

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

In the Matter of
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Leupp, Arizona)
MB Docket No. 09-98
RM-11536

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 21, 2009

Released: October 23, 2009

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rule Making issued in response to a Petition for Rule Making filed by Cochise Broadcasting LLC ("Petitioner"), licensee of FM Station KZXX, Doney Park, Arizona, proposing to substitute Channel 293C2 for vacant Channel 255C2 at Leupp, Arizona. Petitioner submitted its petition for rule making as part of a hybrid application and rule making proposal. The purpose of the requested channel substitution at Leupp is to allow Station KZXX to go from being a short-spaced station authorized pursuant to Section 73.215 of the Commission's rules and using a directional antenna to a fully-spaced station using an omnidirectional antenna. Petition has proposed to accomplish this change by moving Station KZXX from Channel 250A to Channel 255A at Doney Park, its current community of license.

2. Petitioner submitted comments in response to the Notice of Proposed Rule Making. No other comments were received.

3. We find that the substitution of Channel 293C2 for Channel 255C2 at Leupp, Arizona, will serve the public interest. This channel substitution allows petitioner to eliminate KZXX's current short-spacing by substituting Channel 255A for Channel 250A at Doney Park, without any deleterious effect upon the service that can be made available using the Class C2 allotment at Leupp. The reference coordinates for Channel 293C2 at Leupp, Arizona, are the city reference coordinates, 35-17-02 NL and 110-57-52 WL), without site restriction.

4. Accordingly, IT IS ORDERED, That effective December 7, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

1 Leupp, Arizona, Notice of Proposed Rule Making, DA 09-1362 (MB, rel. June 19, 2009).

2 See petitioner's application for minor modification of KZXX's facilities (File No. BPH-20090210AED).

<u>Community</u>	<u>Channel Number</u>
Leupp, Arizona	293C2

5. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Susan A. Marshall, Esq.
Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street – Eleventh Floor
Arlington, Virginia 22209
(Counsel for Cochise Broadcasting LLC)

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act.³

7. A filing window period for Channel 293C2 at Leupp, Arizona, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

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

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 293C2 at Leupp, Arizona, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

³ See 5 U.S.C. § 801 (a)(1)(A).