

Imaging Center
CY C203

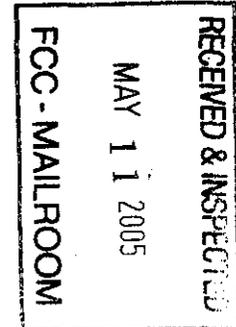


Federal Communications Commission
Washington, D.C. 20554

May 6, 2005

Dan J. Alpert, Esq.
Counsel for KBYN, Inc.
The Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

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Dear Mr. Alpert:

This letter is regarding the petition for rulemaking you filed on behalf of KBYN, Inc., licensee of Station KBYN(FM), Channel 240A, Arnold, California, requesting the reallocation of Channel 240A to Angels Camps, California, as its first local service and modification of the Station KBYN(FM) license accordingly.

Your proposal is unacceptable for consideration at this time because it violates Section 73.208(a)(ii) of the Commission's rules. Specifically, the proposed Angels Camps reallocation is short-spaced to the FCC reference coordinates, 37-04-03 NL and 120-44-52 WL, for Channel 240A at Dos Palos, California. To this end, Station KSDK(FM)'s license was modified to specify operation on Channel 240A at Dos Palos, California in lieu of Channel 240A at Livingston, California.¹ Station KSDK(FM) was granted a construction permit for Channel 240A at Dos Palos specifying different coordinates.² However, the construction permit expired and was subsequently cancelled. As a result, the FCC reference coordinates for Channel 240A at Dos Palos must be protected.

Based on the foregoing, we are returning your petition for rulemaking.

Sincerely,

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

¹ See *Dos Palos and Livingston, California*, 15 FCC Rcd 20226 (MMB 2000).

² BMPH-200040406ACP.