

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 13-51
Table of Allotments,)	RM-11692
FM Broadcast Stations.)	
(Ehrenberg, Arizona))	
)	
Station KQCM, North Shore, California)	File No. BPH-20120316ABT
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 18, 2014

Released: September 19, 2014

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making (“Petition”) filed by S and H Broadcasting, LLC (“Petitioner”), licensee of Station KQCM (formerly Station KRSX-FM), Channel 287A, Twentynine Palms, California, and the ”hybrid” application (the “Application”) filed by the Petitioner.² Petitioner filed comments. No counterproposals or other comments were received in response to the *Notice*. For the reasons discussed below, we dismiss the Petition as moot and grant the Application.

2. **Background.** The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules, by substituting Channel 228C2 for vacant Channel 286C2 at Ehrenberg, Arizona. This channel substitution accommodates the Application for Station KQCM that requests the city of license modification from Channel 287A at Twentynine Palms, California, to Channel 286A at North Shore, California, as the community’s first local service. Petitioner filed comments stating that if Channel 228C2 is allotted at Ehrenberg, Arizona, it would construct the facilities for Station KQCM at North Shore, California upon grant of the authorization.

3. **Discussion.** In *Wickenburg MO&O*,³ Channel 228C2 was substituted for vacant Channel 286C2 at Ehrenberg, Arizona at the same reference coordinates as proposed in the *Notice* to accommodate the Application in this proceeding.⁴ Therefore, we dismiss the Petition as moot.

¹ See *Ehrenberg, Arizona*, Notice of Proposed Rule Making, 28 FCC Rcd 5007 (MB 2013) (“*Notice*”).

² See File No. BPH-20120316ABT.

³ See *Ehrenberg, Munds Park, Kachina Village, Wickenburg, and Williams, Arizona*, Memorandum Opinion and Order, 28 FCC Rcd 16492 (MB 2013)(approving the Joint Request and the Agreement pursuant to Section 1.420(j), vacating the *Wickenburg R&O*, dismissing Grenax’s Counterproposal, and reinstating the *Wickenburg Petition and Application*)(“*Wickenburg MO&O*”).

⁴ We note that the reference coordinates for Channel 228C2 at Ehrenberg, Arizona are 33-36-54 NL and 114-24-14 WL, and there is a site restriction located 11.1 kilometers (6.9 miles) east of Ehrenberg. Additionally, Channel 228C2 at Ehrenberg is located within 320 kilometers (199 miles) of the U.S.-Mexican border, so concurrence by the Government of Mexico is required. Mexican concurrence has been requested for this vacant allotment, but has not yet been received.

Accordingly, we grant the Application. We conclude that the Application results in a preferential arrangement of allotments under Priority (3) because a first local service at North Shore, California is preferred over the retention of a third local service at Twentynine Palms, California under Priority (4).⁵

4. The Commission will not send a copy of this *Report and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because no rule changes were made.

5. **Ordering clauses.** IT IS ORDERED, that the Application, File No. BPH-20120316ABT, filed by S and H Broadcasting, LLC, IS GRANTED.

6. IT IS FURTHER ORDERED, that the Petition for Rule Making filed by S and H Broadcasting, LLC, IS DISMISSED AS MOOT.

7. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁵ *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).