

Congress of the United States
Washington, DC 20515

July 15, 2011

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Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Chairman Genachowski:

We are writing today to inquire about the status of application BPH-20091016AEO pending before the Federal Communications Commission. Specifically, we understand the licensee of FM station KCLS(FM), Pioche, Nevada, filed an application in October 2009 seeking to modify its facilities and to change its community of license to Leeds, Utah. It appears that the application, which would have significant benefits to the people of both Utah and Nevada, has been pending before the Commission for over twenty months now.

It is our understanding that while there is some complexity involved in the proposed modification sought by KCLS(FM), the applicant has recently amended its application further to address a change in the Commission's rules that came about during the lengthy period of time the application was pending. Still, we do not understand the FCC's inability to act in a timely manner.

We would appreciate an update on the status of this long-pending application and the basis for the delay in granting the proposal. It is our understanding that the application meets the rules and processing guidelines that were in place at the time it was initially filed, as well as the further criteria established by the Commission's recently revised rules governing modifications to radio stations. The licensee has expended considerable sums of money in purchasing the station and processing a hybrid rulemaking to move KCLS(FM) to Leeds, Utah, including the payment of the costs of a non-commercial station, which is now operating in Pioche, Nevada, to "backfill" KCLS(FM)'s move to Leeds.

On behalf of the licensee, whose principal owners are constituents, we would appreciate your assistance in this matter and in reaching our common goal of improving radio service to the citizens of Utah.

Sincerely,


Rob Bishop
Member of Congress


Jim Matheson
Member of Congress