

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

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In the Matter of

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Amendment of Section 73.202(b) )  
Table of Allotments ) MB Docket No. 04-25  
FM Broadcast Stations ) RM - 10849  
(Laughlin, Nevada and Meadview, Arizona) )

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

COMMENTS

Desert Sky Media, LLC ("Desert Sky"), licensee of KVGS(FM), Laughlin, Nevada, by its counsel and pursuant to Section 1.415 of the Commission's Rules, hereby submits its Comments in the above captioned proceeding. See *Notice of Proposed Rule Making*, DA 04-288, (released February 9, 2004) (the "Notice").<sup>1</sup> In its Petition for Rule Making, Desert Sky proposed to delete Channel 300C at Laughlin, Nevada and allot Channel 300C at Meadview, Arizona as that community's first local service. Desert Sky hereby reaffirms its interest in providing a first local service to Meadview as stated in the petition. If the petition is granted, Desert Sky will file an application for Channel 300C at Meadview, and will construct the facilities if its application is granted. The *Notice* requested additional information on the population of Meadview and the proposed tower site, and Desert Sky provides the following information:

1. In its Petition, Desert Sky indicated that the population of Meadview was approximately 1,500 according to Suzann Newell, Secretary of the Meadview Area Chamber of

<sup>1</sup> In response to the *Notice*, issued by the Commission, Hodson Broadcasting submitted comments, which were received by the Commission on March 22, 2004. Desert Sky will respond to these comments by April 16, 2004, the reply comment date established by the Commission in the *Notice*.

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Commerce. Desert Sky also indicated that the U.S. Postal Service associates the zip code 86444 with Meadview. In the *Notice*, the Commission stated that according to the 2000 U.S. Census, the population associated with the zip code 86444 was 867, and requested clarification from Desert Sky as to this population discrepancy. Therefore, Desert Sky contacted Ms. Newell, who indicated that the boundaries of Meadview are the same as the boundaries identified with zip code 86444. Therefore, the population of 867 residents is reliable. The Chamber estimated the population of Meadview at 1,500 because a number of the residents of Meadview only live there part of the year. These residents may not be revealed in the Census data for the zip code 86444. Desert Sky believes that Meadview with a permanent population of 867 residents is a community deserving of a first local service.

2. In its Petition, Desert Sky designated the coordinates 35-50-11 North Latitude, 114-19-08 West Longitude as the proposed KVGS tower site. In the *Notice*, the Commission requested reasonable assurance that a tower can be built at this site. The coordinates provided by Desert Sky for the proposed KVGS tower site are the current coordinates for the existing tower site of Station KOAS(FM), Dolan Springs, Arizona, also licensed to Desert Sky. Therefore, if the Commission grants this petition, the KOAS tower site can be used.

3. In its 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 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. Therefore, on February 5, 2004, Desert Sky filed a Supplement to its Petition indicating that on January 30, 2004, Hancock Broadcasting, Inc. ("Hancock") filed a major change application to change the community of

license of Station WBSL(AM) to specify Laughlin, Nevada, pursuant to an agreement with Desert Sky. Desert Sky further requested that the Commission consider the Hancock application in connection with Desert Sky's Petition to ensure that Laughlin will not be deprived of its only local service. That supplemental pleading was filed prior to the issuance of the Notice but the Notice did not discuss the AM backfill proposal. Desert Sky requests that the Supplement be incorporated into these comments for consideration by the Commission staff.

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

Respectfully submitted,

DESERT SKY MEDIA, LLC

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Its Co-Counsel

April 1, 2004

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**CERTIFICATE OF SERVICE**

I, Lisa Balzer, a secretary in the law firm of Vinson & Elkins, do hereby certify that I have on this 1st day of April, 2004, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Petition for Reconsideration" to the following:

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\*Hand Delivered



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