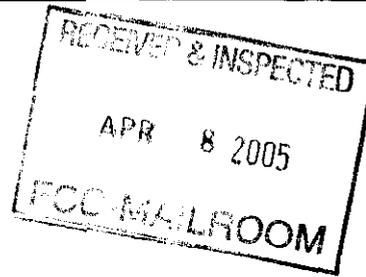


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Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Reclassification of License of) RM-11211
Station KMGL(FM), Oklahoma City, Oklahoma)
)

ORDER TO SHOW CAUSE

Adopted: April 6, 2005

Released: April 8, 2005

By the Assistant Chief, Audio Division, Media Bureau:

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 Channel 281C2 at Shattuck, Oklahoma, as the community's first local aural transmission service. To accommodate the allotment, Petitioner requests, *inter alia*, that Station KMGL(FM) at Oklahoma City, Oklahoma, be reclassified as a Class C0 facility because it is operating below minimum Class C facilities.¹ Petitioner has also certified, as required, that no other Class A channels are available for allotment to Shattuck.²

2. Station KMGL(FM) currently operates on Channel 281C with an effective radiated power ("ERP") of 100 kilowatts ("kW") at 415 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 KMGL(FM) operates as a Class C0 facility, any short-spacing between Station KMGL(FM) and the proposed use of Channel 281C2 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 KMGL(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 Renda Broadcasting Corporation of Nevada ("Renda") to show cause why Station KMGL(FM)'s license should not be modified to specify operation on Channel 281C0 in lieu of Channel 281C 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

¹ 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.

² 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.³ In this instance, the reclassification of Station KMGL(FM) as a Class C0 station at Oklahoma City, Oklahoma, will accommodate the allotment of Channel 281C2, Shattuck, 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 KMGL(FM) at Oklahoma City, Oklahoma, can be modified to allow the reclassification of Channel 281C to Channel 281C0 at its currently authorized transmitter site.⁴

5. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Renda Broadcasting Corporation of Nevada, licensee of Station KMGL(FM), Oklahoma City, Oklahoma, SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 281C0, Oklahoma City, Oklahoma.

6. Pursuant to Section 1.87 of the Commission's Rules, Renda may, no later than, May 23, 2005, 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 Renda chooses to seek authority to modify Station KMGL(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, it must express its intention to file the necessary application by the comment date specified in this *Order*. It also must file an acceptable application for a construction permit for Station KMGL(FM) with the Commission within 180 days subsequent to the show cause comment due date (May 23, 2005). Upon the filing of an acceptable construction permit application, the proposal to allot Channel 281C2 at Shattuck, Oklahoma, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by Renda for Channel 281C specified herein, under this procedure. If the construction is not completed as authorized, Station KMGL(FM) is subject to automatic reclassification as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 281C2 at Shattuck, Oklahoma, may be refiled.

7. IT IS THEREFORE ORDERED, That Renda Broadcasting Corporation of Nevada show cause why its authorization for Station KMGL(FM) should not be modified to specify operation on Channel 281C0 in lieu of Channel 281C at Oklahoma City, Oklahoma.

8. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL Send a copy of this *Order to Show Cause* by Certified Mail, Return Receipt Requested, to the following:

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

⁴ The reference coordinates for Channel 281C0 at Oklahoma City are 35-32-58 North Latitude and 97-29-18 West Longitude.

Renda Broadcasting Corporation of Nevada
900 Parish Street, 4th Floor
Pittsburgh, Pennsylvania 15220
(Licensee of Station KMGL(FM))

Mark N. Lipp, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania, Ave., N.W., Suite 600
Washington, D.C. 20004-1008
(Counsel for Petitioner)

9. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). Protests should be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of any filing should be served on:

Mark N. Lipp, Esq.
Vinson & Elkins, L.L.P.
1455 Pennsylvania, N.W, Suite 600
Washington, D.C. 20004-1008

10. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Pennsylvania Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, Maryland 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. **All filings must be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. See 47 C.F.R. § 1.7. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.**

11. 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