company, licensee of Station KURB, affording it 45 days to express in writing an intention to seek authority to upgrade its technical facilities to preserve Class C status, or otherwise challenge the proposed action. See *In re Reclassification of License of Station KURB, Little Rock, Arkansas*, Order to Show Cause, 19 FCC Rcd 2100 (MB 2004). No response was received, and therefore, in accordance with the Commission reclassification procedure, the Station KURB license is being reclassified in the context of this proceeding to specify operation on Channel 253C0. See *1998 Biennial Regulatory Review-Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, Second Report and Order, 15 FCC Rcd 21649 (2000). The reference coordinates for the Channel 253C0 allotment at Little Rock, Arkansas, are 34-47-56 and 92-29-44.

3. In his Comments, Crawford requested dismissal of its proposal. In accordance with Section 1.420(j) of the Rules, Crawford has filed an affidavit stating that he has not and will not receive any consideration for the dismissal of his proposal.³ We will dismiss the Crawford proposal.

4. As requested, we are substituting Channel 252C2 for Channel 252C3 at Cherokee Village, reallocating Channel 252C2 to Black Rock, and are modifying the Station KFCM license to specify operation on Channel 252C2 at Black Rock.⁴ This will provide a first local service to Black Rock and enable Station KFCM to serve an additional 123,040 persons. Black Rock is an incorporated community with a 2000 U.S. Census of 717 persons. Black Rock has its own elected mayor, city council, police department and volunteer fire department. Black Rock also has its own businesses, churches, post office and senior citizens center. In order to replace the loss of the sole local service at Cherokee Village, we are reallocating Channel 222C2 from Thayer, Missouri, to Cherokee Village, and are modifying the Station KSAR license to specify Cherokee Village as the community of license.⁵ This does not require relocation of the Station KSAR transmitter site and Thayer will continue to receive local service from AM station KALM.

5. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

6. Accordingly, pursuant to 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, 204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective July 3, 2006, the Table of FM Allotments, Section 73.202(b) of the Commission's rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Cherokee Village, Arkansas	222C2
Black Rock, Arkansas	252C2
Little Rock, Arkansas	231C, 239C, 253C0, 258A, 279C
Thayer, Missouri	-----

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of KFCM, Inc. for Station KFCM, Channel 252C3, Cherokee Village, Arkansas, IS MODIFIED to specify operation on Channel 252C2 at Black Rock, Arkansas, subject to the following conditions:

³ 47 C.F.R. § 1.420(j).

⁴ The reference coordinates for the Channel 252C2 allotment at Black Rock, Arkansas, are 36-05-25 and 91-08-55.

⁵ The reference coordinates for the Channel 222C2 allotment at Cherokee Village, Arkansas, are 36-21-58 and 91-28-35.

- (a) Within 90 days of the effective date of this *Order*, the licensee shall file a minor change application for construction permit (FCC Form 301) specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's rules;
- (c) Nothing contained herein shall be construed to authorize a change in transmitter site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's rules, unless the proposed facilities are categorically excluded from environmental processing.

8. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Bragg Broadcasting, Inc., for Station KSAR, Channel 222C2, Thayer, Missouri, IS MODIFIED, to specify Cherokee Village, Arkansas, as the community of license, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, the licensee shall file a minor change application for construction permit (FCC Form 301) specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules;
- (c) Nothing contained herein shall be construed to authorize a change in transmitter site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules, unless the proposed facilities are categorically excluded from environmental processing.

9. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Citadel Broadcasting Company on Channel 253C at Little Rock, Arkansas, IS MODIFIED to specify operation on Channel 253C0.

10. IT IS FURTHER ORDERED, That the aforementioned Petition for Rule making filed by Charles Crawford proposing a Channel 254A allotment at Cave City, Arkansas, IS DISMISSED.

11. Pursuant to Sections 1.1104(1)(k) and (2)(k) of the Commission's rules, any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing the application to implement the change in community of license and/or upgrade. As a result of this proceeding, KFCM, Inc. and Bragg Broadcasting, Inc. are required to submit a rulemaking fee in addition to the fee required for the application to affect the change in community of license.

12. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to:

Citadel Broadcasting Company
City Center West, Suite 400
7201 W. Lake Mead Blvd
Las Vegas, Nevada 89128

John W. Bagwell, Esq.
Leventhal, Senter & Lerman, PLLC
2000 K Street, NW, Suite 600
Washington, D.C. 20005

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

14. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau