

DOCKET FILE COPY ORIGINAL

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

In the Matter of )  
 )  
Reclassification of License of ) RM-11011  
Station KTST(FM), )  
Oklahoma City, Oklahoma )

RECEIVED

AUG 20 2004

Federal Communications Commission  
Office of Secretary

To: Secretary to forward to Assistant Chief, Audio Division, Media Bureau

STATEMENT IN RESPONSE TO ORDER TO SHOW CAUSE

Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), the licensee of Station KTST(FM), Channel 270C, Oklahoma City, Oklahoma (Facility ID No. 58390), by its attorneys, hereby responds to the Order to Show Cause, DA 04-2050 (released July 9, 2004) in the above-captioned proceeding (the "Order to Show Cause").

The *Order to Show Cause* stated that a petition for rule making filed by Charles Crawford ("Crawford") proposes the reclassification of Station KTST(FM) from a Class C to a Class C0 station, pursuant to note 2 of Section 1.420(g) of the Commission's Rules. The *Order to Show Cause* provides Clear Channel the opportunity until August 23, 2004, to file a written statement as to why the license for Station KTST(FM) should not be modified to a Class C0 facility as proposed.

This written statement responds to the *Order to Show Cause*.

Pursuant to note 2 of Section 1.420(g), note 4 of Section 73.3573, and Section 1.87 of

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the Commission's Rules, Clear Channel hereby states its intent to seek to modify Station KTST(FM)'s facilities by the filing of an acceptable application for a construction permit to increase the antenna height to greater than 450 meters HAAT and 100 kW ERP or the equivalent. Clear Channel intends to file such application with the Commission within 180 days of August 23, 2004, as provided by the Commission's Rules. As set forth in note 2 of Section 1.420(g) of the Commission's Rules, Crawford's petition will be dismissed upon the filing by Station KTST(FM) of an acceptable construction permit application to increase antenna height greater than 450 meters HAAT. Consequently, the facilities of Station KTST(FM) should not be reclassified as requested by Crawford.

Respectfully submitted,

**CLEAR CHANNEL  
BROADCASTING LICENSES, INC.**

By:   
Marissa G. Repp

HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109  
(202) 637-6845

Its Attorneys

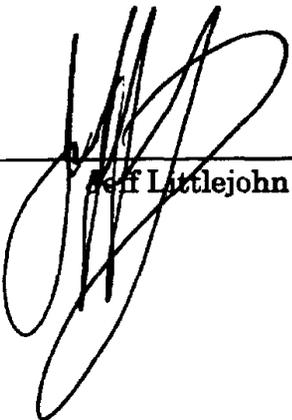
August 20, 2004

## **DECLARATION**

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President of Clear Channel Broadcasting Licenses, Inc. ("Clear Channel").
2. Clear Channel hereby states its intent to seek to modify the facilities of Station KTST((FM), Channel 270C, Oklahoma City, Oklahoma (Facility ID No. 58390), by the filing of an acceptable application for a construction permit to increase the antenna height to greater than 450 meters HAAT and 100 kW ERP or the equivalent. Clear Channel intends to file such application with the Commission within 180 days of August 23, 2004, as provided by the Commission's Rules.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jeff Littlejohn

Executed this 20th day of August 2004.

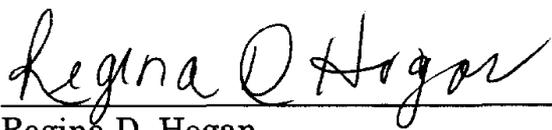
## Certificate of Service

I, Regina D. Hogan, hereby certify that on this 20<sup>th</sup> day of August 2004, a copy of the foregoing Statement in Response to Order to Show Cause was sent by first-class mail, postage prepaid, to:

John A. Karousos\*  
Assistant Chief, Audio Division  
Media Bureau  
Federal Communications Commission  
445 – 12<sup>th</sup> Street, S.W.  
Room 3A-266  
Washington, DC 20554

Charles Crawford  
4553 Bordeaux Avenue  
Dallas, Texas 75205

Gene A. Bechtel, Esq.  
Law Office of Gene Bechtel  
1050 17<sup>th</sup> Street, NW  
Suite 600  
Washington, D.C. 20036  
Counsel to Charles Crawford

  
Regina D. Hogan

\*By Hand Delivery

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
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Reclassification of License of ) RM-11011  
Station KTST(FM), Oklahoma City, Oklahoma )  
 )

**JUL 20 2004**

**ORDER TO SHOW CAUSE**

**Adopted: July 7, 2004**

**Released: July 9, 2004**

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a petition for rule making filed by Charles Crawford ("Petitioner") seeking to amend the FM Table of Allotments by allotting 271A to Gotebo, Oklahoma, as the community's first local FM transmission service. To accommodate the allotment, Petitioner requests that Station KTST(FM) at Oklahoma City, Oklahoma, be reclassified as a Class C0 facility because it is operating below minimum Class C facilities.<sup>1</sup> Petitioner has also certified, as required, that no other Class A channels are available for allotment to Gotebo.<sup>2</sup>

2. Station KTST(FM) currently operates on Channel 270C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 372 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of greater than 450 meters HAAT with 100 kW ERP. The staff has tentatively concluded that if Station KTST(FM) operates as a Class C0 facility, any short-spacing between Station KTST(FM) and the proposed use of Channel 271A at the proposed site would be eliminated. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to licensee of Station KTST(FM), Oklahoma City, Oklahoma, to show cause why its facilities should not be reclassified.

3. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, a petitioner may initiate the reclassification of a Class C FM station to a Class C0 station through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an *Order to Show Cause* as set forth in Note 4 to Section 73.3573 of the Rules, and a Notice of Proposed Rule Making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this *Order to Show Cause* directed to Clear Channel Broadcasting Licenses, Inc. ("Clear Channel") to show cause why Station KTST(FM)'s license should not be modified to specify operation on Channel 270C0 in lieu of Channel 270C at Oklahoma City. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and

<sup>1</sup> See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21,649 (2000) ("*Second Report and Order*"); 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2.

<sup>2</sup> See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>3</sup> In this instance, the reclassification of Station KTST(FM) as a Class C0 station at Oklahoma City, Oklahoma, will accommodate the allotment of Channel 271A at Gotebo, Oklahoma, as proposed by Petitioner. We consider this reclassification proposed by Petitioner to have sufficient public interest benefits to justify the issuance of a show cause order.

4. The license of Station KTST(FM) at Oklahoma City, Oklahoma, can be modified to allow the reclassification of Channel 270C to Channel 270C0 at its currently authorized transmitter site.<sup>4</sup>

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Clear Channel Broadcasting Licenses, Inc, Station KTST(FM), Oklahoma City, Oklahoma. SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 270C0, Oklahoma City, Oklahoma.

6. Pursuant to Section 1.87 of the Commission's Rules, Clear Channel may, no later than, August 23, 2004, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest. If Clear Channel chooses to seek authority to modify Station KTST(FM)'s facilities, an acceptable application for a construction permit to increase the antenna height to greater than 450 meters HAAT and 100 kW ERP or the equivalent must be on file with the Commission within 180 days subsequent to the show cause response due date, August 23, 2004.

7. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Clear Channel Broadcasting Licenses, Inc.  
2625 S. Memorial Drive, Suite A  
Tulsa, Oklahoma 24129

Marissa G. Repp, Esq.  
Hogan & Hartson, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, D.C. 20004-1109

<sup>3</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

<sup>4</sup> The reference coordinates for Channel 270C0 at Oklahoma City are 35-35-52 North Latitude and 97-29-22 West Longitude.

8. For further information on this proceeding, contact Sharon P. McDonald, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau