



Wiley Rein & Fielding LLP

DOCKET FILE COPY ORIGINAL
RECEIVED ORIGINAL

JUN 12 2003

1700 STREET NW
WASHINGTON, DC 20006
PHONE 202.779.3000
FAX 202.779.3989

June 12, 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

James R. Bayes
202.719.7064
jbayes@wrf.com

Washington Office
760 JONES BRANCH DRIVE
SUITE 6200
MOUNTAIN VIEW, CA 92116
PHONE 951.905.3800
FAX 951.905.3920

BY HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

www.wrf.com

**Re: MM Docket No. 01-11
RM-10027
RM-10322
Amendment of Section 73.202(b), Table of Allotments,
FM Broadcast Stations
(Murrieta, Arcadia, Fallbrook, Yucca Valley,
and Desert Hot Springs, California)**

Dear Ms. Dortch:

This letter is being submitted on behalf of MCC Radio, LLC ("MCC"), licensee of KYOR(FM), Channel 295B1, Yucca Valley, California, and relates to a counterproposal (the "Big City Counterproposal") submitted in the above-referenced proceeding by Big City Radio-LA, L.L.C. ("Big City Radio"), the former licensee of KSSE(FM) (formerly KLYY(FM)), Arcadia, California, and of KSSD(FM) (formerly KSYY(FM)), Fallbrook, California.^{1/}

The Big City Counterproposal proposed, *inter alia*, the allotment of Channel 295B1 to Desert Hot Springs, California, in lieu of Channel 295B at Yucca Valley, California, with the consequent modification of the license of KYOR(FM) to specify operation on Channel 295B1 at Desert Hot Springs. MCC's predecessor, Morris Communications Corporation ("Morris"), as licensee of KYOR(FM), had consented to such reallocation and license modification. The Big City Counterproposal was denied by the Assistant Chief of the Audio Division, Media Bureau, in the *Report and Order*, DA 02-2514 (released October 9, 2002). As the Commission's records will reflect, Big City Radio thereafter filed an Application For Review on November 8, 2002 (the "Application for Review"), seeking full Commission review of the October 9, 2002 *Report and Order*. The Application for Review remains pending.

^{1/} MCC is advised that on April 16, 2003, pursuant to prior Commission approval, the licenses to operate KSSE(FM) and KSSD(FM) were assigned to Entravision Holdings, LLC ("Entravision"). See FCC File Nos. BALH-20021224ADA/ADB.

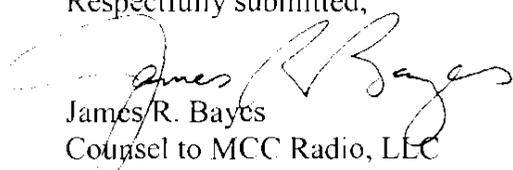
Handwritten: 014
Stamp: RECEIVED

June 12, 2003

Page 2

This letter is to inform the Commission that the agreement between Big City Radio and MCC that provided a predicate for the Big City Counterproposal has been terminated. **Accordingly, MCC no longer consents to the modifications to the Yucca Valley allotment and to KYOR's license as proposed in the Big City Counterproposal.**^{2/} Insofar as the Commission will not impose downgrades and/or community relocations on a licensee without its consent,^{3/} the Big City Counterproposal cannot be implemented. Consequently, the Application for Review filed by Big City Radio has been rendered moot and should be dismissed by the Commission.

Respectfully submitted,


James R. Bayes
Counsel to MCC Radio, LLC

cc: Marissa G. Repp, Esq., Counsel to Big City Radio-LA, LLC
Barry A. Friedman, Esq., Counsel to Entravision Holdings, LLC
David Tillotson, Esq., Counsel to Helen Jones
Peter H. Doyle, Chief, Audio Division, Media Bureau
John A. Karousos, Assistant Chief, Audio Division, Media Bureau
Andrew J. Rhodes, Senior Attorney, Audio Division, Media Bureau

^{2/} The agreement between Morris/MCC and Big City Radio dated May 26, 2000, had provided, *inter alia*, for Morris/MCC's consent to the Big City Counterproposal. Big City's counsel advises that this agreement was *not* assigned to Entravision in connection with the assignment of KSSE(FM) and KSSD(FM).

^{3/} See, e.g., *Madisonville and College Station, Texas, Giddings, Texas, and Bay City, Columbus, Edna, Garwood, Palacios and Sheridan, Texas*, 18 FCC Red 640 at ¶ 6 (Assistant Chief, Audio Division 2003) (Commission policy is not to downgrade a station to accommodate another station's desire to upgrade, absent agreement from the affected station consenting to the downgrade).