

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

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

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 2, 2005

Released: February 4, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking* issued at the request of Desert Sky Media, LLC ("Petitioner"), licensee of Station KVG(S)(FM), Channel 300C, Laughlin, Nevada, proposing the reallocation of Channel 300C from Laughlin to Meadview, Arizona, as the community's first local service, and the modification of the license for Station KVG(S)(FM) to reflect the new community of license. Petitioner filed comments and reply comments. Hodson Broadcasting ("Hodson") filed comments in opposition.¹

2. At the time the petition was filed in accordance with the provisions of Section 1.420(i) of the Commission's Rules, Petitioner stated that its proposal was in the public interest because it would provide the community of Meadview with its first local service without depriving Laughlin of its only local service. However, the other remaining station licensed to Laughlin, Station KLSQ(AM), was granted a change of community of license from Meadview to Whitney, Nevada on January 16, 2002.² Therefore, Petitioner's request would remove the sole local aural transmission service from Laughlin.³ In *Change of Community*,⁴ the Commission addressed the removal of a sole local service from a community as "presumptively" disserving the public interest. The underpinning for this policy is that the public has a

¹ Hodson alleges that Desert Sky is part of a "massive conglomeration" of media companies headed by Marathon Media Group, LLC, and Alta Communications, who, Hodson claims, often "manipulate" the Commission's rules by moving stations to small communities on the fringe of large metropolitan areas. Hodson includes a detailed history of Station KVG(S)(FM), and three other stations held by subsidiaries of Marathon Media and Alta Communications. Petitioner states that Hodson's opposition fails to show that Desert Sky or its parent corporations are violating any Commission rule in the manner in which they operate their stations, and that its allegations are actually based on false information. Specifically, Petitioner points out that contrary to Hodson's allegation, the location of Station KVG(S)'s main studio is not Las Vegas, but rather is Bullhead City Arizona, in compliance with Section 73.1125(a) of the Commission's rules. These allegations are unsupported by any reference to a specific violation of Commission rules, and in any event, these matters are outside the scope of a rulemaking proceeding such as this. We will not consider these allegations further.

² File No. BMJP-20001023ABT.

³ Petitioner supplemented its petition for rulemaking with a request to consider another AM change of community, Station WBSL(AM), Bay St. Louis, Mississippi to Laughlin, Nevada, to prevent the loss of the sole local service at Laughlin. See File No. BMJP-20040130BNT. Commission records show that the Station WBSL(AM) application was dismissed at the request of its licensee, Hancock Broadcasting, Inc., on July 21, 2004.

⁴ *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094 (1990) ("*Change of Community*").

legitimate expectation that its existing local service will continue. Any proposal which would remove the sole local service would have to overcome the presumption that it disserves the public interest; no such showing is made here. Accordingly, the request to reallocate Channel 300C from Laughlin, Nevada to Meadview, Arizona will be denied.

3. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this *Report and Order* to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because this proposed rule was denied.

4. IT IS ORDERED That the petition for rulemaking filed by Desert Sky Media, LLC IS DENIED.

5. IT IS FURTHER ORDERED That the Opposition filed by Hodson Broadcasting IS DISMISSED.

6. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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