

**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. 08-228
FM Broadcast Stations.)	RM-11481
(Port Angeles, Washington))	
)	
)	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 3, 2010

Released: February 5, 2010

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making*¹ issued at the request of Jodesha Broadcasting, Inc. (“Petitioner”), the licensee of Station KANY(FM), Ocean Shores, Washington, and permittee of Station KSWW(FM), Montesano, Washington;² and (2) Comments filed by the Petitioner. No other comments were received. For the reasons discussed below, we will grant the rulemaking petition.

2. **Background.** In response to the Petitioner’s rulemaking petition, the *NPRM* proposed the substitution of FM Channel 271A for vacant Channel 229A at Port Angeles, Washington. This proposed channel change was filed as part of a hybrid application and rulemaking proposal involving two minor change applications. In the first application, the Petitioner proposes the upgrade of Channel 229C3 to Channel 229C0 at Ocean Shores, the reallocation of Channel 229C0 to Montesano, Washington, and the associated modification of the Station KANY(FM) license.³ In the second application, the Petitioner proposes the downgrade of Channel 271C2 to Channel 271C3 at Montesano, Washington, the reallocation of Channel 271C3 to Ocean Shores, and the modification of the Station KSWW(FM) construction permit, accordingly.⁴ The modification of Station KANY(FM) to Channel 229C0 at Montesano requires the deletion of vacant Channel 229A at Port Angeles. The downgrade and reallocation of Station KSWW(FM) from Channel 271C2 at Montesano to Channel 271C3 at Ocean Shores permits the substitution of Channel 271A as a substitute for Channel 229A at Port Angeles.

¹ *Port Angeles, Washington*, Notice of Proposed Rule Making, 23 FCC Rcd 17159 (MB 2008) (“*NPRM*”).

² The license for Station KSWW(FM) was previously modified from Elma, Washington, to Montesano. *See Aberdeen, Elma, and Montesano, Washington*, Report and Order, 16 FCC Rcd 7974 (MMB 2001). A construction permit implementing this change of community of license was granted on February 25, 2002, and was cancelled on March 15, 2005. *See* File No. BPH-20010827AAG. Another construction permit implementing the change of community was granted on August 24, 2005. *See* File No. BPH-20050527BFD.

³ *See* File No. BPH-20080710AJA.

⁴ *See* File No. BPH-20080710AJE. This “back-fill” application is intended to retain a first local service at Ocean Shores.

3. In its Comments, the Petitioner reconfirms its intention to prosecute its hybrid applications. The Petitioner states that, upon grant of these applications, it will promptly make the proposed changes in the facilities of Stations KANY(FM) and KSWW(FM).

4. **Discussion.** We believe that the public interest would be served by the substitution of FM Channel 271A for vacant Channel 229A at Port Angeles. This channel substitution will accommodate the grant of the Petitioner's applications, enabling Station KANY(FM) to provide a gain in service to 383,451 persons with no loss of service and maintaining a first local service at Ocean Shores. Further, Channel 271A can be substituted at Port Angeles without a change to the current reference coordinates.⁵ Like the current allotment, Channel 271A at Port Angeles was accepted by Canada as a specially negotiated, short-spaced allotment.⁶

5. Accordingly, pursuant to the authority found in 47 U.S.C, Sections 4(i), 5(c)(1), 303(g) and (r) and 47 C.F.R. Sections 0.61, 0.204(b), and 0.283, IT IS ORDERED, That effective March 22, 2010, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), is AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Port Angeles, Washington	271A

6. IT IS FURTHER ORDERED, That the rulemaking petition (RM-11481) filed by Jodesha Broadcasting, Inc., IS GRANTED.

7. IT IS FURTHER ORDERED, That the applications, File Nos. BPH-20080710AJA and BPH-20080710AJE, filed by Jodesha Broadcasting, Inc., ARE GRANTED.

8. A copy of this *Report and Order* will be sent to David Tillotson, Esq., 4606 Charleston Terrace, N.W., Washington, DC 20007 (Counsel for Jodesha Broadcasting, Inc).

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

10. For further information concerning this proceeding, contact Andrew J. Rhodes, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ The reference coordinates for Channel 271A at Port Angeles are 48-06-54 NL and 123-26-36 WL.

⁶ Because the reference coordinates for Channel 271A are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence was requested from Canada.