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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MM Docket No. 01-135 |
| Table of Allotments |) | RM-10154 |
| FM Broadcast Stations |) | |
| (Caliente, Nevada) |) | |

To: Assistant Chief, Audio Division
Media Bureau

SUPPLEMENT

Marathon Media Group, L.L.C. ("Marathon"), licensee of Station KHUL (formerly KONY-FM), Kanab, Utah, by its counsel, hereby submits this supplement in the above-captioned proceeding. On August 13, 2001, Marathon filed a counterproposal in this proceeding. However, despite the passage of more than one year, to Marathon's knowledge the counterproposal has not appeared in the Commission's FM engineering data base, although the counterproposal was placed on Public Notice on October 23, 2001. While the reasons for this are unclear, Marathon desires to call the Commission's attention to certain events that have occurred since the filing of the counterproposal which may assist with its processing.

First, in MM Docket No. 01-69 (Parker, Arizona), the Commission released a Report and Order disposing of certain proposals that had been pending in that proceeding which may have had a bearing on the processing of this proceeding. DA 02-1249 (rel. May 24, 2002). That action is now final. Specifically, Farmworker Educational Radio Network, Inc. ("FERN") had filed a counterproposal which included the allotment of Channel 234C0 to Searchlight, Nevada. That allotment was in conflict with Marathon's proposed substitution of Channel 233A for 291A at Tecopa, California in its counterproposal in this proceeding. Significantly, the FERN

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counterproposal was found to be defective on its face and was not accepted for filing, and the communities at issue therein were not added to the caption of the proceeding. Its dismissal, which is final, clears any concern regarding the spacing between the two conflicting proposals. Since that is the case, there would be no purpose in instituting a new proceeding to consider the substitution of Channel 233A at Tecopa, California. Similarly, the Commission, by Memorandum Opinion and Order, DA02-495, released March 1, 2002, dismissed an Application for Review of a Commission action denying a rule making petition to allot Channel 265C to Littlefield, Arizona. See Report and Order, 15 FCC Rcd 1026 (Allocations Br. 2000). That dismissal, which is now final, clears any concern regarding the spacing of the denied Littlefield proposal and Channel 265C, Moapa, Nevada and Channel 262C, Escalante, Utah

Second, in MB Docket No. 01-124 (Amboy, California), the Commission received a counterproposal filed on July 15, 2002 by Cameron Broadcasting, Inc. ("Cameron") that conflicts with this proceeding. Specifically, Cameron's counterproposal included the allotment of Channel 234C at Pahrump, Nevada. This allotment conflicts with Marathon's proposal to substitute Channel 233A at Tecopa, California as part of its counterproposal in this proceeding. On July 30, 2002, Marathon filed reply comments in MM Docket No. 01-124 (the Amboy proceeding) noting the conflict and requesting that the Cameron counterproposal be dismissed. There have been no responsive comments to that filing. It is likely that Cameron was simply unaware of Marathon's counterproposal because it was not in the engineering data base. Should a spacing conflict appear between the Amboy proceeding and this one, the Commission should resolve that conflict in Marathon's favor because it had clear priority in time over the Cameron filing. See Pinewood, South Carolina 5 FCC Rcd 7609 (1990); Benjamin, Texas, DA 02-1372

(released June 14, 2002), recons. pending and Mason, Texas, DA 02-1389 (released June 14, 2002), recons. pending.

Third, in its counterproposal in this proceeding Marathon proffered an alternate channel to satisfy the petitioner's interest in a second aural service at Caliente, Nevada. The petitioner failed to express an interest either in its originally requested channel or the alternate channel suggested by Marathon. It is the Commission's policy to dismiss a proposal in the absence of a continuing expression of interest *See Notice of Proposed Rule Making*, 16 FCC Rcd 12722, (2001), [Appendix, Paragraph 2] (2001); *Bridport, Vermont*, 5 FCC Rcd 6172 (1990). Thus, either by dismissing the Caliente proposal or allotting the alternative channel, the Commission can recognize that there is no conflict with any other proposal in this proceeding and no party is adversely affected by acceptance and consideration of the pleading. Marathon again urges the Commission to enter its proposal in the data base.

WHEREFORE, for the foregoing reasons, the Commission should process and grant Marathon's counterproposal in this proceeding.

Respectfully submitted,

MARATHON MEDIA GROUP, L.L.C.

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August 16, 2002

CERTIFICATE OF SERVICE

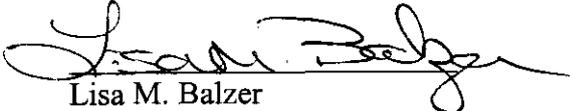
I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 16th day of August, 2002, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Supplement**" to the following:

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