

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

In the Matter of	)	
	)	
Amendment of section 73.202(b), Table of	)	MB Docket No. 25-243
Allotments, FM Broadcast Stations (Enterprise,	)	RM-12006
Utah)	)	
	)	

**NOTICE OF PROPOSED RULEMAKING**

**Adopted: August 15, 2025**

**Released: August 15, 2025**

**Comment Date: October 6, 2025**

**Reply Comment Date: October 21, 2025**

By the Assistant Chief, Audio Division, Media Bureau:

**I. INTRODUCTION**

1. The Audio Division has before it a Petition for Rulemaking (Petition) filed by SSR Communications, Inc. (Petitioner), requesting the allotment of Channel 226C3 at Enterprise, Utah, as the community's second local service and first competing FM local service.<sup>1</sup> In compliance with the Commission's procedures,<sup>2</sup> Petitioner concurrently filed a construction permit application and paid the necessary filing fee.<sup>3</sup>

**II. BACKGROUND**

2. Petitioner states that the incorporated community of Enterprise, Utah (2020 U.S. Census population of 2,027 persons)<sup>4</sup> would receive its first competing FM local service resulting in a preferential arrangement of allotments.<sup>5</sup> Enterprise is a bona-fide community for allotment purposes that has its own U.S. Post Office and zip code (84725), a municipal government, Enterprise Elementary School, Enterprise High School, Enterprise Fire Department, Enterprise Library, Enterprise Community Center, Enterprise City Cemetery, churches, numerous civic organizations, and businesses. Petitioner certifies that, if Channel 226C3 at Enterprise, Utah is allotted, it will participate in a future FM spectrum auction, and if it is the successful winning bidder, it will promptly construct and operate the proposed station in accordance with the Commission's rules and procedures.

**III. DISCUSSION**

3. We believe that the Petitioner's proposed change in the Table of FM Allotments warrants

<sup>1</sup> KCAY; Fac. ID No. 203590 is licensed at Enterprise, Utah. See FCC File No. 0000269931.

<sup>2</sup> 47 CFR § 1.401; see also *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, ¶ 18 (2006).

<sup>3</sup> See FCC File No. 0000276218 (filed August 4, 2025).

<sup>4</sup> Petitioner states also that the 2024 U.S. Census estimated population is 2,400 persons that has roughly doubled since the year 2000.

<sup>5</sup> Petition at 1.

consideration under Priority (4), because it would provide a second local service at Enterprise, Utah.<sup>6</sup> A staff engineering analysis indicates that Channel 226C3 can be allotted to Enterprise, Utah, consistent with the minimum distance separation requirements of the Commission's rules (Rules), with a site restriction of 20 km (12.4 miles) north of the community.<sup>7</sup> The reference coordinates are 37-45-04 NL and 113-46-26 WL.

4. Accordingly, we seek comment on the proposed amendment to the Table of FM Allotments, section 73.202(b) of the Rules,<sup>8</sup> as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Enterprise, Utah	-----	226C3

#### IV. PROCEDURAL MATTERS

5. *Showings Required.* Comments are invited on the proposal discussed in this Notice of Proposed Rulemaking (*NPRM*). Petitioner or any party that expresses interest in the allotment will be expected to answer whatever questions are presented in initial comments. The petitioner of a proposed allotment is required to file comments even if it only resubmits or incorporates by reference its former pleadings. The petitioner must restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request. Any requests by a proponent for withdrawal or dismissal of an allotment request must be filed with the Commission in accordance with section 1.420(j) of the Rules.<sup>9</sup>

6. *Cut-off Protection.* The following procedures will govern the consideration of the filings in this proceeding:

- (a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.<sup>10</sup>
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the *NPRM*.<sup>11</sup>

7. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the Rules,<sup>12</sup> interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>13</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings/standard>. Parties that choose to file electronically only need to submit one copy of each filing so long as the submission conforms to all procedural and filing requirements. Online filing is optional.

<sup>6</sup> 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).

<sup>7</sup> 47 CFR § 73.207.

<sup>8</sup> 47 CFR § 73.202(b).

<sup>9</sup> 47 CFR § 1.420(j).

<sup>10</sup> 47 CFR § 1.420(d).

<sup>11</sup> 47 CFR § 1.420(g)(2).

<sup>12</sup> 47 CFR §§ 1.415, 1.419, and 1.420.

<sup>13</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 13 FCC Rcd 11322 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
  - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

8. *Service.* Pursuant section 1.420 of the Rules,<sup>14</sup> all submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. The person filing the comments shall serve comments on the petitioners. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments.<sup>15</sup> Additionally, a copy of such comments should be served on Petitioner, as follows:

Matthew K. Wesolowski, CEO  
SSR Communications, Inc.  
740 Highway 49 North, Suite R  
Flora, MS 39071  
[matt@wyab.com](mailto:matt@wyab.com)

9. *Ex Parte Notices– Restricted.* The proceeding this *NPRM* initiates shall be treated as a “restricted” proceeding in accordance with the Commission’s *ex parte* rules.<sup>16</sup> For purposes of this restricted notice and comment rulemaking proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a notice of proposed rulemaking until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court.<sup>17</sup> An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding.<sup>18</sup> However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in a particular docket unless the Commission specifically waives this service requirement.<sup>19</sup> Any comment that has not been served on the petitioner constitutes an *ex parte*

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<sup>14</sup> 47 CFR § 1.420.

<sup>15</sup> 47 CFR § 1.420(a), (b) and (c).

<sup>16</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>17</sup> 47 CFR § 1.1208.

<sup>18</sup> 47 CFR § 1.1204(a)(10).

<sup>19</sup> 47 CFR § 1.1204(a)(10)(ii). In addition, an oral presentation in a restricted proceeding not designated for hearing (continued....)

presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

10. *Providing Accountability Through Transparency Act.* The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule.<sup>20</sup> Accordingly, the Commission will publish the required summary of this NPRM on <https://www.fcc.gov/proposed-rulemakings>.

11. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection via ECFS (<https://www.fcc.gov/ecfs/search/search-filings>). Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

12. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,<sup>21</sup> do not apply to a rulemaking proceeding to amend the Table of FM Allotments, section 73.202(b) of the Rules.<sup>22</sup> This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995.<sup>23</sup> 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.<sup>24</sup>

13. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

14. *Additional Information.* For further information concerning this proceeding, contact Rolanda F. Smith, Audio Division, Media Bureau, at (202) 418-2054, [Rolanda-Faye.Smith@fcc.gov](mailto:Rolanda-Faye.Smith@fcc.gov).

#### FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez  
Assistant Chief, Audio Division  
Media Bureau

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requesting action by a particular date or giving reasons that a proceeding should be expedited other than the need to avoid administrative delay is permitted. A detailed summary of the presentation must be filed in the record and served by the person making the presentation on the other parties to the proceeding, who may respond in support or opposition to the request for expedition, including by oral *ex parte* presentation, subject to the same service requirement. 47 CFR § 1.1204(a)(11).

<sup>20</sup> See 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act, Pub. L. No. 118-9 (2023), amended section 553(b) of the Administrative Procedure Act.

<sup>21</sup> See 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

<sup>22</sup> 47 CFR § 73.202(b).

<sup>23</sup> See 44 U.S.C. §§ 3501-3520.

<sup>24</sup> See 44 U.S.C. § 3506(c)(4).