

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-243
Table of Allotments,)	RM-11363
FM Broadcast Stations.)	RM-11364
(Meeteetse, Wyoming, Fruita, Colorado, Ashton,)	RM-11365
Burley, Dubois, Idaho Falls, Pocatello, Rexburg,)	
Shelley, Soda Springs, and Weston, Idaho, Lima,)	
Montana, American Fork, Ballard, Brigham City,)	
Centerville, Delta, Huntington, Kaysville, Logan,)	
Manti, Milford, Naples, Oakley, Orem, Price)	
Randolph, Roosevelt, Roy, Salina, South Jordan,)	
Spanish Fork, Vernal, Wellington, and Woodruff,)	
Utah, Diamondville, Evanston, Kemmerer,)	
Marbleton, Superior, Thayne, and Wilson,)	
Wyoming) ¹)	

ORDER TO SHOW CAUSE

Adopted: April 18, 2007

Released: April 20, 2007

Comment Date: May 21, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a counterproposal filed jointly by Millcreek Broadcasting, LLC, licensee of Stations KNJQ(FM), Channel 286C, Manti, Utah, KUUU(FM), Channel 223C2, South Jordan, Utah, and KUDD(FM), Channel 300C, Roy, Utah, Simmon SLC, LS, LLC, licensee of Stations KDWY(FM), Channel 287C2, Diamondville, Wyoming, KAOX(FM), Channel 297C1, Kemmerer, Wyoming, and KRAR(FM), Channel 295C, Brigham City, Utah, 3 Point Media-Coalville, LLC, licensee of Station KCUA(FM), Channel 223C3, Naples, Utah, and College Creek Broadcasting, LLC, successful bidder and applicant of Channel 296C2, Huntington, Utah, Channel 243C2, Ashton, Idaho, Channel 293C, Superior, Wyoming, and Station KTYN(FM), Channel 290C1, Thayne, Wyoming, (collectively "Joint Parties"), in response to the *Notice of Proposed Rule Making*.² The Joint Parties requested the issuance of this *Order to Show Cause* directed at Citicasters Licenses, L.P., ("Citicasters"), licensee of Stations KOSY-FM, Channel 293C, Spanish Fork, Utah and KXRV(FM), Channel 289C, Centerville, Utah.

¹ Fruita, Colorado, Ashton, Burley, Dubois, Idaho Falls, Pocatello, Rexburg, Shelley, Soda Springs, and Weston, Idaho, Lima, Montana, American Fork, Ballard, Brigham City, Centerville, Delta, Huntington, Kaysville, Logan, Manti, Milford, Naples, Oakley, Orem, Price, Randolph, Roosevelt, Roy, Salina, South Jordan, Spanish Fork, Vernal, Wellington, and Woodruff, Utah, Diamondville, Evanston, Kemmerer, Marbleton, Superior, Thayne, and Wilson, Wyoming have been added to the caption. See *Public Notice*, Report No. 2808, released March 28, 2007; see also *Public Notice*, Report No. 2809, released March 28, 2007 and *Public Notice*, Report No. 2811, released April 2, 2007.

² See *Meeteetse, Wyoming*, Notice of Proposed Rule Making, 20 FCC Rcd 12967 (MB 2005) ("*Notice*").

2. The Joint Parties filed a timely counterproposal in response to the *Notice's* proposed substitution of Channel 259C for Channel 273C at Meeteetse, Wyoming. The counterproposal requested the allotment of Channel 285C at Milford, Utah, as its first local service and first aural service to 270 persons, the reallocation of Channel 286C from Manti to American Fork, Utah, as the community's first local service, and modification of the Station KNJQ(FM) license; the substitution of Channel 290C for Channel 289C at Centerville, Utah, and modification of the Station KXRV(FM) license to reflect this change,³ the substitution of Channel 245C2 for Channel 290A at Vernal, Utah, and modification of Station KLCY-FM's license; the substitution of Channel 294C for Channel 293C at Spanish Fork, Utah, and modification of Station KOSY-FM's license;⁴ the substitution of Channel 296C for Channel 295C at Brigham City, Utah, reallocation of Channel 296C from Brigham City to Woodruff, Utah, as the community's second local service, and modification of the Station KRAR(FM) license to reflect the change; the reallocation of Station KAOX(FM), Channel 297C1 from Kemmerer, Wyoming to Shelley, Idaho,⁵ as its second local service, and modification of its license; the substitution of Channel 300C1 for Channel 296C1 at Idaho Falls, Idaho, and modification of the Station KEQO(FM) license to reflect this change; the substitution of Channel 297C2 for New FM Station, Channel 296C2 at Huntington, Utah, and modification of its authorization to reflect this change; the reallocation of Station KKAT-FM, Channel 298C from Orem to Kaysville, Utah, as the community's first local service, and modification of its license; the reallocation of Channel 300C from Roy to Randolph, Utah, as the community's second local service, modification of the Station KUDD(FM) license; the substitution of Channel 243A for vacant Channel 286A at Dubois, Idaho; the substitution of Channel 286C1 for Channel 290C1 at Thayne, Wyoming, and modification of the Station KTYN(FM) authorization; the substitution of Channel 283A⁶ for New FM Station, Channel 243C2 at Ashton, Idaho, and modification of its authorization to reflect this change; the substitution of Channel 288C for Channel 287C2 at Diamondville, Wyoming, reallocation of Channel 288C from Diamondville, Wyoming to Oakley, Utah, as the community's second local service, and modification of the Station KDWY(FM) license; the substitution of Channel 223C1 for Channel 223C3 at Naples, Utah, reallocation of Channel 223C1 from Naples, Utah, to Diamondville, Wyoming to prevent removal of sole local service at Diamondville, and modification of the Station KCUA(FM) license; the substitution of Channel 255C2 for Channel 253C2 at Roosevelt, Utah, reallocation of Channel 255C2 from Roosevelt, to Naples, Utah to prevent removal of sole local service at Naples, and modification of the Station KIFX(FM) license to reflect this change; the substitution of Channel 255A for vacant Channel 255C3 at Fruita, Colorado; the substitution of Channel 223A for Channel 223C2 at South Jordan, Utah, and modification of Station KUUU(FM) license; the substitution of Channel 292C for Channel 291C at Evanston, Wyoming, and modification of Station KBMG(FM) license, the substitution of Channel 298C for New FM Station, Channel 293C at Superior, Wyoming, and modification of its authorization.⁷ The counterproposal also proposed the allotment of Channel 288C in lieu of the proposed Channel 259C at Meeteetse, Wyoming, to remove the conflict with the *Notice's* proposal.

³ The license of Station KXRV(FM) at Centerville, Utah can be modified to specify operation on Channel 290C in lieu of Channel 289C at the station's current authorized transmitter site. See File No. BLH-20021125AAT. The licensed coordinates for Station KXRV(FM) at Centerville are 40-39-34 NL and 112-12-05 WL.

⁴ The license of Station KOSY-FM at Spanish Fork, Utah can be modified to specify operation on Channel 294C in lieu of Channel 293C at the station's current authorized transmitter site. See File No. BLH-20021125AAT. The licensed coordinates for Station KOSY-FM at Spanish Fork are 40-39-34 NL and 112-12-05 WL.

⁵ Station KAOX(FM) has an outstanding construction permit to downgrade to Channel 297C2 at Kemmerer, and has filed a license to cover. See File Nos. BPH-20041020AAD and BLH-20050404ACZ.

⁶ The Joint Parties filed a minor amendment, requesting the substitution of Channel 283A in lieu of Channel 259A for Channel 245C2 at Ashton, Idaho for New FM Station.

⁷ Station KBMG(FM) has an outstanding construction permit for Channel 293C1 at Superior, Wyoming. See File No. BNPH-20041228AAC. In this regard, the Joint Parties requests the substitution of Channel 298C1 for Channel 293C1 at Superior, Wyoming and modification of Station KBMG(FM)'s license accordingly.

3. Section 316(a) of the Communications Act of 1934, as amended,⁸ permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station 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.⁹ We find that the Joint Parties counterproposal has sufficient public interest benefits to justify the issuance of a show cause order. Therefore, we are issuing this *Order to Show Cause* directed to Citicasters requesting the licensee to show cause why Station KXRV(FM), Channel 289C, Centerville, Utah and Station KOSY-FM, Channel 293C, Spanish Fork, Utah, should not be modified to specify operation on Channel 290C and Channel 294C, respectively, as proposed herein.

4. The Joint Parties states that they will reimburse Citicasters for the reasonable costs incurred in connection with the proposed channel changes, respectively, for Stations KXRV(FM) and KOSY-FM consistent with the *Circleville* policy.¹⁰

5. Accordingly, IT IS ORDERED, That pursuant to the Act, Citicasters Licenses, L.P., licensee of Station KXRV(FM), Centerville, Utah, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 290C in lieu of Channel 289C.

6. Accordingly, IT IS ORDERED, That pursuant to the Act, Citicasters Licenses, L.P., licensee of Station KOSY-FM, Spanish Fork, Utah, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 294C in lieu of Channel 293C.

7. Pursuant to Section 1.87 of the Communications Rules, the above affected licensees may, no later than May 21, 2007, file a written statement showing with particularity why their respective license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensees herein to furnish additional information. If the affected licensees raise 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 respective licensee(s) will be deemed to have consented to the respective modification(s) as proposed in this *Order to Show Cause* and a final Order will be issued if the modification(s) is found to be in the public interest.

8. 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:

Citicasters Licenses, L.P.
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⁸ 47 U.S.C. § 316(a) (the "Act").

⁹ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

¹⁰ See *Circleville, Ohio*, Memorandum Opinion and Order, 8 FCC 2d 159 (1967).

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
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