

::::: *** DKT/RM: 87-493 *** :::::

10/14/87 NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE ADOPTED BY CHIEF, POLICY AND RULES DIVISION DIRECTING THAT KFAL, INC., LICENSEE OF STATION KKCA(FM), FULTON, MISSOURI, SHALL SHOW CAUSE WHY ITS LICENSE SHOULD NOT BE MODIFIED TO SPECIFY OPERATION ON CHANNEL 263A; THAT KFAL, INC. MAY, NOT LATER THAN 01/04/88, FILE A WRITTEN STATEMENT SHOWING WITH PARTICULARITY WHY ITS LICENSE SHOULD NOT BE MODIFIED AS PROPOSED IN THE ORDER TO SHOW CAUSE; THAT THE COMMISSION MAY CALL ON KFAL, INC. FURNISH ADDITIONAL INFORMATION; THAT IF KFAL INC. RAISES A SUBSTANTIAL AND MATERIAL QUESTION OF FACT, A HEARING MAY BE REQUIRED TO RESOLVE SUCH A QUESTION; THAT UPON REVIEW OF THE STATEMENTS AND/OR ADDITIONAL INFORMATION FURNISHED, THE COMMISSION MAY GRANT THE MODIFICATION, DENY THE MODIFICATION, OR SET THE MATTER OF MODIFICATION FOR HEARING; THAT IF NO WRITTEN STATEMENT IS FILED BY THE DATE REFERRED TO ABOVE, KFAL, INC. WILL BE DEEMED TO HAVE CONSENTED TO THE MODIFICATION AS PROPOSED IN THE ORDER TO SHOW CAUSE AND A FINAL ORDER WILL BE ISSUED BY THE COMMISSION, IF THE THEREIN STATED CHANNEL MODIFICATION IS ULTIMATELY FOUND TO BE IN THE PUBLIC INTEREST; THAT THE SECRETARY SHALL SEND, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, A COPY OF THIS NOTICE OF PROPOSED RULE MAKING AND ORDER TO SHOW CAUSE TO THE FOLLOWING: KFAL, INC., 3000 E. CHERRY STREET, BOX 3417, SPRINGFIELD, MISSOURI 65808, AND TO RICHARD J. HAYES, JR. 1359 BLACK MEADOW ROAD, GREENWOOD PLANTATION, SPOTSYLVANIA, VIRGINIA 22553 (COUNSEL TO TRIPE D PROPERTIES, INC.); THAT INTERESTED PARTIES MAY FILE COMMENTS ON OR BEFORE 01/04/88, AND REPLY COMMENTS ON OR BEFORE 01/19/88; THAT A COPY OF SUCH COMMENTS SHOULD BE SERVED ON THE PETITIONER OR ITS COUNSEL OR CONSULTANT, AS FOLLOWS: HOWARD J. BRAUN, FLY, SHUEBRUK, GAGUINE, BOROS AND BRAUN, 1221 CONNECTICUT AVENUE, NW, WASHINGTON, D.C. 20036 (COUNSEL FOR PETITIONER); THAT FOR FURTHER INFORMATION CONTACT JOEL ROSENBERG, MM BUREAU, (202) 634-6530. (DA 87-1603) REL. 11/19/87 WEG (11/27/87 CERTIFIED MAIL RR REC'D BY MAUREEN HAUGHTALING, FOR KFAL, INC., #97284; 11/24/87 CERTIFIED MAIL RR REC'D BY R. J. HAYES, FOR RICHARD J. HAYES, JR., #97284) WEG

12/09/87 LTR. NOTICE OF WITHDRAWAL OF COUNSEL FILED BY RICHARD J. HAYES, JR. ATTORNEY FOR TRIPLE D PROPERTIES, INC. WEG

01/04/88 OPPOSITION TO THE 10/14/87 ORDER TO SHOW CAUSE AND COUNTERPROPOSAL FILED BY JOHN R. WILNER, ATTORNEY FOR KFAL, INC. WEG

01/04/88 COMMENTS FILED BY RAINER K. KRAUS, ATTORNEY FOR EZ COMMUNICATIONS, INC. WEG

01/04/88 COMMENTS IN SUPPORT FILED BY HOWARD J. BRAUN AND JEROLD L. JACOBS, ATTORNEYS FOR CONTEMPORARY BROADCASTING, INC. WEG

01/04/88 COUNTER-PROPOSAL AND COMMENTS FILED BY ROBERT A. MARMET AND HAROLD K. MCCOMBS, JR., ATTORNEYS FOR TRIPLE D PROPERTIES, INC. WEG

01/15/88 REPLY COMMENTS AND COMMENTS IN IN SUPPORT OF TRIPLE D'S 01/04/88 COUNTER-PROPOSAL FILED BY RAINER K. KRAUS, ATTY. FOR EZ COMMUNICATIONS. SB

01/19/88 REPLY COMMENTS FILED BY HOWARD J. BRAUN AND JEROLD L. JACOBS, ATTYS.

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FOR CONTEMPORARY BROADCASTING, INC. SB 02/10/88 ERRATA FILED. WEG
03/31/88 SUPPLEMENT FILED. WEG

07/15/88 WITHDRAWAL OF ITS 01/04/88 COUNTER-PROPOSAL AND COMMENTS FILED BY ROBERT A. MARMET AND HAROLD K. MCCOMBS, JR., ATTORNEYS FOR TRIPLE D PROPERTIES, INC. WEG

10/06/88 SUPPLEMENTAL COMMENTS AND REQUEST FOR EXPEDITED ACTION FILED BY HOWARD J. BRAUN AND JEROLD L. JACOBS, ATTORNEYS FOR CONTEMPORARY BROADCASTING, INC. WEG

06/30/89 REPORT AND ORDER ADOPTED BY CHIEF, ALLOCATIONS BRANCH DIRECTING THAT EFFECTIVE 09/18/89, THE FM TABLE OF ALLOTMENTS IS AMENDED FOR THE COMMUNITIES LISTED BELOW, TO READ AS FOLLOWS:

CITY	CHANNEL NO.
COLUMBIA, MO	230,244A,252C2,269A

FULTON, MO

263A

THAT THE PERMIT OF STATION KFMZ(FM), COLUMBIA, MO, IS MODIFIED, TO SPECIFY OPERATION ON CHANNEL 252C2, SUBJECT TO THE FOLLOWING CONDITIONS:

(A) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ORDER, THE PERMITTEE SHALL SUBMIT TO THE COMMISSION A MINOR CHANGE APPLICATION FOR A CONSTRUCTION PERMIT (FORM 301), SPECIFYING A NEW FACILITY;

(B) UPON GRANT OF THE CONSTRUCTION PERMIT, PROGRAM TESTS MAY BE CONDUCTED IN ACCORDANCE WITH SECTION 73.1620; AND

(C) NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO AUTHORIZE A CHANGE IN TRANSMITTER LOCATION LOCATION OR TO AVOID THE NECESSITY OF FILING AN ENVIRONMENTAL IMPACT STATEMENT PURSUANT TO SECTION 1.1301 OF THE COMMISSION'S RULES.

THAT THE PERMIT OF STATION KKCA(FM), FULTON, MO, IS MODIFIED, TO SPECIFY OPERATION ON CHANNEL 263A, SUBJECT TO THE FOLLOWING CONDITIONS:

(A) NOTHING CONTAINED HEREIN SHALL BE CONSTRUED AS AUTHORIZING ANY CHANGE IN LICENSE NO. BLH-4922 EXCEPT THE CHANNEL AS SPECIFIED ABOVE, ANY OTHER CHANGES, EXCEPT FOR THOSE SPECIFIED UNDER SECTION 73.1690 OF THE RULES, REQUIRE PRIOR AUTHORIZATION PURSUANT TO AN APPLICATION FOR CONSTRUCTION PERMIT (FCC FORM 301).

(B) PROGRAM TESTS MAY BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 73.1620 OF THE RULES, PROVIDED THE TRANSMISSION FACILITIES COMPLY IN ALL RESPECTS WITH LICENSE NO. BLH-4922 EXCEPT FOR THE CHANNEL AS SPECIFIED ABOVE AND A LICENSE APPLICATION (FCC FORM 302) IS FILED WITHIN 10 DAYS OF COMMENCEMENT OF PROGRAM TESTS.

THAT THIS PROCEEDING IS TERMINATED; AND THAT FOR FURTHER INFORMATION CONTACT DOUGLAS MINSTER, MM BUREAU, (202) 632-7792. (DA 89-867) REL. 08/04/89 WEG

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