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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Grants and Church Rock, New Mexico))

MB Docket No. 05-263
RM-11269

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

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COUNTERPROPOSAL

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SUMMARY

In this Counterproposal, a group of licensees (the Joint Parties) who collectively own stations in Utah, Nevada, and Arizona, propose a number of changes in the FM Table of allotments that will create substantial benefits in new and increased service. Ely, Nevada will receive its first wide-area radio service, which will provide a first aural reception service to 802 persons currently unable to receive radio service at all (white area) and second aural reception service to 395 persons who currently receive only one radio service (gray area). This allotment furthers the Commission's two highest allotment priorities. Changes to a number of other allotments are necessary in order to achieve these gains. However, agreements have been reached with all but two of the affected licensees, making implementation of this Counterproposal readily achievable. The Commission may issue Orders to Show Cause to the two remaining licensees to demonstrate why their licenses should not be changed. The Joint Parties will continue to negotiate towards agreements with the two licensees.

Three of the reallocations proposed herein will result in new first local services, furthering the Commission's third-highest priority. New local transmission services will be created at Spring Valley, Arizona, Desert Hills, Arizona, and Meadview, Arizona. The populations of these three communities together total 4,702 people. As a final benefit, new primary radio service will be provided to a population of more than two and one-half million people, furthering the Commission's fourth and last allotment priority.

This Counterproposal conflicts with the Notice of Proposed Rule Making to allot a channel to Church Rock, New Mexico. The Commission should favor this Counterproposal over the Church Rock proposal because of its significantly better public interest benefits. Accordingly, the Commission should release a public notice and then process and grant this Counterproposal.

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COUNTERPROPOSAL

College Creek Broadcasting, LLC, Desert Sky Media, LLC, and Smoke & Mirrors, LLC (together, the “Joint Parties”), by their counsel, hereby submit this counterproposal to the *Notice of Proposed Rule Making*, DA 05-2205 (rel. Jul. 29, 2005) (“*NPRM*”) in the above-captioned proceeding. The Joint Parties propose a number of changes to the FM Table of Allotments which, taken together, will provide first local services to four communities and substantially increase service to many listeners. The following amendments to the FM Table of Allotments are requested (listed alphabetically):

Community	Channel	
	Existing	Proposed
Ash Fork, AZ	267A	277A
Bagdad, AZ	269C3, 276C3	290A, 299A
Cottonwood, AZ	239C0	---
Desert Hills, AZ	---	276C0
First Mesa, AZ	247C	237C
Fredonia, AZ	278C1	247C1
Lake Havasu City, AZ	266C0	---

Meadview, AZ	---	300C
Paulden, AZ	263C3	228C3
Payson, AZ	266C1	240C1
Peach Springs, AZ	285C3	267C3
Quartzsite, AZ	275C3, 290C2	267C3, 251C2
Seligman, AZ	277C3	239C3
Spring Valley, AZ	---	266C
St. Johns, AZ	239C	251C
Teec Nos Pos, AZ	237C1	278C2
Essex, CA	255B, 280B	280B, 265B
Cal-Nev-Ari, NV	285A	---
Ely, NV	269C3	256C
Laughlin, NV	300C	285C2
Moapa Valley, NV	---	255C
Pioche, NV	255C	268C
Hurricane, UT	276C	260C
Kanab, UT	---	276C
St. George, UT	260C	---

In support hereof, the Joint Parties state as follows:

I. PRELIMINARY MATTERS

1. The Joint Parties have reached agreement with the licensees of all but two of the stations required to change as proposed herein. The consent statements of the licensees are attached hereto as Exhibit 1. The Joint Parties have agreed to reimburse the affected licensees for their reasonable expenses in changing channels. The Joint Parties have no agreement with the licensees of KHWY, Essex, California, or KNRJ, Payson, Arizona. The Joint Parties request that the Commission issue Orders to Show Cause to KHWY, Inc., ("KHWY"), the licensee of Station KHWY, Essex, California, and Sierra H. Broadcasting, Inc. ("Sierra H"), licensee of KNRJ, Payson, Arizona, to show cause why their channels should not be changed at their current sites as set forth herein. The Joint Parties hereby state that they will reimburse KHWY and Sierra H, the licensees, for their reasonable expenses in changing channels in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967). All remaining changes are either to stations owned by

the Joint Parties or to vacant allotments. Thus, this proposal complies with the Commission's policy in *Columbus, Nebraska*, 59 RR 2d 1185 (1986).

2. This counterproposal will establish first local services in the communities of Spring Valley, Arizona, Desert Hills, Arizona, and Meadview, Arizona. The Joint Parties hereby state that they will apply for the respective channels and construct the facilities if their respective applications are granted.

3. The Joint Parties hereby state that pursuant to Section 1.420(j), they have not paid nor promised to pay, in any agreement, any licensee, permittee or applicant for withdrawing an expression of interest, dismissing an application or forbearing to file an expression of interest or application.

II. CONFLICT WITH THE *NPRM*

4. As indicated in the attached Engineering Statement, this proposal conflicts with the *NPRM* proposal to allot Channel 279C to Church Rock, New Mexico, due to the proposed allotment of Channel 278C2 to Teec Nos Pos, Arizona. However, the Commission should favor first aural service to 802 persons, second aural service to 395 persons, and first local services at Desert Hills, Arizona (2000 U.S. Census pop. 2,183), Meadview, Arizona (pop. 1,500), and Spring Valley, Arizona (2000 U.S. Census pop. 1,019) over a first local service to Church Rock, New Mexico (2000 U.S. Census pop. 1,077) under its FM priorities. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

III. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES

5. The Joint Parties propose to create a new Class C allotment, Channel 256C, at Ely, Nevada. As will be demonstrated below, this new allotment furthers the Commission's highest allotment priorities by virtue of providing first and second aural reception services to a

substantial area and population. In order to accomplish this Class C allotment, a number of other changes must be made to the FM Table of Allotments.

A. NEW CHANNEL 256C, ELY, NEVADA

6. The Joint Parties propose to allot Channel 256C at Ely, Nevada. As indicated in the attached channel study, Figure 1, Channel 256C can be allotted to Ely, Nevada in compliance with the Commission's spacing rules provided that a change is made at Pioche, Nevada. That change, and the other modifications that it requires in turn, will be discussed below. The allotment can be made at the reference coordinates for the community of Ely. The Joint Parties hereby state that they will file an application specifying the new channel and construct the facilities if their application is granted.

7. The new Channel 256C allotment will provide a first aural reception service to a "white" area of 15,943 square kilometers, with a population of 802 people. See Figure 2. The allotment at Ely will also provide a second aural reception service to an area of 5,729 square kilometers, with a population of 395 people. *Id.* Therefore, the Ely allotment furthers priorities (1) and (2) of the Commission's allotment priorities. See *Revision of FM Assignment Policies and Procedures, supra.*

8. Ely has previously been held to qualify as a community for allotment purposes, and there are currently two FM allotments at Ely.

B. STATION KBZB, PIOCHE TO MOAPA VALLEY, NEVADA

1. Technical Studies

9. In order to allot Channel 256C to Ely, Nevada, Station KBZB(FM), Pioche, Nevada, must change its community of license from Pioche to Moapa Valley, Nevada. As indicated in the attached channel study, Figure 3, Channel 255C can be allotted to Moapa Valley in compliance with the Commission's spacing rules provided that a change is made at Essex,

California. That change, and the other modifications that it requires in turn, will be discussed below. From the proposed site the station will provide a 70 dBu signal to Moapa Valley. See Figure 4. A gain-loss study is included in Figure 5. The relocation will result in a net gain in population and area served. Although the remaining services study, Figure 6, shows some gray area, this area is preexisting and is not worsened by the changes proposed herein. Station KCLS will be relocating to cover the area now served by KBZB. See Section III.C below.

10. Station KBZB is licensed to Gla-Mar Broadcasting, LLC. The licensee has furnished a statement consenting to the proposed change in transmitter site and community of license.

2. Change in Community of License

11. In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

12. Here, the attached channel study, Figure 3, demonstrates that the proposed allotment of Channel 255C at Moapa Valley is mutually exclusive with its current allotment at Pioche. Pioche will retain existing local service, because Station KCLS, Ely, Nevada has agreed to relocate to Pioche. Although the relocation of Station KBZB will provide Moapa Valley with its third local service, the relocation is being proposed in furtherance of the allotment of a new

Class C channel to Ely, which in turn furthers priorities (1) and (2) as set forth above. Therefore, the proposed arrangement of allotments is preferred under the Commission's allotment priorities.

13. Moapa Valley, a census-designated place with a 2000 U.S. Census population of 5,784 easily qualifies as a community for allotment purposes. Two FM allotments, Channel 224C and 284C1, have already been made to Moapa Valley.

C. STATION KCLS, ELY TO PIOCHE, NEVADA

14. The relocation of Station KBZB from Pioche to Moapa Valley, Nevada, discussed above, would result in the removal of the sole local service from Pioche. In order to maintain local service at Pioche, Station KCLS, Ely, Nevada has agreed to change its channel, upgrade in class, and relocate to Pioche.

1. Technical Studies

15. The channel study, Exhibit E, Figure 7, shows that Channel 268C can be allotted to Pioche with no other changes required. A 70 dBu signal will be provided to Pioche. See Figure 8. A gain-loss study is furnished in Figure 9. There is no white or gray area created by the relocation. See Figure 10. The licensee of KCLS, Ruby Radio Corporation, has furnished a statement consenting to the changes.¹ The Commission has granted its consent to the assignment of the license of Station KCLS from Ruby Radio Corporation to College Creek, one of the Joint Parties. File No. BALH-20050818ABR. College Creek reiterates that, as the eventual licensee, it will file an application for the changes and construct the facilities if its application is granted.

¹ On November 24, 2004, Ruby Radio filed a petition for rule making proposing to relocate KCLS from Ely to Spring Creek, Nevada. The Commission released a Notice of Proposed Rule Making on March 18, 2005. *Ely and Spring Creek, Nevada*, MB Docket No. 05-113. Ruby Radio has voluntarily withdrawn its interest in the Spring Creek allotment. In its consent statement filed in this proceeding, it has agreed to abandon the Spring Creek relocation in favor of the Pioche relocation as set forth herein.

2. Change in Community of License

16. The relocation of Station KCLS from Ely to Pioche complies with the criteria set forth in *Community of License, supra*. As shown in Figure 8, the allotment of Channel 268C at Pioche is mutually exclusive with the current use of Channel 269A at Ely. Ely will retain local service from KDSS(FM) and KELY(AM). The relocation furthers the public interest because it enables the new Class C allotment at Ely to be made, which in turn furthers priority (1) of the Commission's allotment priorities.

D. STATION KHWY, ESSEX, CALIFORNIA

17. The allotment of Channel 255C at Moapa Valley, Nevada, described above, requires a change in channel for Station KHWY(FM), Essex, California. KHWY currently operates on Channel 255B. Channel 280B can be substituted for Channel 255B at the current transmitter site of KHWY, provided that a change is made to the vacant Channel 280B allotment at Essex, as discussed below. The proposed channel substitution can be made at both the licensed site of KHWY and the site for which the station has a construction permit. See Exhibit E, Figures 11-12.

18. The Joint Parties request that the Commission issue an Order to Show Cause to KHWY, Inc., the licensee of Station KHWY, to show why the station's channel should not be changed at its current site. The Joint Parties reiterate that they will reimburse the licensee for its reasonable expenses in changing channel in accordance with *Circleville, Ohio, supra*.

E. VACANT CHANNEL 280B, ESSEX, CALIFORNIA

19. In order to allot Channel 280B Essex for use by KHWY(FM) as discussed above, Arizona, vacant Channel 280B at Essex, California must be modified. The Joint Parties propose to substitute Channel 265B for Channel 280B. Channel 265B can be allotted to Essex in compliance with the Commission's Spacing Rules provided that a change is made at Lake

Havasus City. See Exhibit E, Figure 13. The change at Lake Havasu City, and the other modifications it entails, are discussed below.

F. STATION KRRK, LAKE HAVASU CITY TO SPRING VALLEY, ARIZONA

20. In order to allot Channel 265B at Essex, California, Channel 266C must be deleted at Lake Havasu City, Arizona. Currently, Station KRRK(FM) operates on Channel 266C at Lake Havasu City. The Joint Parties propose to relocate Station KRRK to Spring Valley, Arizona as that community's first local service and upgrade its class to Channel 266C.

1. Technical Studies

21. The channel study, Exhibit E, Figure 14, shows that Channel 266C can be allotted to Spring Valley, provided that changes are made at Payson, Ash Fork, Paulden, and Bagdad, Arizona. These changes will be discussed below. From the proposed reference coordinates, the station will provide 70 dBu coverage over Spring Valley. See Figure 15. A gain-loss study is provided in Figure 16. No white or gray area will be created in the relocation. See Figure 17. Station KZKE will be relocating to the same site as a Class C0 station and will cover the area now served by KRRK. See Section III.K below. Smoke & Mirrors, one of the Joint Parties, is the licensee of KRRK. Smoke & Mirrors reiterates that will file an application for the changes and construct the facilities if its application is granted.

2. Change in Community of License

22. The relocation of Station KRRK from Lake Havasu City to Spring Valley complies with the criteria set forth in *Community of License, supra*. As shown in Figure 14, the allotment of Channel 266C at Spring Valley is mutually exclusive with the current use of Channel 266C0 at Lake Havasu City. Lake Havasu City will retain ample service from four FM stations and one AM station. A first local service at Spring Valley (2000 pop. 1,019) under

priority (3) is preferred over a sixth local service at Lake Havasu City (2000 pop. 41,938) under priority (4).

23. Spring Valley qualifies as a community under the Commission's Rules. Spring Valley, Arizona is located in Yavapai County, Arizona. It is listed in the 2000 U.S. Census with a population of 1,019 persons and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). The U.S. Postal Service has assigned one zip code, 86333, to Spring Valley.² A number of businesses identify with the community by using "Spring Valley" in their name, including Spring Valley Plaza, Spring Valley Medical Center, Spring Valley Blue Hills Market and Spring Valley Manor. Community organizations in Spring Valley include the Spring Valley Community Church and the Church of Jesus Christ of Latter Day Saints. *See Exhibit 2.*

G. STATION KNRJ, PAYSON, ARIZONA

24. In order to allot Channel 266C to Spring Valley, Arizona, channel 266C1 must be deleted at Payson, Arizona. The Joint Parties propose to substitute Channel 240C1 for Channel 266C1 at Payson and modify the license of Station KNRJ(FM) accordingly. Channel 266C1 can be allotted to Payson at the current KNRJ transmitter site provided that changes are made at Cottonwood and St. Johns, Arizona, as discussed below. *See Exhibit E, figure 18.* The Joint Parties request that the Commission issue an Order to Show Cause to Sierra H. Broadcasting, Inc., the licensee of KNRJ, to show why its license should not be modified as requested herein. The Joint Parties reiterate that they will reimburse the licensee for its reasonable expenses in making the change.

² Because Spring Valley shares a zip code with Mayer, a number of the business and governmental entities cited herein have a Mayer zip code. However, the majority of these entities are located in Spring Valley.

H. STATION KZGL, COTTONWOOD TO SELIGMAN, ARIZONA

25. In order to allot Channel 240C1 at Payson, Arizona, Channel 239C0 must be deleted at Cottonwood, Arizona. Currently, Station KZGL(FM) operates on Channel 239C0 at Cottonwood. The Joint Parties propose to relocate KZGL from Cottonwood to Seligman, Arizona and downgrade the station from 239C0 to 239C3.

1. Technical Studies

26. The channel study, Exhibit E, Figure 19, shows that Channel 239C3 can be allotted to Seligman, Arizona with no other changes required. From the proposed transmitter site, the station will place a 70 dBu contour over Seligman. See Figure 20. A gain-loss study is provided. See Figure 21. The loss area will remain well-served. See Figure 22. Yavapai Broadcasting Corporation, the licensee of KZGL, has furnished a statement consenting to the changes. See Exhibit A. The Joint Parties reiterate that they will reimburse the licensee for its expenses in making the changes to its facility.

2. Change in Community of License

27. The relocation of the Station KZGL from Cottonwood to Seligman complies with the criteria set forth in *Community of License, supra*. As shown in Figure 19, the allotment of Channel 239C3 at Seligman is mutually exclusive with the current use of Channel 239C0 at Cottonwood. Two local transmission services (one AM and one FM) will remain licensed to Cottonwood. Although Seligman currently has a station, KZKE, it will be relocating to Desert Hills, Arizona, as that community's first local service. See Section III.K below. Therefore, the proper comparison is between the community losing service, Cottonwood, and the community gaining service, Desert Hills. A first local service at Desert Hills (2000 pop. 2,183) under priority (3) is favored over a third local service at Cottonwood (2000 pop. 9,179) under priority (4).

28. Seligman (2000 pop. 456) clearly qualifies as a community for allotment purposes, as the Commission has previously held. *Seligman, Arizona*, 4 FCC Rcd 6922 (1989).

I. STATION KWKM, ST. JOHNS, ARIZONA

29. In order to allot Channel 240C1 at Payson, Arizona, Channel 239C must be deleted at St. Johns, Arizona. Channel 294C1 at St. Johns is currently used by Station KWKM(FM). The Joint Parties propose to substitute Channel 251C for 239C at St. Johns. Channel 251C can be substituted at KWKM's current transmitter site. *See Exhibit E, Figure 23.* No other changes are required to effectuate this channel substitution.³

30. The licensee of KWKM, KM Radio of St. Johns, L.L.C., has furnished a statement consenting to the channel change. *See Exhibit A.* the Joint Parties reiterate that they will reimburse the licensee for its expenses in making the change.

J. VACANT CHANNEL 267A, ASH FORK, ARIZONA

31. In order to allot Channel 266C at Spring Valley, Arizona, a change must be made to the vacant Channel 267A allotment at Ash Fork, Arizona. Channel 277A can be substituted for Channel 267A at Ash Fork, provided that a change is made at Seligman, Arizona. *See Exhibit E, Figure 24.* The channel substitution can be made at the vacant allotment reference coordinates.

K. STATION KZKE, SELIGMAN, ARIZONA TO DESERT HILLS, ARIZONA

32. In order to allot Channel 277A at Ash Fork, Arizona, Channel 277C3 must be deleted at Seligman, Arizona.⁴ The Joint Parties propose to allot Channel 276C0 at Desert Hills,

³ The channel study shows a short spacing to Channel 252A at Miami, Arizona. This channel was deleted in MB Docket No. 05-263.

⁴ Station KZKE operates on Channel 277A. The station has been granted a construction permit for Channel 277C3. File No. BPH-20050726AQM.

Arizona as that community's first local service, and modify the license of Station KZKE(FM) accordingly.

1. Technical Studies

33. The channel study, Exhibit E, Figure 25, shows that Channel 276C0 can be allotted to Desert Hills, Arizona provided that changes are made at Bagdad and Quartzsite, Arizona, and Hurricane, Utah as will be discussed below. From the proposed allotment coordinates, the station will place a 70 dBu contour over Desert Hills. See Figure 26. A gain-loss study is provided. See Figure 27. No white ore gray area will be created by the relocation. See Figure 28. Although some gray area appears in the remaining services study, Station KZGL will relocate to serve the same area as KZKE, and will therefore maintain service. Route 66 Broadcasting, LLC, the licensee of KZKE, has furnished a statement consenting to the proposed changes. See Exhibit 1. The Joint Parties reiterate that they will reimburse the licensee for its expenses in making the changes to its facility.

2. Change in Community of License

34. The relocation of Station KZKE from Seligman to Desert Hills complies with the criteria set forth in *Community of License, supra*. As shown in Figure 25, the allotment of Channel 276C0 at Desert Hills is mutually exclusive with the current use of Channel 277C3 at Seligman. As discussed above, Seligman will be retaining service because Station KPPV will be relocating from Cottonwood to Seligman. See Section III.H. Therefore, the comparison is between a first local service at Desert Hills under priority (3) and the retention of a third local service at Cottonwood under priority (4). Thus, this arrangement of allotments is preferred under the Commission's priorities.

35. Desert Hills qualifies as a community under the Commission's policies. Desert Hills is located in Mohave County, Arizona. It is listed in the 2000 U.S. Census with a population of 2,183 persons and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). The U.S. Postal Service has assigned one zip code, 86404, to Desert Hills.⁵ The Desert Hills Fire Department provides the community of Desert Hills with traditional fire and rescue services. The Mohave County Sheriff's Office has a patrol division and correctional facilities in Desert Hills. A number of business identify with the community by using "Desert Hills" in their name, including Desert Hills Mini Mart, Desert Hills Estates, and Desert Hills RV Park. Desert Hills is home to the Desert Hills Community Center. Community organizations in Desert Hills include the Desert Hills Community Association and the Community Fellowship Church of Desert Hills. *See Exhibit 3.*

L. STATION KFTT, BAGDAD, ARIZONA

36. In order to allot Channel 276C0 at Desert Hills, Arizona, a change must be made to Channel 276C3 at Bagdad, Arizona. The Joint Parties propose to substitute Channel 299A for Channel 276C3 at Bagdad and modify the license of Station KFTT(FM) accordingly.⁶ Channel 299A can be allotted to Bagdad in compliance with the Commission's spacing rules provided a change is made at Laughlin, Nevada. *See Exhibit E, Figure 29.* That change will be discussed below. From the proposed transmitter site, KFTT will place a 70 dBu contour over Bagdad. *See Figure 30.* A gain-loss study is provided. *See Figure 31.* Together with the change to Channel 269C3 at Bagdad, this proposal will create a gray area containing two persons. *See Figure 32.*

⁵ Because Desert Hills shares a zip code with Lake Havasu City, a number of the business and governmental entities cited herein have a Lake Havasu City zip code. However, the majority of these entities are located in Desert Hills.

⁶ Station KFTT recently changed its call sign from KRCI.

This loss is *de minimis* and counterbalanced by the gains in first local service. See *Meeker and Craig, Colorado*, 15 FCC Rcd 23858 (2000). Smoke & Mirrors, one of the Joint Parties, is the licensee of KFTT. Smoke & Mirrors reiterates that it will file an application for Channel 299A at Bagdad and construct the facilities if its application is granted.

M. STATION KVGGS, LAUGHLIN, NEVADA TO MEADVIEW, ARIZONA

37. In order to allot Channel 299A to Bagdad, Arizona, Channel 300C must be deleted at Laughlin, Nevada. The Joint Parties propose to allot Channel 300C to Meadview, Arizona, as that community's first local service. The license of Station KVGGS will be modified accordingly.

1. Technical Studies

38. The channel study, Exhibit E, Figure 33, shows that Channel 300C can be allotted to Meadview, Arizona with no other changes required. The facility will provide 70 dBu service to Meadview. See Figure 34. A gain-loss study is provided. See Figure 35. The entire loss area will remain well-served. See Figure 36. Desert Sky Media, one of the Joint Parties, is the licensee of KVGGS. Desert Sky reiterates that it will file an application for the changes and construct the facility if its application is granted.

2. Change in Community of License

39. The relocation of Station KVGGS from Laughlin to Meadview complies with the criteria set forth in *Community of License, supra*. As shown in Figure 33, the allotment of Channel 300C at Meadview is mutually exclusive with its current use at Laughlin. Laughlin will retain local service because the permittee at Cal-Nev-Ari, Nevada has agreed to relocate its station to Laughlin, as described below. Cal-Nev-Ari, with a 2000 population of 278, is the community losing service. The station at Cal-Nev-Ari has never been constructed. Therefore, the Commission is not as concerned with the removal of the community's local service. A first

local service at Meadview, with a population of 1,500, is preferred over a first local service at Cal-Nev-Ari, particularly when the other gains in this counterproposal are factored in. Thus, this arrangement of allotments is preferred under the Commission's priorities.

1. Meadview is not located in an Urbanized Area and the proposed 70 dBu contour of KVGs will cover less than 50% of any Urbanized Area, thus avoiding any concern with the relocation of stations from rural to urbanized areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995).

2. The Town of Meadview is a rural community located in Mohave County at the natural end of the Grand Canyon National Park as the Colorado River flows into Lake Mead. Meadview is the only community located within the Lake Mead National Recreation Area. According to Suzann Newell, Secretary of the Meadview Area Chamber of Commerce, the population of Meadview is approximately 1,500. The U.S. Post Office associates ZIP Code 86444 with Meadview, and operates the Meadview Main Post Office. Meadview also has its own local volunteer fire department offering fire, rescue, EMS and other services to area residents. Meadview is home to the Meadview Baptist Church and Meadview Community Church. *See Exhibit 4.*

3. Meadview is home to a variety of businesses and commercial establishments. Some of these businesses identify with the community by using "Meadview" on their name, for example: Meadview Lake Realty, Meadview Lake Motel, Meadview Market, Meadview RV Park and Meadview Sand & Gravel. Other local businesses includes the Canyon End Motel, Ace Hardware, Action Builders Supplies, Crow's Nest Restaurant, Ken's Pizza Plus and Sharpe Pest Control. Among the civic associations located in Meadview are the Meadview Chamber of Commerce and a Veterans of Foreign Wars Post. Meadview events include an annual car show.

The Mohave County Library System has operated the Meadview Community Library since 1989. The library is open three days a week and has a collection of over 4,000 items, including audio cassettes, books, newspapers and video cassettes. Located in Meadview, Pearce Ferry Airport serves the community and is owned by the National Park Service. *See* Exhibit 4.

N. CHANNEL 285A, CAL-NEV-ARI, NEVADA TO LAUGHLIN, NEVADA

40. In order to avoid depriving Laughlin of its only local transmission service, the Joint Parties propose to delete Channel 285A at Cal-Nev-Ari, Nevada and allot Channel 285C2 at Laughlin, Nevada.

1. Technical Studies

41. The channel study, Exhibit E, Figure 37, shows that Channel 285C2 can be allotted to Laughlin, Nevada, provided that a change is made at Peach Springs, Arizona as discussed below. The station will provide 70 dBu coverage over all of Laughlin. *See* Figure 38. A gain-loss study is included. *See* Figure 39. The loss area is entirely encompassed by the gain area, so no area will be losing service. Smoke & Mirrors, one of the Joint Parties, is the permittee at Cal-Nev-Ari. Smoke & Mirrors reiterates that it will file an application for the changes and construct the facilities if its application is granted.

2. Change in Community of License

42. The relocation of the unbuilt station from Cal-Nev-Ari to Laughlin complies with the criteria set forth in *Community of License, supra*. As shown in Figure 37, the allotment of Channel 285C2 at Laughlin is mutually exclusive with the current use of Channel 285A at Cal-Nev-Ari. As discussed above, although Cal-Nev-Ari has no other local service, the station has never been constructed. Meadview, the community gaining a first local service, has a population more than five times as large as Cal-Nev-Ari. Thus, this arrangement of allotments is preferred under the Commission's priorities.

43. Laughlin is a community for allotment purposes, as the Commission has previously held. *Laughlin, Nevada*, 4 FCC Rcd 5297 (1989).

O. VACANT CHANNEL 285C3, PEACH SPRINGS, ARIZONA

44. In order to allot Channel 285C2 at Laughlin, Nevada, the vacant allotment at Peach Springs, Arizona must change from Channel 285C3 to Channel 268C3. Channel 268C3 can be allotted to Peach Springs at new reference coordinates provided that Channel 267A is deleted at Ash Fork. *See Exhibit E, figure 40.* The Ash Fork change has already been discussed above. *See Section III.J.* From the new reference coordinates, the station will place a 70 dBu contour over Peach Springs. *See Figure 41.* A gain-loss study is provided. *See Figure 42.*

P. VACANT CHANNEL 275C3, QUARTZSITE, ARIZONA

45. In order to allot Channel 276C0 at Desert Hills, Arizona, as discussed in Section III.K above, the vacant allotment at Quartzsite, Arizona must change from Channel 275C3 to Channel 267C3. Channel 267C3 can be allotted to Quartzsite at the current allotment reference coordinates provided that Channel 266C0 is deleted at Lake Havasu City, Arizona. *See Exhibit E, Figure 43.* The Lake Havasu City change has already been discussed above. *See Section III.F.*

Q. CHANNEL 276C, HURRICANE, UTAH TO KANAB, UTAH

46. The allotment of Channel 276C0 at Desert Hills, Arizona also requires that Channel 276C be deleted at Hurricane, Utah. College Creek, one of the Joint Parties, holds a construction permit for Channel 276C at Hurricane. File No. BMPH-20050630ACG. The Joint Parties propose to allot Channel 276C at Kanab, Utah, and modify College Creek's construction permit accordingly.

1. Technical Studies

47. The channel study, Exhibit E, Figure 44, shows that Channel 276C can be allotted to Kanab, Utah provided that a change is made at Fredonia, Arizona. The Fredonia change will be discussed below. A 70 dBu contour will be provided to Kanab. See Figure 45. A gain-loss study is provided. See Figure 46. The relocation will create a theoretical gray area containing 5 persons. See Figure 47. However, this loss is only theoretical, because the Hurricane station has never been activated. College Creek, the holder of the construction permit at Hurricane, states that it will file an application for Channel 276C at Kanab and construct the facilities if its application is granted.

2. Change in Community of License

48. The relocation of the unbuilt station from Hurricane to Kanab complies with the criteria set forth in *Community of License, supra*. As shown in Figure 44, the allotment of Channel 276C at Kanab is mutually exclusive with the current use of Channel 276C at Hurricane. Although Hurricane has no other local service, Station KONY has agreed to relocate from St. George, Utah to Hurricane as described below. A second local service at Kanab (2000 pop. 3,564), together with the other gains in this counterproposal enabled thereby, is preferred over the retention of an eighth local service at St. George (2000 Census pop. 49,663) under priority (4). Thus, this arrangement of allotments is preferred under the Commission's priorities.

49. Kanab, a self-governing city with a 2000 U.S. Census population of 3,564 easily qualifies as a community for allotment purposes. Moreover, the Commission has previously made an allotment, Channel 266C, to the community, and Station KPLD(FM) currently serves Kanab on that channel.

R. STATION KONY, ST. GEORGE TO HURRICANE, UTAH

50. In order to avoid the loss of the only local transmission service at Hurricane, Utah, the Joint Parties propose to reallocate Station KONY(FM) from St. George, Utah to Hurricane, Utah.

1. Technical Studies

51. The channel study, Exhibit E, Figure 48, shows that Channel 260C can be allotted to Hurricane, Utah with no other changes required. No change in transmitter site is necessary. From the current KONY transmitter site, the station places a 70 dBu contour over Hurricane. See Figure 49. Canyon Media Corporation, the licensee of KONY, has furnished a statement consenting to the change. See Exhibit 1. The Joint Parties reiterate that they will reimburse the licensee for its expenses in making the changes to its facility.

2. Change in Community of License

52. The relocation of Station KONY from St. George to Hurricane complies with the criteria set forth in *Community of License, supra*. As shown in Figure 48, the allotment of Channel 260C at Hurricane is mutually exclusive with its current use at St. George. As discussed above, St. George retains ample local service from seven stations. This relocation allows Hurricane to retain its sole local service. Thus, this arrangement of allotments is preferred under the Commission's priorities.

53. Hurricane, a city with a 2000 U.S. Census population of 8,250, easily qualifies as a community under the Commission's policies, and the Commission has already allotted a channel to Hurricane.

S. VACANT CHANNEL 278C1, FREDONIA, ARIZONA

54. In order to allot Channel 276C at Kanab, Utah, the vacant allotment on Channel 278C1 at Fredonia, Arizona must change its channel. The Joint Parties propose to substitute

Channel 247C1 for 278C1 at Fredonia. Channel 247C1 can be allotted to Fredonia at the vacant allotment reference coordinates provided that a change is made at First Mesa as discussed below. See Exhibit E, Figure 50.

T. CHANNEL 247C, FIRST MESA, ARIZONA

55. In order to allot Channel 247C1 at Fredonia, Arizona, the vacant allotment on Channel 247C at First Mesa, Arizona must change its channel.⁷ The Joint Parties propose to substitute Channel 237C for 247C at First Mesa. Channel 237C can be allotted to First Mesa at the vacant allotment reference coordinates provided that a change is made at Teec Nos Pos, Arizona, as discussed below. See Exhibit E, Figure 51.

U. CHANNEL 237C1, TEEC NOS POS, ARIZONA

56. In order to allot Channel 237C at First Mesa, Arizona, channel 237C1 must be deleted at Teec Nos Pos, Arizona. College Creek, one of the Joint Parties, holds a construction permit for Channel 237C1 at Teec Nos Pos. File No. BNPH-20050103AAC. The Joint Parties propose to substitute Channel 278C2 for 237C1 at Teec Nos Pos. As shown in the channel study, Exhibit E, Figure 52, Channel 278C2 can be allotted to Teec Nos Pos in compliance with the Commission's spacing rules. No further changes are required. However, this allotment is mutually exclusive with the NPRM proposal to allot Channel 279C at Church Rock, New Mexico. As discussed above, the Commission should favor first aural reception service to 802 persons under priority (1), second aural reception service to 395 persons under priority (2), and first local services to three communities totaling 4,702 persons under priority (3), over a first local service at Church Rock (2000 pop. 1077).

⁷ The First Mesa channel was allotted in *Cameron, Arizona, et al.*, 19 FCC Rcd 6846 (2004).

57. From the proposed transmitter site, a 70 dBu contour will be placed over Teec Nos Pos. *See* Figure 53. A gain-loss study is provided. *See* Figure 54.

V. VACANT CHANNEL 263C3, PAULDEN, ARIZONA

58. In order to allot Channel 266C at Spring Valley, Arizona, a change must be made at Paulden, Arizona. The Joint Parties propose to substitute Channel 228C3 for vacant Channel 263C3 at Paulden. Channel 228C3 can be allotted to Paulden at a new transmitter site in compliance with the Commission's spacing rules. *See* Exhibit E, Figure 55.⁸ From the proposed reference coordinates, a 70 dBu signal will be provided to Paulden. *See* Figure 56. A gain-loss study is provided. *See* Figure 57. The loss area will remain well-served. *See* Figure 58/

W. VACANT CHANNEL 269C3, BAGDAD, ARIZONA

59. In order to allot Channel 266C at Spring Valley, Arizona, a change must be made at Bagdad, Arizona. The Joint The Joint Parties propose to substitute Channel 290A for vacant Channel 269C3 at Bagdad. Channel 290A can be allotted to Bagdad at the allotment reference coordinates in compliance with the Commission's spacing rules provided a further change is made at Quartzsite, Arizona. *See* Exhibit E, Figure 59. From the proposed reference coordinates, a 70 dBu signal will be provided to Bagdad. *See* Figure 60. A gain-loss study is provided. *See* Figure 61. The relocation will create a new gray area containing 2 persons. *See* Figure 62. This loss is *de minimis*, as discussed above. *See* Section III.L. The Joint Parties pledge to file an application for Channel 290A at Bagdad and construct the facilities if the application is granted. *See Bethel Springs, Tennessee, et al.*, 17 FCC Rcd 14472 (2002).

⁸ The channel study shows a short spacing to Channel 228C1 at Logandale, Nevada. However, this channel was allotted to Laughlin, Nevada in MB Docket No. 01-135.

X. VACANT CHANNEL 290C2, QUARTZSITE, ARIZONA

60. In order to allot Channel 290A at Bagdad, Arizona, the vacant Channel 290C2 allotment at Quartzsite, Arizona must change from to Channel 251C2. Channel 251C2 can be allotted to Quartzsite at new reference coordinates with no other changes required. *See* Exhibit E, Figure 63. From the new reference coordinates, a 70 dBu signal will be provided over Quartzsite. *See* Figure 64. A gain-loss study is provided. *See* Figure 65.

IV. CONCLUSION

Grant of this Counterproposal is in the public interest because it will provide new first local services at three communities totaling 4,702 persons, a net gain in radio service to 2,583,265 people, first aural reception service to 802 persons, and second aural reception service to 395 persons. The Joint Parties are confident that the changes can be implemented smoothly with a minimum of disruption. Accordingly, the Commission should grant this Counterproposal.