

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

In the Matter of)
)
SNAKE RIVER RADIO, LLC) MB Docket No. 22-53
)
Application for Renewal of License) File No. 0000151021
Station KPCQ(AM), Chubbuck, ID) Facility ID No. 24627

ORDER

Issued: February 9, 2023

Released: February 9, 2023

1. The discovery phase of the above-captioned proceeding ended on October 3, 2022, and the parties have filed their respective Affirmative, Reply, and Responsive Cases pursuant to the Commission’s written hearing rules.1 Currently, the record does not include all of the publicly available Commission records for KPCQ(AM), Chubbuck, Idaho, during Snake River Radio’s tenure as the licensee. The Presiding Judge therefore takes official notice of all publicly available Commission records for KPCQ(AM) beginning when the assignment to Snake River was consummated on February 1, 2018, excluding those already in the record.2

2. Section 1.203 of the Commission’s Rules 47 CFR § 1.203, provides that, “[w]here any decision rests on official notice of a material fact not appearing in the record, any party shall on timely request be afforded an opportunity to show the contrary.” The rule does not specify any particular procedure or timeline and, in practice, the Commission has given parties an opportunity to make the showing without the need to first file a request.3 Considering that precedent, the limited number of documents to be officially noticed, and the current procedural posture of this proceeding – including the fact that the parties already have had a full and fair opportunity to review these documents and to place them into the record – and in the interest of administrative economy and expedition, the Presiding Judge will afford the parties an opportunity to make a showing pursuant to Section 1.203 without first having to file a request on the schedule discussed below.

3. Any party who wishes to challenge any portion of the documents officially noticed may make a showing by filing a pleading of no more than five pages and supported by an affidavit or an unsworn declaration in accordance with section 1.16 of the Commission’s rules, 47 CFR § 1.16, stating the basis for the challenge. This pleading must be filed within 14 days of release of this order.

4. If any party files a challenge as provided herein, the opposing party may respond by filing a pleading of no more than five pages and supported by an affidavit or an unsworn declaration in accordance with Section 1.16 of the Commission’s rules, 47 CFR § 1.16, stating the basis for opposing the challenge. This pleading must be filed within 21 days of release of this order.

1 47 CFR §§ 1.371 – 1.377.

2 Snake River Radio, LLC, Hearing Designation Order and Notice of Opportunity for Hearing, MB Docket No. 22-53, DA 22-115 (MB Feb. 8, 2022) at para. 9 (indicates consummation date of February 1, 2018).

3 Radioactive, LLC, 32 FCC Rcd 6392, 6398 (2017); Birach Broadcasting Corp., 33 FCC Rcd 852, 860 (2018); Family Voice Communications, LLC, 33 FCC Rcd 4654, 4660 (2018).


5. If a challenge is filed, the Presiding Judge will address it in the Initial Decision.

6. To be clear, this is not an opportunity for further pleading on matters that already have been addressed; only those publicly available documents not currently in the record are being officially noticed. Because the parties have had a full and fair opportunity to present their cases with regard to documents that are part of the present record, pleadings that address any document already in the record will not be entertained.⁴

7. Accordingly, **IT IS ORDERED**, pursuant to 47 CFR § 1.203, that all publicly available Commission records for Station KPCQ(AM), Chubbuck, Idaho, beginning when the assignment to Snake River Radio, LLC, was consummated on February 1, 2018, excluding those already in the record, **SHALL BE AND ARE** officially noticed.

8. **IT IS FURTHER ORDERED** that the above schedule and requirements for filing challenges and responses to the officially noticed documents **IS ADOPTED** and that the parties **SHALL FILE** challenges and responses, if any, in accordance therewith.

FEDERAL COMMUNICATIONS COMMISSION



Jane Hinckley Halprin
Administrative Law Judge

⁴ See 47 CFR § 1.375.