

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

FEB - 5 2004

In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. \_\_\_\_\_  
FM Broadcast Stations ) RM - \_\_\_\_\_  
(Meadview, Arizona, and Laughlin, Nevada) )

To: Office of the Secretary  
Attn: Assistant Chief, Audio Division  
Media Bureau

**SUPPLEMENT TO PETITION FOR RULE MAKING**

Desert Sky Media, LLC ("Desert Sky"), licensee of Station KVGS(FM), Laughlin, Nevada, by its counsel, hereby supplements its Petition for Rule Making filed on May 8, 2003 (the "Petition"). The Petition requested that the Commission amend the FM Table of Allotments to delete Channel 300C at Laughlin, Nevada, allot Channel 300C to Meadview, Arizona as that community's first local service, and modify the license of KVGS to reflect operation on Channel 300C at Meadview.

1. In the Petition, Desert Sky stated that Laughlin would not be deprived of its only local service because it will continue to be served by Station KLSQ(AM). However, unbeknownst to Desert Sky, KLSQ had filed an application to relocate to Whitney, Nevada. That application has been granted. See BMJP-20001023ABT. Thus, if Desert Sky's Petition is granted, Laughlin would likely be deprived of its only local service.

2. In order to comply with the Commission's requirement that Laughlin not be deprived of local service, Desert Sky supplements its Petition with the following: Hancock Broadcasting, Inc. ("Hancock") is the licensee of Station WBSL(AM), Bay St. Louis, Mississippi. On January 30, 2004, Hancock filed a major change application with the

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Commission to change the community of license of WBSL from Bay St. Louis, Mississippi to Laughlin, Nevada (the "Hancock Application"). See CDBS-20040130BNT. If the Hancock Application is granted by the Commission, Laughlin will be served by WBSL and thereby not deprived of its only local service. Therefore, Desert Sky requests that the Commission consider its Petition in conjunction with the Hancock Application.

3. There is precedent for the Commission to consider a petition for rule making in conjunction with a major change application. See *Marion and Johnston City, Illinois*, 18 FCC Rcd 15346 (2003) ("*Marion*"). On July 19, 2001, Clear Channel Broadcasting Licenses, Inc. ("Clear Channel") filed a major change application with the Commission to change the community of license of WHITE(AM) from Johnston City, Illinois to Berwyn, Illinois (the "Clear Channel Application"). In order to ensure that this relocation did not deprive Johnston City of local service, Clear Channel filed a Petition for Rule Making requesting to change the community of license of WDDD-FM from Marion, Illinois to Johnston City, Illinois. In *Marion*, the Commission granted Clear Channel's request to change the community of license of WDDD-FM from Marion, Illinois to Johnston City, Illinois stating that "the Commission routinely allows allotment 'backfills' by existing stations to preserve local service." *Id* at 15348. In a separate action, taken on the same day, the Commission granted the Clear Channel Application to change the community of license of WHITE(AM) from Johnston City, Illinois to Berwyn, Illinois. See BMAP-20010719AAN. These two proceedings were coordinated and granted at the same time specifically to avoid depriving a community of its only local service where the overall arrangement was found to be in the public interest.

4. Here, the Commission is faced with the same situation. In order to provide Meadview with a first local service, the Desert Sky Petition and the Hancock Application need to

be considered in conjunction with each other to ensure that the community of Laughlin will not be deprived of its only local service.

5. Desert Sky reiterates that if its Petition is granted, it will file an application for Channel 300C at Meadview and will construct the authorized facilities if its application is granted.

Wherefore, the Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

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