

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments)	MB Docket No. 02-136
FM Broadcast Stations)	RM-10458
(Arlington, The Dalles, Moro, Fossil, Astoria,)	RM-10663
Gladstone, Portland, Tillamook,)	RM-10667
Springfield-Eugene, Coos Bay, Manzanita)	RM-10668
and Hermiston, Oregon, and)	
Covington, Trout Lake, Shoreline, Bellingham,)	
Forks, Hoquiam, Aberdeen, Walla Walla,)	
Kent, College Place, Long Beach and)	
Ilwaco, Washington))	

To: Office of the Secretary
Attn: Chief, Media Bureau

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Federal Communications Commission
Office of Secretary

SUPPLEMENT

Mid-Columbia Broadcasting, Inc. ("Mid-Columbia"), licensee of Station KMCQ(FM), The Dalles, Oregon, and First Broadcasting Investment Partners, LLC ("First Broadcasting"), by their respective counsel, hereby submit the following Supplement in the above-captioned proceeding.¹

1. Triple Bogey LLC, MMC Radio, LLC, and KDUX Acquisition, LLC (collectively, "Triple Bogey"), in a December 1, 2004 Motion for Leave to File Supplement (the "Motion") asked the Commission to apply retroactively a new aural service backfill policy asserted by the Media Bureau almost five months after the *Report and Order* was issued in this

¹ Pursuant to Section 1.429(d) of the Commission's Rules, Mid-Columbia and First Broadcasting, are contemporaneously filing a Motion to Accept this Supplement.

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proceeding.² In its Motion, Triple Bogey claims that Mid-Columbia's proposal at issue in this proceeding is defective because it proposes to fill white area with a vacant FM allotment. First Broadcasting and Mid-Columbia, in a December 15, 2004 Opposition, raised a number of procedural infirmities with Triple Bogey's Motion, and First Broadcasting and Mid-Columbia still assert that Triple Bogey's Motion is procedurally defective. However, a recent development renders Triple Bogey's proposed application of *Sells* to this proceeding moot. Specifically, on June 9, 2005, the Commission issued a construction permit for a new FM station at Condon, Oregon on Channel 228C1. *See* Exhibit 1.³ As the attached engineering exhibit demonstrates, this new FM station covers all of the white area created as a result of Mid-Columbia's proposal. *See* attached Technical Narrative.

2. The permit for Condon, Oregon did not exist when the *Report and Order* in this proceeding was issued. It is appropriate for the Commission to consider circumstances that did not exist when the original decision was made. *See e.g., Greenup, Kentucky*, 4 FCC Rcd 3843, ¶ 11 (1989). In the *Greenup* proceeding, the licensee of Station WXTQ-FM filed a proposal to change the channel of the Station. The Mass Media Bureau initially denied this proposal because it was mutually exclusive with another proposal that better served the public interest. However after the Mass Media Bureau released its first Order, an existing FM station was relocated. As a result of this move, the gain area associated with the proposal for WXTQ-FM covered grey area and thus would serve the public interest better than the mutually exclusive proposal. In consideration of this changed circumstance, the Bureau reversed its initial Order and granted the Station WXTQ-FM channel change.

² *See Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Sells, Arizona)*, Report and Order, MB Docket No. 02-376, 19 FCC Rcd 22459 (rel. Nov. 22, 2004) ("*Sells*"), *petition for recon. pending*.

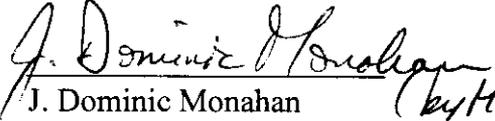
³ This new FM construction permit was awarded to NT Radio, L.L.C. as the winning bidder for the channel in FM Auction 37.

3. The Commission is faced with an analogous situation here. If the Commission applies retroactively the new aural service backfill policy in *Sells* to Mid-Columbia's proposal in this proceeding, then the Commission must consider the new FM permit at Condon, Oregon because it completely solves this issue and alleviates any concern regarding white area.

WHEREFORE, for the foregoing reasons, the Commission should dismiss Triple Bogey's Motion as moot.

Respectfully submitted,

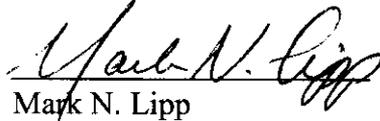
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CERTIFICATE OF SERVICE

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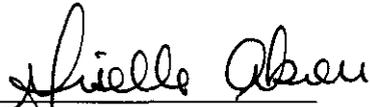
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