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Before the
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.	)	
(Ash Fork, Arizona)	)	MM Docket No. 02-12
	)	RM-10356
	)	
(Bunnell, Florida)	)	MM Docket No. 02-13
	)	RM-10357
	)	
(Ketchum, Idaho)	)	MM Docket No. 02-14
	)	RM-10358
	)	

NOTICE OF PROPOSED RULE MAKING

Adopted: January 16, 2002; **Released: January 25, 2002**

Comment Date: March 18, 2002
Reply Comment Date: April 2, 2002

By the Chief, Allocations Branch:

1. Before the Allocations Branch for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. The petitioner for each proposal has stated that it will apply for each requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our technical requirements and would serve the public interest.

2. This is a multiple docket Notice of Proposed Rule Making issued in response to a Commission Public Notice released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single Notice of Proposed Rule Making. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the Public Notice, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We request comments and/or counterproposals to the following proposals:

A. MM Docket No. 02-12; RM-10356

Petitioner: Liberty Ventures III, LLC

C/o Scott C. Cinnamon, Esq.
Law Offices of Scott C. Cinnamon, PLLC
1090 Vermont Ave., Suite 800
Washington, D.C. 20005

Proposal: Allot Channel 285A at Ash Fork, Arizona, as that community's first local aural transmission service.[1]

Community	Present	Proposed
Ash Fork, Arizona	---------	285A

Coordinates: 35-12-27 NL and 112-37-49 WL

Additional Information: This allotment requires a site restriction of 13.6 kilometers (8.4 miles) west of Ash Fork, Arizona.

FCC Contact: R. Barthen Gorman (202) 418-2180

B. MM Docket No. 02-13; RM-10357

Petitioner: Chesapeake-Portsmouth Broadcasting Corporation

C/o James P. Riley, Esq.
Anne Goodwin Crump, Esq.
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street, Eleventh Floor
Arlington, Virginia 22209

Proposal: Allot Channel 254A at Bunnell, Florida, as that community's first local aural transmission service.[2]

[1] Ash Fork is listed in the 2000 U.S. Census as a Census Designated Place (CDP) with a population of 457.

[2] Bunnell is an incorporated city with a population of 2,122 persons (2000 U.S. Census).

Community	Present	Proposed
Bunnell, Florida	---------	254A

Coordinates: 29-29-38 NL and 81-09-45 WL

Additional Information: This allotment requires a site restriction of 9.8 kilometers (6.1 miles) east of Bunnell, Florida.

FCC Contact: R. Barthen Gorman (202) 418-2180

C. **MM Docket No. 02-14; RM-10358**

Petitioner: Best Ski Country Radio

Walters A. Sanders, Jr.
Best Ski Country Radio
28 Union Creek Road
Tylertown, Mississippi 39667

Proposal: Allot Channel 224A to Ketchum, Idaho, as that community's second local aural transmission service.[3]

Community	Present	Proposed
Ketchum, Idaho	---------	224A

Coordinates: 43-41-58 NL and 114-23-55 WL.

Additional Information: This allotment requires a site restriction of 3.6 kilometers (2.2 miles) northwest of Ketchum, Idaho.

FCC Contact: R. Barthen Gorman (202) 418-2180

[3] Ketchum is an incorporated city with a population of 3,003 persons (2000 U.S. Census). Station KIKX(FM), Channel 284C, is already licensed to Ketchum.

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket Notice of Proposed Rule Making should reference **only** the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before **March 18, 2002**, and reply comments on or before **April 2, 2002**, and are advised to read the Appendix for the proper procedure. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules. 46 FR 11549 (February 9, 1981).

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making 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. 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. 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. Any comment which has not been served on the petitioner constitutes an ex parte 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.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g)and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also 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.

3. Cut-off protection. The following procedures will govern the consideration of 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. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. 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. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, SW; TW-A325, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center (Room CY-A257) at its headquarters, 445 Twelfth Street, SW, Washington, D.C.