

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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) MB Docket No. _____
FM Broadcast Stations) RM - _____
(Akron and Denver, Colorado))

To: Chief, Audio Division
Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING

Akron Broadcasting Company ("ABC"), by its counsel, hereby requests that the Commission accept this amendment to its petition for rule making filed on May 24, 2002, requesting the allotment of Channel 279C0 at Akron. This amendment requests that Channel 279C1 be allotted to Akron instead of Channel 279C0. If this petition is granted, ABC will file an application for a new station on Channel 279C1 at Akron and construct the facilities if its application is granted. In support hereof, ABC states as follows:

1. The following table summarizes the changes requested in this Petition:

| City | Channel | |
|------------------|----------|----------|
| | Existing | Proposed |
| Akron, Colorado | ---- | 279C1 |
| Denver, Colorado | 278C | 278C0 |

2. ABC is amending its petition at the request of On-Air Family, LLC ("On-Air"), licensee of KBRU-FM, Fort Morgan, Colorado, which is contemporaneously filing a petition for rule making relating to KBRU. In compliance with Section 1.420(j) of the Commission's Rules, ABC hereby states that neither it nor its principals has received or been promised any

consideration for the withdrawal of its expression of interest in a Class C0 allotment at Akron, Colorado.

3. As demonstrated in the Technical Exhibit (Exhibit A), Channel 279C1 can be allotted to Akron, Colorado at coordinates 40-03-28 North Latitude, 102-57-35 West Longitude consistent with Section 73.207 of the Commission's Rules, provided that Channel 278C at Denver, Colorado is downgraded to Channel 278C0. ABC restates its request that the Commission issue an Order to Show Cause to Jacor Broadcasting of Colorado, Inc., licensee of Station KRFX, Denver, Colorado, to demonstrate why KRFX should not be downgraded to Class C0. *See 1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, FCC 00-368, at ¶ 28 (Dec. 20, 2000).

4. The Town of Akron, Colorado is a community deserving of a first local service. The community indicia of Akron are fully set forth in ABC's original petition for rule making, a copy of which is attached hereto as Exhibit B and incorporated by reference.

CONCLUSION

Grant of this petition is in the public interest because Akron, Colorado will receive its first local service and an additional 41,799 people will be able to receive radio service. ABC reiterates that if the Commission allocates Channel 279C1 to Akron, it will file an application and construct the facility. The Commission should promptly issue a Notice of Proposed Rule Making and an Order to Show Cause as described herein.

Respectfully submitted,

AKRON BROADCASTING COMPANY

By: 
Mark M. Lipp
J. Thomas Nolan
Shook, Hardy & Bacon
600 14th Street, NW
Suite 800
Washington, DC 20005-2004
(202) 783-8400

Its Counsel

7/29/2002

Narrative for Channel 279C1 at Akron, CO

At reference coordinates 40-03-28 North 102-57-35 West it is possible to construct a 279C1 facility with certain provisions made in the present FM Table of Allotments and FCC FM Database.

KRFX 278C Denver, CO presently operates with facilities that are inconsistent with the Class C designation and spacing protections. As such, this Petition seeks to have the FCC Staff issue a Show Cause order, inquiring as to the plans of KRFX to increase the height of their transmitting tower consistent with Class C designation. The instant petition, in order to be acceptable, requires that KRFX be reclassified as 278C0.

There is good cause to make this accommodation, as the proposed C1 facility would provide service to an additional 41,799 persons.

After a diligent search, the petitioner has determined that there are no available alternate channels for C1 facilities at the reference site specified.

EXHIBIT B

PETITION FOR RULE MAKING

filed May 24, 2002

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

| | | |
|--------------------------------|---|---------------------|
| Amendment of Section 73.202(b) |) | |
| Table of Allotments |) | MM Docket No. _____ |
| FM Broadcast Stations |) | RM - _____ |
| (Akron and Denver, Colorado) |) | |

To: Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

Akron Broadcasting Company ("ABC"), by its counsel, hereby requests that the Commission amend the FM Table of Allotments to allot Channel 279C0 to Akron, Colorado as that community's first local service. If this Petition is granted, ABC will file an application for a new station on Channel 279C0 at Akron and construct the facilities if its application is granted. In support hereof, ABC states as follows:

1. The following table summarizes the changes requested in this Petition:

| City | Channel | |
|------------------|----------|----------|
| | Existing | Proposed |
| Akron, Colorado | ----- | 279C0 |
| Denver, Colorado | 278C | 278C0 |

2. As demonstrated in the Technical Exhibit, Channel 279C0 can be allotted to Akron, Colorado at coordinates 40-09-27 North Latitude, 102-51-51 West Longitude consistent with Section 73.207 of the Commission's Rules, provided that Channel 278C at Denver, Colorado is downgraded to Channel 278 C0. ABC requests that the Commission issue an Order to Show Cause to Jacor Broadcasting of Colorado, Inc., licensee of Station KRFX, Denver, Colorado, to demonstrate why KRFX should not be downgraded to Class C0. *See 1998 Biennial*

Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, FCC 00-368, at ¶ 28 (Dec. 20, 2000).

3. In addition, the Technical Exhibit reveals that Channel 279C0 at Akron would be short-spaced to a pending proposal for Channel 280C1 at Cheyenne, Wyoming, contained in a petition for rule making filed by Mountain States Radio, Inc. on February 22, 2002. That petition has not yet appeared in a notice of proposed rule making. The conflict can be removed through the specification of different reference coordinates for the Cheyenne petition. Channel 280C1 can be allotted to Cheyenne at 41-25-40 North Latitude, 104-29-21 West Longitude consistent with the Commission's spacing rules, provided that Channel 298A is substituted for vacant Channel 281A allotted to Guernsey, Wyoming. *See* Technical Exhibit.

4. Should the Commission nevertheless decide to consider the proposals in conflict then the Commission may combine the two into one proceeding. In that event, ABC's proposal for a first local service should prevail over a ninth local service at Cheyenne. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Furthermore, if ABC's proposal is treated as a counterproposal to Mountain State's proposal at Cheyenne, this should not prevent the Commission from issuing an Order to Show Cause to downgrade KRFX. While the Commission ordinarily does not permit the triggering of a Class C station in a counterproposal or comments, that policy is designed to give the Class C licensee the opportunity to file its own comments or counterproposal. *See Technical Streamlining, supra*, at ¶ 28. In this case, the two competing proposals would be set forth in a single public notice, providing the opportunity for comments and reply comments.

5. The Town of Akron, Colorado is a community deserving of a first local service. Akron is a thriving rural community located in High Plains region of Colorado in Washington

County, on U.S. Highway 34. Akron is listed in the U.S. Census 2000 with a population of 1,711. The U.S. Post Office associates ZIP Code 80720 with Akron and operates the Akron Main Post Office at 182 Adams Avenue, Akron, Colorado. According to the Town of Akron deputy clerk Theresa Boyce, Akron has an elected mayor and six town council members. The mayor and council members serve two and four year terms respectively. The town government has a town clerk, town shop, fire department, public works directors, sanitation superintendent, water superintendent, and house authority. Among the services provided by the town government are local zoning, trash pickup, water, sewage, street maintenance, and parks and recreation. The town operates and owns the Akron Swimming Pool and Washington County Golf Club. Police protection is provided the Sheriff's Department of Washington County. The Akron Fire Department is composed of twenty volunteers offering fire, rescue, EMS and other services to the citizens of Akron. *See Exhibit 1.*

6. Akron is also the county seat for Washington County. The Washington County Commissioners, Washington County Combined Courts, Washington County Health Department, Washington County Clerk, Washington County Weed Control and many other county agencies and offices are located in Akron.

7. The Town of Akron has its own unique identity and history. According to the Town Deputy Clerk, Akron means high point and Akron is named because it is the highest point in the northeast Colorado plain. The Town of Akron was incorporated in 1882.

8. Akron businesses include a wide variety of companies such as Akron Beauty Shoppe, Akron Greenhouse, Akron Hardware, Akron Radiator Shop, Spicknall's Pontiac, Sodbuster Antiques, Power Technology Solutions Group, Branding Iron Café, O'Dell's Supermarket, T C Video, Hayes Aviation, Williams Telecommunications, Crestwood Manor

Motel and Hardamon Drug. Akron has numerous financial institutions such as Akron Federal Credit Union, First National Bank of Akron, Bank of Colorado, and Citizens National Bank. The Akron Chamber of Commerce promotes local economic growth and development. Medical services for the citizens of Akron are provided by the Northeast Colorado Health Department and Akron Chiropractic Clinic. Dental Services are provided by Akron Dental Clinic. The *Akron News-Reporter* is a weekly newspaper founded in 1910 that is published every Thursday offering local news to the citizens of Akron. The Akron-Colorado Plains Regional Airport operates in Akron. *See Exhibit 1.*

9. Akron is part of Akron School District, with Akron Elementary School and Akron High School providing public education. The Town of Akron operates the Akron Public Library, which is open five days a week. *See Exhibit 1.*

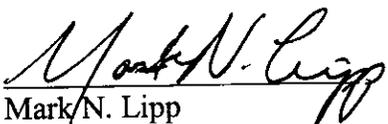
10. Akron hosts the Washington County Fair and Rodeo. Akron is home to several churches such as Akron Foursquare Church, Akron Seventh Day Adventist, Akron United Methodist Church and St. Joseph's Catholic Church. Akron has a wide variety of civic organizations and associations located within the town limits such as the Akron Veterans Club, Akron Lodge #2579, Akron VFW Memorial Post and Akron Lions Club. *See Exhibit 1.*

CONCLUSION

Grant of this petition is in the public interest because Akron, Colorado will receive its first local service and an additional 20,384 people will be able to receive radio service. ABC reiterates that if the Commission allocates Channel 279C0 to Akron, it will file an application and construct the facility. The Commission should promptly issue a Notice of Proposed Rule Making and an Order to Show Cause as described herein.

Respectfully submitted,

AKRON BROADCASTING COMPANY

By: 
Mark N. Lipp
J. Thomas Nolan
Shook, Hardy & Bacon
600 14th Street, NW
Suite 800
Washington, DC 20005-2004
(202) 783-8400

Its Counsel

May 24, 2002

Narrative for Channel 279 at Akron, CO

At reference coordinates 40-09-27 North 102-51-51 West it is possible to construct a 279C0 facility with certain provisions made in the present FM Table of Allotments and FCC FM Database.

- 1.) There is presently on file a petition, not yet on public notice at the time of this writing, which proposes to allot channel 280C1 to Cheyenne, WY. 279C0 as proposed in this petition is mutually exclusive with 280C1 at Cheyenne using the reference site in the FCC database. This site was chosen by the Cheyenne Petitioner. By moving the reference site proposed for 280C1 Cheyenne, WY to 41-25-40 North 104-29-21 West it is possible to accommodate 279C0 at Akron, CO. This change to the Cheyenne proposal requires only one other change to the Table of Allocations, beyond that contained in the Cheyenne Petitioner's request. Vacant allotment 281A at Guernsey, WY can be reassigned any of several possible channels, with 298A being the most efficient. Licensed facility KOZY, Gering, NE has already been ordered from 280C3 to 239C3 [Docket 97-106, DA-00-865].
- 2.) KRFX 278C Denver, CO presently operates with facilities that are inconsistent with the Class C designation and spacing protections. As such, this Petition seeks to have the FCC Staff issue a Show Cause order, inquiring as to the plans of KRFX to increase the height of their transmitting tower consistent with Class C designation. The instant petition, in order to be acceptable, requires that KRFX be reclassified as 278C0.

The instant Petitioner understands that it is the FCC's position that a counterproposal (i.e., filed in response to a pending petition and containing an alternate arrangement of allotments) which seeks to "trigger" a Class C facility (see #2 above) is not acceptable for tender. The instant Petitioner requests that the FCC act quickly on the request that a Show Cause be issued to KRFX and that the 280C1 Cheyenne petition be processed in such a way that the period allowed KRFX to respond be permitted to run before the 280C1 Cheyenne, WY petition is placed on public notice.

There is good cause to make this accommodation, as the proposed C0 facility would provide service to an additional 20,384 persons.

Statement of No Available Alternate Channels

After a diligent search, the petitioner has determined that there are no available alternate channels for C0 facilities at the reference site specified for Akron, Colorado.

FM Study for: ALLOCR FCC Database Date: 3/27/2002 41-25-40
 Location: CHEYENNE, WY Channel Class: C1 104-29-21

[*] by HAAT indicates calculated as missing in database.

Call City, State Chan Class Freq kW Latitude Dist. Required
 Status Proponent File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 280 103.9 MHz <<<<<<<<

ALLOCR CHEYENNE, WY 280 C1 103.9 41-04-35 39.5 245
 ADD RM-spm94 0 104-33-49 189.1 -205.5 SHORT
Note: Site selected by petitioner in pending petition for 280C1 at Cheyenne, WY

ALLOC CHEYENNE, WY 280 C2 103.9 41-08-17 41.7 224
 VAC RM-9071 0 104-48-22 219.6 -182.3 SHORT

ALLOCR CHEYENNE, WY 280 C2 103.9 41-08-17 41.7 224
 DEL RM-spm94 0 104-48-22 219.6 -182.3 SHORT

KOZYFM GERING, NE 280 C3 103.9 7.00 41-51-50 81.3 211
 LIC Fac. No. 67473 BLH-19960807KE 31 103-42-20 53.2 -129.7 SHORT
 Use of 73.215 for short spacing requires: 200 -118.7 SHORT
Note: Reassigned to 239C3 in Docket 97-106.

ALLOC GUERNSEY, WY 281 A 104.1 42-16-00 95.5 133
 VAC RM-9653 0 104-44-42 347.2 -37.5 SHORT
Note: Can be reassigned to 298A at the present allocation site. See attached Channel Study

KRQU LARAMIE, WY 283 C2 104.5 10.5 41-22-18 78.74 79
 CP Fac. No. 9761 BPH-19970314IB 286 105-25-40 265.8 -0.26 CLOSE

NEW AKRON, CO 279 C0 103.7 0 40-09-27 196.8 196
 CP Fac. No. 9761 BPH-19970314IB 102-51-51 135.3 +0.75 CLOSE
Note: Proposed new allotment in this petition

KQLT CASPER, WY 279 C 103.7 97.0 42-44-37 209.82 209
 LIC Fac. No. 47878 BLH-19980114KB 567 106-18-31 314.8 +0.82 CLOSE

KRQU LARAMIE, WY 283 C2 104.5 8.00 41-18-39 81.7 79
 CP Fac. No. 9761 BPH-20001220ABO 327 105-27-12 261.2 +2.7 CLOSE

KRQU LARAMIE, WY 283 C3 104.5 3.00 41-17-08 81.5 76
 LIC Fac. No. 9761 BLH-19960506KE 290_ 105-26-41 259.1 +5.5 CLOSE

05-10-2002

Alternate Channel for Guernsey, WY

PAGE 6

FM Study for: ALLOC FCC Database Date: 3/27/2002 42-16-00

Location: GUERNSEY, WY Channel Class: A 104-44-42

[*] by HAAT indicates calculated as missing in database.

Call City, State Chan Class Freq kW Latitude Dist. Required

Status Proponent File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 298 107.5 mHz <<<<<<<<

KKAW ALBIN, WY 297 C3 107.3 9.30 41-29-31 102.0 89
LIC Fac. No. 83584 BLH-20001201ABA 162 104-05-07 147.3 +13.0 CLOSE

EXHIBIT 1

City State / ZIP Code Associations

To find the ZIP Code for a mailing address, check out our [ZIP+4 Code Lookup Questions and Comments](#) | [Return to ZIP Code Lookup and Address Information](#)

akron, co



AKRON CO

is associated with the following ZIP Codes:

For these ZIP Codes, the city name is:

ZIP Code Type

80720

ACCEPTABLE (DEFAULT)

STANDARD

Version 5.0 Database 05/2002

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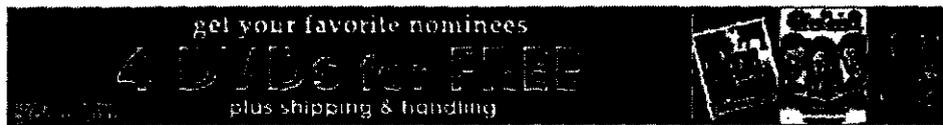


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| Business Name | Address |
|--|---|
| Akron Ambulance Svc (970) 345-2323 | 150 Ash Ave Akron, CO Map |
| Akron Apartments (970) 345-2327 | 333 Custer Ave Akron, CO Map |
| Akron Beauty Shoppee (970) 345-6839 | 166 Adams Ave Akron, CO Map |
| Akron City Clerk (970) 345-2624 | 245 Main Ave Akron, CO Map |
| Akron Elementary School (970) 345-2266 | 301 E 5th St Akron, CO Map |
| Akron Federal Credit Union (970) 345-2623 | 60 Hickory Ave Akron, CO Map |
| Akron Fire Dept (970) 345-2244 | 150 Ash Ave Akron, CO Map |
| Akron Flying Svc (970) 345-2378 | 60 Hickory Ave Akron, CO Map |
| Akron Foursquare Church (970) 345-2783 | 901 E 1st St Akron, CO Map |
| Akron Greenhouse (970) 345-2990 | 33 Hickory Ave Akron, CO Map |
| Akron Hardware (970) 345-6600 | 170 Main Ave Akron, CO Map |
| Akron Head Start | 902 E 1st St |



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| Business Name | Address |
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| Akron Seventh Day Adventist (970) 345-2721 | 217 Fir Ave Akron, CO Map |
| Akron Swimming Pool (970) 345-2767 | 382 Elm Ave Akron, CO Map |
| Akron United Methodist Church (970) 345-2338 | 101 W 3rd St Akron, CO Map |
| Akron Variety (970) 345-2306 | 133 Main Ave Akron, CO Map |
| Akron Veterans Club (970) 345-6584 | 275 E 1st St Akron, CO Map |
| Akron Warehouse (970) 345-6648 | 1018 Main Ave Akron, CO Map |
| First National Bank Of Akron (970) 345-2026 | 175 E 1st St Akron, CO Map |
| M & M Co-Op Akron Branch (970) 345-2261 | 725 E Railroad Ave Akron, CO Map |
| Mc Caffrey, Kelli - Akron Dental Clinic (970) 345-2677 | 482 Adams Ave Akron, CO Map |
| Oakley, David B DC - Akron Chiropractic Ctr (970) 345-2201 | 101 Bent Ave Akron, CO Map |
| Parker, Elza - Akron Loan Co (970) 345-2226 | 101 Main Ave Akron, CO Map |



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All Businesses

Business Name

Address

[Akron City Clerk](#)
(970) 345-2624

245 Main Ave
Akron, CO [Map](#)

[Natural Resource Conservation](#)
(970) 345-2364

60 Hickory Ave
Akron, CO [Map](#)

[Town Shop](#)
(970) 345-2758

1175 E US Highway 34
Akron, CO [Map](#)

[US Consolidated Farm Svc Agcy](#)
(970) 345-2364

60 Hickory Ave
Akron, CO [Map](#)

[Washington Cnty Commissioners](#)
(970) 345-2701

150 Ash Ave
Akron, CO [Map](#)

[Washington Cnty-Co Health Dept](#)
(970) 345-6562

126 Main Ave
Akron, CO [Map](#)

[Washington County Clerk](#)
(970) 345-6565

150 Ash Ave
Akron, CO [Map](#)

[Washington County Coroner](#)
(970) 345-2424

175 W 3rd St
Akron, CO [Map](#)

[Washington County Drvrs Licnce](#)
(970) 345-2404

150 Ash Ave
Akron, CO [Map](#)

[Washington County Extension](#)
(970) 345-2287

181 Birch Ave
Akron, CO [Map](#)

[Washington County Food Stamp](#)
(970) 345-2238

875 E 1st St
Akron, CO [Map](#)

[Washington County Shop](#)
(970) 345-2337

551 W 2nd St
Akron, CO [Map](#)

[Washington County Social Svc](#)
(970) 345-2238

875 E 1st St
Akron, CO [Map](#)

Washington County Weed Control
(970) 345-6625

181 Birch Ave
Akron, CO [Map](#)

Washington Cty Combined Courts
(970) 345-2756

150 Ash Ave
Akron, CO [Map](#)

Washington Veteran's Svc Ofc
(970) 345-6685

150 Ash Ave
Akron, CO [Map](#)

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Business Name

Address

Akron Police Dept
(970) 000-1111

Akron, CO [Map](#)

State Patrol
(970) 345-2244

Courthouse
Akron, CO [Map](#)

Washington County Sheriff
(970) 345-2244

150 Ash Ave
Akron, CO [Map](#)

Woodrow Police Dept
(970) 345-2244

Akron, CO [Map](#)

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Country





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Business Name

Address

[Akron Foursquare Church](#)
(970) 345-2783

901 E 1st St
Akron, CO [Map](#)

[Akron Seventh Day Adventist](#)
(970) 345-2721

217 Fir Ave
Akron, CO [Map](#)

[Akron United Methodist Church](#)
(970) 345-2338

101 W 3rd St
Akron, CO [Map](#)

[Bethel Union Church](#)
(970) 383-2387

26051 County Road 17
Akron, CO [Map](#)

[Church Of Christ](#)
(970) 345-2795

225 E 6th St
Akron, CO [Map](#)

[First Assembly Of God](#)
(970) 345-6808

326 E 4th St
Akron, CO [Map](#)

[First Baptist Church](#)
(970) 345-2385

875 E 3rd St
Akron, CO [Map](#)

[Lutheran Trinity Church](#)
(970) 345-2303

202 Birch Ave
Akron, CO [Map](#)

[Peace Evangelical Lutheran Chr](#)
(970) 345-2372

322 Gum Ave
Akron, CO [Map](#)

[Presbyterian Church](#)
(970) 345-6535

E 3rd & Ash St
Akron, CO [Map](#)

[St Joseph Catholic Church](#)
(970) 345-6996

551 W 6th St
Akron, CO [Map](#)

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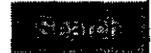
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All Businesses

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Business Name

Address

[Akron Elementary School](#)
(970) 345-2266

301 E 5th St
Akron, CO [Map](#)

[Akron High School](#)
(970) 345-2268

622 Elm Ave
Akron, CO [Map](#)

[Akron School District](#)
(970) 345-2268

600 Elm Ave
Akron, CO [Map](#)

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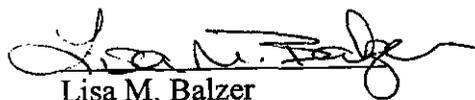


CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 24th day of May, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "PETITION FOR RULE MAKING" to the following:

Jacor Broadcasting of Colorado, Inc.
2625 S. Memorial Drive
Suite A
Tulsa, OK 74129

A. Wray Fitch, Esquire
Gammon & Grange
8280 Greensboro Drive
7th Floor
McLean, VA 22102-3807
(Counsel to Mountain States Radio, Inc.)

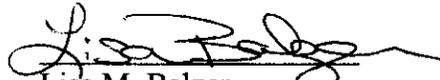
A handwritten signature in black ink, appearing to read 'Lisa M. Balzer', with a stylized flourish extending to the right.

Lisa M. Balzer

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 29th day of July, 2002 caused to be mailed by first class mail, postage prepaid, copies of the foregoing **"AMENDMENT TO PETITION FOR RULE MAKING"** to the following:

Jacor Broadcasting of Colorado, Inc.
2625 S. Memorial Drive
Suite A
Tulsa, OK 74129


Lisa M. Balzer