

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

In the Matter of)	
)	
Amendment of section 73.202(b), Table of)	MB Docket No. 23-86
Allotments, FM Broadcast Stations (Tecopa,)	RM-11948
California))	
)	
Application for Construction Permit to Modify)	File No. 0000112756
Station KRZQ(FM), Amargosa Valley, Nevada)	Facility ID No. 170180
)	

REPORT AND ORDER

Adopted: June 2, 2023

Released: June 2, 2023

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division has before it the Notice of Proposed Rule Making issued in response to a Petition for Rulemaking (Petition) filed by Shamrock Communications, Inc. (Petitioner).¹ The *Notice* proposed the substitution of Channel 256A for vacant Channel 288A at Tecopa, California. Petitioner filed Comments.² No counterproposals or other comments were received in response to the *Notice*. For the reasons discussed below, we: (1) substitute Channel 256A for vacant Channel 288A at Tecopa, California; (2) grant the above-captioned hybrid modification application (Application) for Station KRZQ(FM), Amargosa Valley, Nevada; and (3) modify the license for Station KRZQ(FM), Amargosa Valley, Nevada to specify operation on Channel 291C in lieu of Channel 290C1.

II. BACKGROUND

2. The *Notice* proposed the substitution of Channel 256A for vacant Channel 288A at Tecopa, California to accommodate the hybrid Application requesting the modification of Station KRZQ(FM)'s facilities. The hybrid Application proposes to upgrade from Channel 290C1 to Channel 291C at Amargosa Valley, Nevada, and modification of the Station KRZQ(FM) license to specify operation on Channel 291C at Amargosa Valley, Nevada. As stated in the *Notice*, Petitioner claims that grant of the proposal will permit Station KRZQ(FM) to enhance service to the community of Amargosa Valley, Nevada and the surrounding areas by increasing from 1,831 covered persons to 1,336,857 covered persons within its proposed 60 dBu contour.³

3. Petitioner filed Comments expressing support in the Petition and reiterating its continued

¹ See *Tecopa, California*, Notice of Proposed Rule Making, DA 23-209 (MB March 14, 2023) (*Notice*); see also 88 FR 17171 (published March 22, 2023).

² Petitioner's Comments were late-filed. However, in accordance with Commission policy, the Comments will be accepted for the purpose of expressing continuing interest in the proposal since the proceeding is uncontested. See *Maryville, Missouri*, Report and Order, 31 FCC Rcd 8788 (MB 2016); see also *Santa Isabel, Puerto Rico*, 3 FCC Rcd 2336 (1988), aff'd. 4 FCC Rcd 3412 (1989); aff'd. *sub nom. Amor Family Broadcasting v. FCC*, 918 F.2d 960 (D.C. Cir. 1990).

³ See *Notice*, para. 2.

interest in the hybrid Application.⁴ Petitioner states that if we substitute Channel 256A for vacant Channel 288A at Tecopa, California, it would allow the grant of the Application that would greatly enhance the KRZQ(FM) service area and population coverage to 1,336,857 persons within the 60 dBu contour. Petitioner pledges to expeditiously implement the KRZQ(FM) facility on Channel 291C at Amargosa Valley, NV, if the Petition is adopted and the Application is granted.⁵

III. DISCUSSION

4. Section 316(a) of the Communications Act of 1934, as amended, (Act) permits us to modify a license or construction permit if such action is in the public interest.⁶ We find that grant of the hybrid Application is in the public interest because it would allow Station KRZQ(FM) to enhanced service to the community of Amargosa Valley, Nevada and the surrounding areas by increasing its service to a net gain of 1,335,026 persons within its 60 dBu contour. Accordingly, we: (1) substitute Channel 256A for vacant Channel 288A at Tecopa, California;⁷ (2) grant the KRZQ(FM) hybrid Application; and (3) modify the KRZQ(FM) license to specify operation on Channel 291C in lieu of 290C1 at Amargosa Valley, Nevada.

5. A staff engineering analysis indicates that Channel 256A can be allotted to Tecopa, California, consistent with the minimum distance separation requirements of the Commission's rules, (Rules) with a site restriction of 2.3 km (1.4 miles) northwest of the community. The reference coordinates are 35-50-48 NL and 116-13-27 WL.

6. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended, do not apply to a rulemaking proceeding to amend the FM Table of Allotments, section 73.202(b) of the Rules. This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002.

IV. ORDERING CLAUSES

7. Accordingly, IT IS ORDERED, that the Petition for Rulemaking, filed on February 8, 2023 by Shamrock Communications, Inc., IS GRANTED.

8. IT IS FURTHER ORDERED, that the hybrid Application for Station KRZQ(FM), Amargosa Valley, Nevada, filed by Shamrock Communications, Inc., as amended on January 30, 2023 (FCC File No. 0000112756), IS GRANTED.

9. IT IS FURTHER ORDERED, that the license of station KRZQ(FM), Amargosa Valley, Nevada, IS MODIFIED to specify operation on Channel 291C in lieu of Channel 290C1.

10. IT IS FURTHER ORDERED, that pursuant to authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b) and sections 0.61, 0.204(b), and 0.283 of the Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, effective **July 17, 2023**, the FM Table of Allotments, 47 CFR § 73.202(b), IS

⁴ Comments of Shamrock Communications, Inc. (Petitioner Comments) at 1.

⁵ Petitioner Comments at 2.

⁶ 47 U.S.C. § 316(a).

⁷ On June 30, 2015, the Audio Division cancelled the license of Station DKMKK-FM, Fac. ID No. 189543, Channel 288A, Tecopa, California. See *Broadcast Actions*, Report No. 48524, released July 6, 2015. Channel 288A at Tecopa, California is, therefore, considered a vacant allotment resulting from the license cancellation of FM station DKMKK-FM. See *Various Locations*, Order, DA 23-111, rel. February 9, 2023 (MB 2023)(reinstating Channel 288A at Tecopa, California as a vacant FM allotment).

AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Tecopa, California	256A

11. The window period for filing applications for Channel 256A at Tecopa, California will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in a subsequent order.

12. IT IS FURTHER ORDERED, that 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).

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

14. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2054.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief, Audio Division
Media Bureau