

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 18-27
Table of Allotments,)	RM-11796
FM Broadcast Stations.)	
(Desert Hills, Arizona))	
)	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 18, 2018

Released: May 25, 2018

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 L. Topaz Enterprises, Inc. (Petitioner),² proposing to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by allotting Channel 292A at Desert Hills, Arizona. Petitioner filed comments. No counterproposal or other comments were received in response to this *Notice*. For the reasons discussed below, we grant the Petition and allot Channel 292A at Desert Hills, Arizona, to the FM Table of Allotments.³

2. **Background.** The *Notice* proposes the allotment of Channel 292A at Desert Hills, Arizona, as a second local service.⁴ Desert Hills is a Census Designated Place (CDP) with a 2010 U.S. Census population of 2,245 persons⁵ and is located in Mojave County, Arizona. Petitioner states that Desert Hills has several retail establishments and churches, as well as a local fire station and public middle school.⁶ Moreover, Petitioner explains that the proposed allotment will provide additional diversity and an outlet for local residents.⁷ Petitioner filed comments, reiterating its expression of interest in Channel 292A at Desert Hills, Arizona.⁸ Finally, Petitioner certifies that if FM Channel 292A at Desert Hills is allotted,

¹ *Desert Hills, Arizona*, Notice of Proposed Rule Making, 33 FCC Rcd 1125 (2018) (*Notice*).

² Petitioner is also the permittee of KZNI(FM), Owyhee, Nevada, Facility ID 198801, and KENT(AM), Enterprise, Nevada, Facility ID 160781.

³ In compliance with Commission procedures, Petitioner filed an FCC Form 301 application and paid the necessary filing fees. *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212, 14223, para. 18 (2006); File No. BNP-20171004AAO.

⁴ KRRK(FM), Facility ID 38214, is currently licensed at Desert Hills, Arizona.

⁵ United States Census Bureau, American Fact Finder, searchable at http://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml# (last visited Jan. 9, 2018).

⁶ Petition at 1.

⁷ *Id.*

⁸ Petitioner Comments at 1 (filed Feb. 8, 2018) (Comments).

Petitioner will participate in the auction for that channel, and if successful in obtaining a construction permit, promptly construct the proposed station.⁹

3. **Discussion.** We find that the public interest would be served by allotting a second local service at Desert Hills, Arizona, under Priority (4).¹⁰ Although Desert Hills is not an incorporated community, it is a CDP, and thus satisfies a minimum requirement for being considered a community for allotment purposes.¹¹ A staff engineering analysis indicates that Channel 292A can be allotted to Desert Hills, Arizona, consistent with the minimum distance separation requirements of the Commission's rules, without a site restriction. The reference coordinates are 34-32-58 NL and 114-22-2 WL.

4. **Ordering Clauses.** Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective, July 9, 2018, 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>
Desert Hills, Arizona	292A

5. The window period for filing applications for 292A at Desert Hills, Arizona, will not be opened at this time. Instead, the Commission in a subsequent order will address the issue of opening a filing window for this allotment.

6. 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).

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

8. For further information concerning this proceeding, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁹ Petition at 2; Comments at 1.

¹⁰ 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). *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982).

¹¹ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC Rcd 2d 88, 101, para. 33 (1982).