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BEFORE THE

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Federal Communications Commission

WASHINGTON, D.C. 20554

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Laramie, Wyoming and LaPorte, Colorado))

MM Docket No. _____
RM- _____

To: Policy and Rules
Mass Media Bureau

**PETITION FOR RECONSIDERATION AND REQUEST FOR ACCEPTANCE
OF RULEMAKING PETITION NUNC PRO TUNC**

Laramie Mountain Broadcasting, L.L.C. ("LMB") files this Petition for Reconsideration of the FCC letter action dated July 17, 2001 dismissing LMB's Petition for Rulemaking filed on May 10, 2001. See Exhibit 1. In its Petition for Rulemaking LMB requested that the Commission amend §73.202(b) of its rules, *FM Table of Allotments*, to reallocate KRQU(FM) Channel 275C from Laramie, Wyoming to LaPorte, Colorado. Specifically, LMB proposed adding Channel 275C2 to LaPorte, Colorado and deleting Channel 275C at Laramie, Wyoming. See Exhibit 2. LMB filed a Supplement to Petition for Rulemaking on May 30, 2001 specifying the transmitter site of station KRRR(FM), Cheyenne, Wyoming. See Exhibit 3.

The Petition for Rulemaking was returned as unacceptable for filing for failure to comply with §73.315(a) of the Commission's Rules. Rule 73.315(a) requires that a proposed transmitter site provide at least a 70 dBu signal over the entire principle community to be served.

LMB is providing supplemental technical information which proposes a new fully-spaced allotment point at coordinates 40° 48' 34" N and 105° 25' 42" W. See Exhibit 4. This site is 31.9

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kilometers from the community reference coordinates for LaPorte, Colorado, which is within the normal allotable distance of 32.6 kilometers for a Class C2 station. Channel 275C2 operating from the proposed allotment point, therefore, provides 70 dBu predicted contour coverage over the entire community of LaPorte, Colorado.

LMB also provides the requisite 70 dBu coverage to LaPorte from the preferred KRRR(FM) transmitter site. The predicted 70 dBu contour for KRQU(FM) utilizing the KRRR(FM) site operating at a maximum Class C2 facility extends 45.9 kilometers along the 189 degree radial toward the community of LaPorte. The distance between the KRRR site and LaPorte is only 40.8 kilometers. The terrain profile between the KRRR site and LaPorte indicates there are no obstructions. Furthermore, a Longley/Rice field strength study shows a field strength over LaPorte in excess of 80 dBu over the entire community of LaPorte.

Use of the preferred KRRR(FM) transmitter site provides the requisite city grade coverage as required by Rule 73.315(a) under the *Woodstock* exception.¹ LMB has demonstrated that the city grade contour, using the Commission's predicted method, extends beyond LaPorte and that there are likewise no obstructions along that radial. LMB also meets the other *Woodstock* requirements. LMB is proposing a co-channel modification of its own facilities. As such, no other competing applicant could apply for the channel. Moreover, LMB has reasonable assurance of the availability of the KRRR(FM) site. In fact, the site is substantially owned by LMB principals.

LMB has demonstrated that a fully spaced allotment point exists which provides the requisite city grade coverage to LaPorte, Colorado in compliance with Rule 73.315(a). It has also shown how the preferred KRRR(FM) site will also provide the requisite 70 dBu coverage over the community of LaPorte, Colorado.

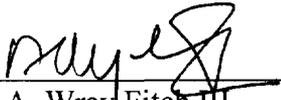
¹ *Woodstock and Broadway, Virginia*, 3 FCC Rcd. 6398 (1988).

WHEREFORE, it is respectfully requested that the Petition for Rulemaking be accepted for filing *nunc pro tunc*.

Respectfully submitted,

LARAMIE MOUNTAIN BROADCASTING, LLC.

GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807
(703) 761-5000

By: 
A. Wray Fitch III

August 16, 2001

EXHIBIT 1

7/29/01 Vic



Federal Communications Commission
Washington, D.C. 20554

July 17, 2001

A. Wray Fitch, III, Esq.
Gammon & Grange, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807

Dear Mr. Fitch:

This concerns the petition for rule making filed May 10, 2001, on behalf of Laramie Mountain Broadcasting, L.L.C. ("Laramie Mountain") in which it requests that the Commission amend Section 73.202(b) of its Rules, FM Table of Allotments, to reallocate FM Channel 275C from Laramie, Wyoming to LaPorte, Colorado and downgrade Channel 275C to Channel 275C2.

Laramie Mountain's foregoing petition does not comply with Section 73.315(a) of the Commission's Rules, which requires that a proposed transmitter site be chosen in such a manner that the proposal will provide signal coverage with a field strength of at least 70 dBu over the entire principal community to be served. Specifically, at the proposed site, 40.8 kilometers (25.4 miles) north of LaPorte, the Laramie Mountain rulemaking proposal will not provide a 70 dBu signal to LaPorte.

In light of the foregoing, Laramie Mountain's petition for rule making is being returned as unacceptable for filing.

Sincerely,

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

EXHIBIT 2

FILE COPY

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

STAMP & RETURN

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Laramie, Wyoming and LaPorte, Colorado))

MM Docket No. _____

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MAY 10 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULEMAKING

Laramie Mountain, L.L.C. ("LMB"), licensee of broadcast station KRQU, Laramie, Wyoming, pursuant to Rule 1.401 requests that the Commission institute a rule making proceeding to amend Station 73.202(b) of its Rules, the FM Table of Allotments, to delete Channel 275C at Laramie, Wyoming, and assign Channel 275C2 to LaPorte, Colorado.

LMB has attached an Engineering Statement (the "Engineering Statement") demonstrating that this petition is in full accord with Commission minimum distance separation and city grade coverage requirements. See Exhibit 1. Grant of the requested channel reallocation would result in a preferential arrangement of allotments as provided in the Commission's change of community procedures by promoting a first local transmission service to LaPorte and by more than doubling the population served. See, *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd. 4870 (1989), *reconsideration granted in part, denied in part*, 5 FCC Rcd. 7094 (1990).

The proposed change for KRQU(FM) would provide LaPorte with its first local service. LaPorte is not incorporated but is a census designated place with a 1990 population of 2,300. LaPorte has its own post office and zip code, a bank, churches, businesses, a primary and intermediate school, and a volunteer fire department. See Exhibit 2. Accordingly, it is clear that LaPorte is an independent community deserving of its first local transmission service.

Operation of Channel 275C2 as a LaPorte station from the transmitter site identified in the Engineering Statement would result in a 1.0 mV/m signal coverage of approximately 8,290 square kilometers containing 261,600 people, compared to current coverage of approximately 8,680 square kilometers and 101,900 people. The entire gain/loss area is well served during the day. *See* Engineering Statement.

The proposed change for KRQU(FM) will not cause Laramie, Wyoming to lose its only local transmission service allotment. There are currently seven stations licensed to Laramie. Accordingly, the community of Laramie will not be deprived of its only local transmission service and will remain well served with 6 stations.

In sum, the reallocation proposed will result in a first local service to LaPorte, and a net gain of service to 159,700 people. These public interest benefits are more than sufficient to support the reallocation of the channel to LaPorte. Accordingly, LMB respectfully submits that the allotment proposed herein would serve the public interest and should be implemented. LMB hereby expresses its intention to apply for Channel 275C2 at LaPorte, Colorado, if allotted and, if authorized, to build the station promptly.

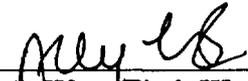
WHEREFORE, for the reasons stated above, a rule making proceeding should be instituted to amend Section 73.202(b) to delete Channel 275C at Laramie, Wyoming and assign Channel 275C2 for use at LaPorte, Colorado.

-- 3 --

Respectfully submitted,

LARAMIE MOUNTAIN BROADCASTING, LLC.

GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807
(703) 761-5000

By: 
A. Wray Fitch III

May ¹⁶~~9~~, 2001

[K:\0524\LARAMIE\petition for rulemaking.awf]

EXHIBIT 1

ENGINEERING STATEMENT

**ENGINEERING STATEMENT RE:
OTHER SERVICES RADIO MARKET ANALYSIS
RELOCATION OF KRQU(FM) AT LARAMIE, WY.
LARAMIE MOUNTAIN BROADCASTING, L.L.C.**

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OTHER SERVICES ANALYSIS MAP	FIGURE 1
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Prepared by
Lohnes and Culver Washington, D.C.
March, 2001

**ENGINEERING STATEMENT RE:
OTHER SERVICES RADIO MARKET ANALYSIS
RELOCATION OF KRQU(FM) AT LARAMIE, WY.
LARAMIE MOUNTAIN BROADCASTING, L.L.C.**

INTRODUCTION

This statement was prepared on behalf of Laramie Mountain Broadcasting, L.L.C., (Mountain), licensee of KRQU(FM) at Laramie, Wyoming. Mountain proposes to relocate KRQU(FM) and re-allocate it from Laramie to the city of Laporte, Colorado.

There are numerous other radio services to the present and proposed KRQU(FM) service area which are illustrated below.

OTHER SERVICES RADIO MARKET ANALYSIS

Attached to this statement as Figure 1 is a map showing the 60 dBu service contours of KRQU(FM), represented by the heavy lines, as both presently authorized and as proposed. KRQU(FM) will relocate approximately 30 miles to the southeast to another site operated by Mountain. The relocated facilities will downgrade operation to maximum Class C2 with the facilities shown below.

KRQU(pres)	275C	Laramie, WY.	100kW / 9065 ft.AAT
KRQU(prop)	275C2	Laporte, CO.	50kW / 6985 ft.AAT

Also shown on Figure 1 are service contours from other radio stations. All other services are based on licensed commercial facilities only, applications or pending facility modifications and non-commercial (educational facilities) were not considered. FM service contours of 60 dBu (1.0 mV/m) and daytime AM, M3-groundwave, service contours of 0.5 mV/m were predicted for the FCC licensed facilities. A total of 25 FM and 16 AM stations were considered and are listed below in Table 1. They all provide some service to the KRQU(FM) present and/or proposed service areas.

TABLE 1
OTHER SERVICE STATION FACILITIES

FM STATIONS

<u>CALL SIGN</u>	<u>ST</u>	<u>CITY</u>	<u>CH.</u>	<u>ERP [W]</u>	<u>AMSL [FT]</u>	<u>CLASS</u>
KVOD	CO	GREELEY	223	57000.0	6220.47	C1
KTCL	CO	FORT COLLINS	227	100000.0	6115.49	C
KCGY	WY	LARAMIE	236	100000.0	8943.57	C
KGLL	CO	GREELEY	241	100000.0	5787.40	C1
KXPX	CO	EVERGREEN	243	100000.0	10764.44	C
KBCOFM	CO	BOULDER	247	100000.0	8474.41	C
KIGN	WY	CHEYENNE	250	100000.0	7132.55	C1
KYGOFM	CO	DENVER	253	100000.0	10833.33	C
KUADFM	CO	WINDSOR	256	100000.0	5807.00	C1
KKHK	CO	DENVER	258	100000.0	7421.26	C
KRRR	WY	CHEYENNE	260	50000.0	6985.00	C2
KOLZ	WY	CHEYENNE	264	100000.0	7070.21	C1
KOSI	CO	DENVER	266	100000.0	7421.26	C
KMUSFM	WY	BURNS	270	50000.0	6440.29	C2
KXUU	CO	ESTES PARK	271	25000.0	9560.00	C3
KTRR	CO	LOVELAND	273	50000.0	5298.56	C2
KRQU	WY	LARAMIE	275	100000.0	9064.96	C
KRFX	CO	DENVER	278	100000.0	7027.56	C
KCKK	CO	LONGMONT	282	58000.0	6184.38	C1
KSNA	WY	LARAMIE	283	3000.0	8881.23	C3
KZCY	WY	CHEYENNE	285	6000.0	6177.82	A
KIMX	WY	LARAMIE	288	2200.0	8956.69	C3
KLEN	WY	CHEYENNE	292	3000.0	6154.86	A
KBPI	CO	DENVER	294	100000.0	7598.43	C
KPAW	CO	FORT COLLINS	300	100000.0	5702.10	C1

TABLE 1
OTHER SERVICE STATION FACILITIES (Continued...)

AM STATIONS

<u>CALL SIGN</u>	<u>ST</u>	<u>CITY</u>	<u>FREQ.</u>	<u>ERP [KW]</u>
KIIX	CO	WELLINGTON	600	5.000
KGAB	WY	ORCHARD VALLEY	650	8.500
KUYO	WY	EVANSVILLE	830	10.000
KRKY	CO	GRANBY	930	4.500
KTWO	WY	CASPER	1030	50.000
KLMO	CO	LONGMONT	1060	10.000
KVVS	CO	WINDSOR	1170	1.000
KLDI	WY	LARAMIE	1210	10.000
KOWB	WY	LARAMIE	1290	5.000
KFKA	CO	GREELEY	1310	5.000
KHNC	CO	JOHNSTOWN	1360	0.500
KJLJ	WY	CHEYENNE	1370	1.000
KCOL	CO	FORT COLLINS	1410	1.000
KEZZ	CO	ESTES PARK	1470	1.000
KRAE	WY	CHEYENNE	1480	1.000
KHPN	CO	LOVELAND	1570	1.000

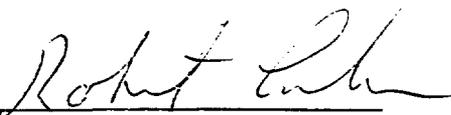
MINIMUM OTHER SERVICES

The map of Figure 1 illustrates that a minimum of two other audio services exists in the KRQU(FM) present service area which would lose service as a result of the reallocation and relocation of KRQU(FM). This minimum other service area exists in a very thin crescent area on the far western edge of the KRQU(FM) present service contour. Other small areas of three, four and five other services lie on the western and far northeastern edge of the KRQU(FM) service contour. Those areas, with two to five other services, are highlighted with shading on the map of Figure 1. Areas with more than five other services are not shaded. There are up to 13 other services in the area presently served by KRQU(FM) that would lose service when KRQU(FM) is relocated.

CONCLUSION

The KRQU(FM) relocation and reallocation will create an area of lost service, that receives service from a substantial number of other services. There will remain at least two other services, and as many as 13 other services, after the relocation of KRQU(FM).

Respectfully Submitted,
LOHNES AND CULVER

by 

Robert Culver, P.E.
Md. Reg. Eng. No. 19672

March, 2001

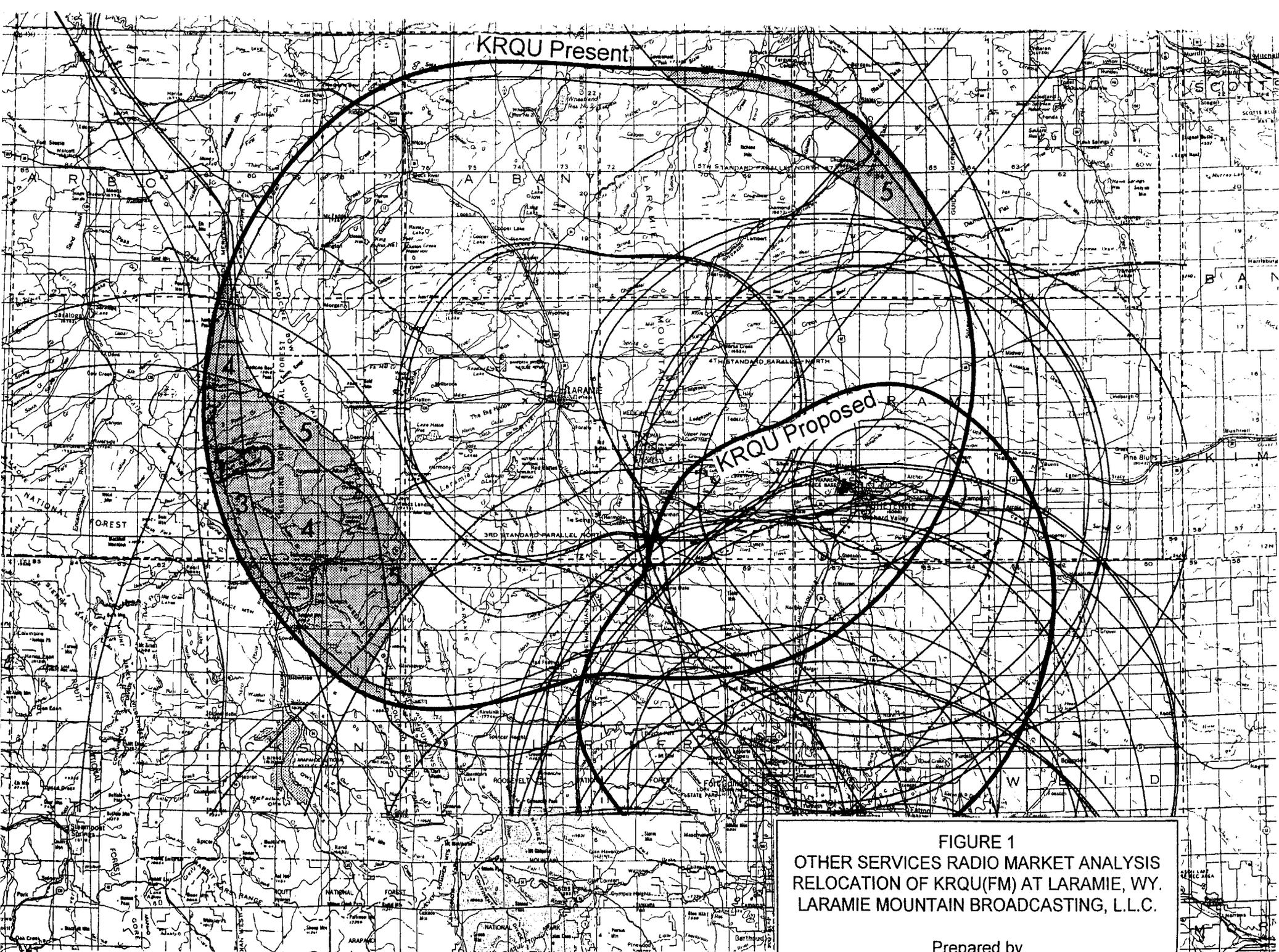
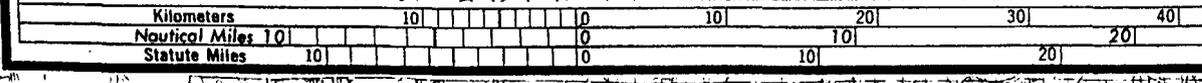


FIGURE 1
OTHER SERVICES RADIO MARKET ANALYSIS
RELOCATION OF KRQU(FM) AT LARAMIE, WY.
LARAMIE MOUNTAIN BROADCASTING, L.L.C.

Prepared by
 Lohnes and Culver Washington, D.C.
 March, 2001



**ENGINEERING STATEMENT RE:
RELOCATION OF KRQU(FM) AT LARAMIE, WY.
ALLOCATION AND POPULATION SERVICE
LARAMIE MOUNTAIN BROADCASTING, L.L.C.**

INTRODUCTION

This statement was prepared on behalf of Laramie Mountain Broadcasting, L.L.C., (Mountain), licensee of KRQU(FM) at Laramie, Wyoming. Mountain proposes to relocate KRQU(FM) and re-allocate it from Laramie to the city of Laporte, Colorado.

PROPOSED RELOCATION - ALLOCATION STUDY

Mountain will relocate KRQU(FM) to an existing site it from which it operates station KRRR(FM). An allocation study from the proposed site indicates that the relocated KRQU(FM) will meet all of the allocation separations in Section 73.207(b) of the FCC Rules and can operate on its assigned Channel 275 as a Class C2 facility. The facilities to be employed by KRQU(FM) will, therefore, duplicate those of KRRR, providing principal community contour coverage of Laporte, Colorado.

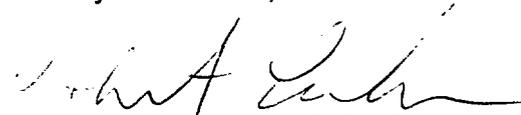
SERVICE CONTOUR COVERAGE

Mountain will relocate KRQU(FM), operate as Class C2 and shift its 60 dBu (1.0 mV/m) coverage area accordingly. A population analysis has been made based on the latest available full census population figures, the 1990 population data. The present KRQU(FM) service contour covers 18,680 square kilometers with a 1990 population of 101,900. The proposed relocated KRQU(FM) service contour covers 8,290 square kilometers with a 1990 population of 261,600.

CONCLUSION

Mountain can relocate KRQU(FM) in accordance with Section 73.201(b) of the FCC Rules, operating with smaller, more efficient class of facilities, and increase its coverage population per area efficiency by a factor of nearly 6 to 1.

Respectfully Submitted,

by 
Robert D. Culver, P.E.
Md.Reg.Eng.No. 19672

April, 2001

EXHIBIT 2

DATA ON LaPORTE, COLORADO

Community Status Criteria

Town:	LaPorte
Population.	2300
Post Office.	Yes.
Media	Yes. North Forty News.
Religion.	Yes. LaPorte Presbyterian Church (2 locations) (See attached)
Businesses (includes retail, real estate, grocery stores, etc.).	Yes. (See attached)
Restaurants.	Yes. (See attached)
Hotels, etc.	Yes. (several), see attachment.
Schools.	Yes. Cache La Poudre Elementary School. Cache La Poudre Junior High School.
Day Care.	Yes. Jelly Beans Day Care Inc.
Medicine/Assisted Living.	Yes. Michael K. Lilndstorm-Windridge Chiropractic Inc.

Population, etc. of LaPorte, Colorado



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History of LaPorte

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The community of LaPorte is located west of Fort Collins near the foothills, alongside the Cache La Poudre River. As its name implies, LaPorte is considered the gateway to the mountains. The town was named by French-Canadian fur trappers, many with Native American wives, who settled in the area in the mid-1800s.

According to legend, a group of fur traders had earlier stashed supplies (including gunpowder) in a cache along the river near LaPorte, and that is how the river got its name.

In November 1861, when the first Territorial Legislature was created, LaPorte was chosen as a county seat. The year 1862 was significant for the small community. That year, the first post office opened, a stage stop was built, and Camp Collins was established by the U.S. Army along the river to protect the stage line from Indian attack. That same year, the LaPorte Townsite Company claimed 1,280 acres of land for the town. When the army camp flooded in 1864, soldiers packed their gear and moved downstream to a location near present-day Fort Collins.

In 1881, a state election was held to determine the location of the state capital. Denver won over LaPorte by one vote.

Much of LaPorte's early history can be appreciated by a stroll through the Bingham Hill Cemetery just outside town.

Still an unincorporated community, LaPorte is now home to about 1,700 families.

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U.S. Gazetteer

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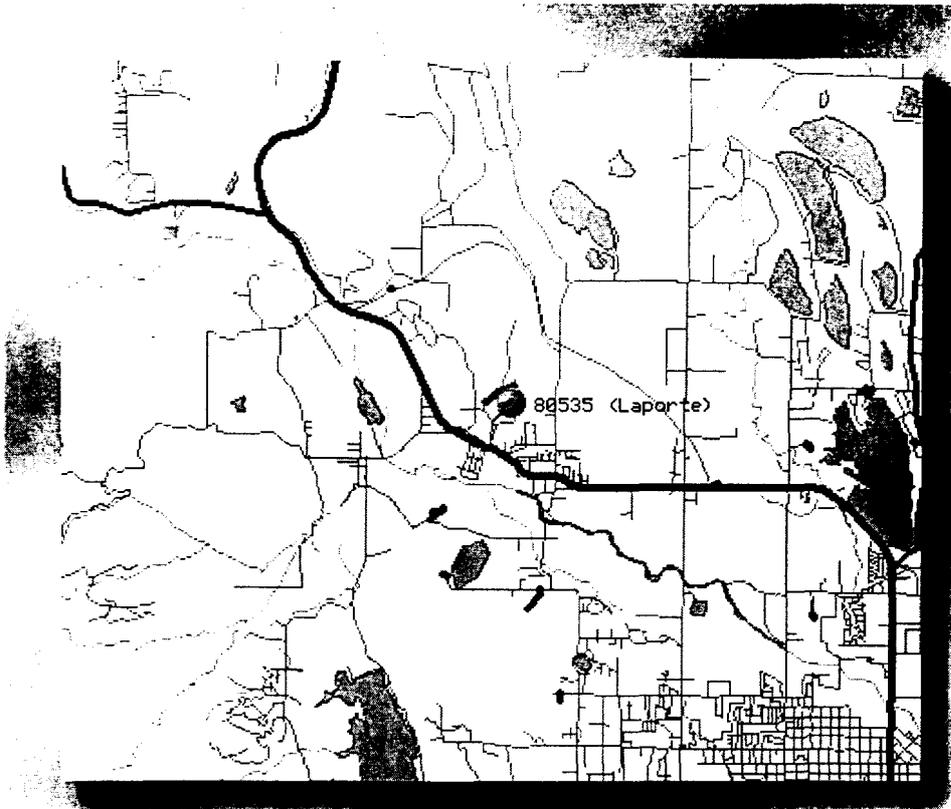
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- **Zip Code: 80535** PO Name: Laporte (CO)
Population (1990): 2300
Location: 40.634683 N, 105.148757 W
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Lookup 1990 Census zipcode data from [STF3B](#).

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

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For additional information, comments and suggestions, see the [Feedback](#) page.



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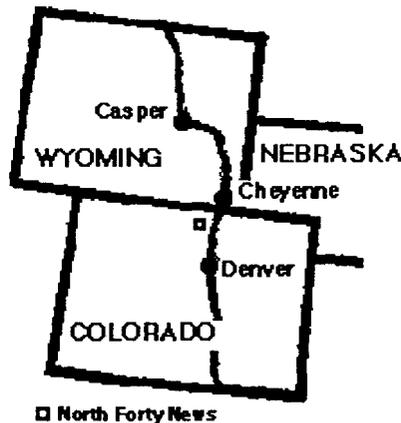
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The North Forty News covers interesting people, events, and historical topics in our Northern Larimer County, Colorado coverage area.

The North Forty News is a monthly advertiser, which is mailed to residents in the area shown on the more detailed [N40 area map](#), as well as to subscribers located outside this area. If you are interested in receiving the North Forty News monthly but are outside our direct-mail area, you can [subscribe](#).

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Religion



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Laporte, CO

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1 to 2 of 2

Business Name	Address	City	Phone
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Laporte Presbyterian Church	4121 Shannon Dr	Laporte, CO	(970) 482-0151

Beyond Laporte

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Public input sought for Holnam project in LaPorte

With Holnam, Inc. scheduled to donate more than \$16,000 for an environmental or public health project in the LaPorte area, local citizens are looking for ideas for spending the funds.

The LaPorte Area Planning Advisory Committee, in cooperation with the Larimer County Department of Public Health and Holnam, has been charged with developing a project, and they are now turning to the public for input. The funds are related to emissions from Holnam's coal mill stack that exceeded standards. In addition to correcting the emissions problem, the company has opted to undertake a local "supplemental environmental project" in lieu of paying the total penalty to the state. The state requires that this project must result in significant environmental or public health benefits in the LaPorte area.

At the Feb. 19 LAPAC meeting, Principal Ginny Owen of Cache La Poudre Junior High suggested projects that could be carried out in conjunction with the school. One such project would involve paying to bus students from After Hours classes to five different drop sites, thus saving vehicle trips by parents. Busing is currently paid for by the After Hours program with grant money, but the grant is scheduled to end in 2002.

Owen also suggested using the funds for a new sign in front of the LaPorte schools, but LAPAC members indicated that such a project would not meet the environmental guidelines imposed by the state.

Other project ideas to date include the following:

- treatment of unpaved roads;
- reducing wood stove pollution;
- providing alternative transportation, such as bus service to LaPorte;
- air quality monitoring;
- saving energy through either alternative energy sources or by improving energy efficiency.

LaPorte-area residents are encouraged to submit ideas for the supplemental environmental project to LAPAC, c/o R.N. Havis, P.O. Box 1437, LaPorte, Colo. 80535; or by e-mail to rhavis@juno.com.

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Page updated 03/01/2000



LaPorte Planning Advisory Committee

Description Solicit community involvement, opinion, and active participation. Make recommendations consistent with the LaPorte Area Land Use Plan to Larimer County Boards and Commissions. Advises the Board of County Commissioners on other matters of interest to the LaPorte area. Develop, refine and promote a vision of the future for the LaPorte community.

Number of Members 10

Term Length 3

Meets Third Tuesday of every month, 7:00 p.m.
West Ft. Collins Water District 2711 N. Overland T
For the exact date/time and locations of meetings held this week, please refer to the [Commissioners' schedule](#).

Staff Contact(s) Jill Bennett - Planning - 498-7689 - bennetvj@co.larimer.co.us

Bylaws 

Members & Applicants

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Business Name	Address	City	Phone
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Sandy's Designs	3304 W County Road 54g	Laporte, CO	(970) 221-1733

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