

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Meeteetse, Wyoming))

Federal Communications Commission
Office of Secretary

MB Docket No. 05-243

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

MINOR AMENDMENT TO COUNTERPROPOSAL

Millcreek Broadcasting, LLC; Simmons SLC-LS, LLC; 3 Point Media - Coalville, LLC; and College Creek Broadcasting LLC ("College Creek") (together, the "Joint Parties"), hereby amend their Counterproposal in the above captioned proceeding. On September 19, 2005, the Joint Parties submitted a Counterproposal where they proposed to, *inter alia*, substitute Channel 259A for Channel 243C2 at Ashton, Idaho. Due to transmitter site issues discussed herein, the Joint Parties now wish to modify their proposal to substitute Channel 283A (instead of Channel 259A) for Channel 243C2 at Ashton at a new site. In support hereof, the Joint Parties state as follows:

1. After unsuccessfully trying to secure a transmitter site in the limited area offered by Channel 259A, the Joint Parties have determined that Channel 283A would offer greater site flexibility. Thus, the Joint Parties wish to substitute Channel 283A (instead of Channel 259A) for Channel 243C2 at Ashton. As discussed in the Counterproposal, College Creek, one of the Joint Parties, holds a construction permit for the new facility on Channel 243C2 at Ashton at the coordinates of 44-10-18 North Latitude, 111-33-22 West Longitude. College Creek now wishes

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to have Channel 283A allotted to Ashton at the new coordinates of 43-58-32 North Latitude, 111-34-40 West Longitude consistent with Section 73.207 the Commission's Rules with respect to all existing and proposed allotments and facilities. *See* Amended Figure 59.¹ The proposed 70 dBu contour will cover all of Ashton. *See* Amended Figure 60.² College Creek hereby states that it will file an application for Channel 283A at Ashton and construct the facilities if its application is granted.

2. This amendment is also in the public interest because it eliminates the conflict with the *Notice of Proposed Rule Making*. Specifically, as demonstrated in Amended Figure 59, the allotment of Channel 283A (instead of Channel 259A) at Ashton eliminates the conflict with the *NPRM's* proposal to allot Channel 259C at Meeteetse, Wyoming.³ By eliminating this conflict, the Commission can now provide new first local services at Meeteetse, Wyoming (as proposed in the *NPRM*), and at Kaysville, Milford, American Fork, Utah (as proposed in the Joint Parties' Counterproposal).⁴

3. The Commission has previously accepted amendments to proposals "because they will facilitate resolution of [a] case based upon a full and complete factual record without prejudicing any other party." *Murrieta, California, et al.*, 17 FCC Rcd 19458, note 4 (2002). This is the case here because no other party would be prejudiced and the amendment would

¹ The channel study shows a number of short spacings that were dismissed in MB Docket 04-427. A petition for reconsideration was filed in that docket, which was subsequently dismissed, but the docket is not yet final. However, under the policy set out in *Auburn, Alabama, et al.*, 18 FCC Rcd 10333, 10340-41 (2003), a rule making decision may be relied by future rule making proponents during the pendency of any appeal proceedings.

² Attached hereto are Amended Figures 59, 60, and 61. These figures should replace Figures 59, 60, and 61 in the Joint Parties' original Counterproposal.

³ Because the Joint Parties have eliminated the conflict with the *NPRM's* proposal to allot Channel 259C at Meeteetse, Wyoming, the Commission no longer needs to consider the alternate channels that the Joint Parties proposed for Meeteetse.

⁴ The Joint Parties' Counterproposal will also result in a net gain in radio service to 3,629,760 people and provide coverage to a white area consisting of 270 persons.

eliminate the conflict with the *NPRM*'s proposal to allot Channel 259C at Meeteetse, Wyoming, and thus allow both proposals to be granted.⁵

In view of the foregoing, the Joint Parties request that the Commission accept this amendment to their Counterproposal.

Respectfully submitted,

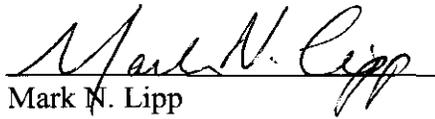
MILLCREEK BROADCASTING, LLC

SIMMONS SLC-LS, LLC

3 POINT MEDIA – COALVILLE, LLC

COLLEGE CREEK BROADCASTING, LLC

By:



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Their Counsel

February 10, 2006

⁵ Two other groups related to the Joint Parties filed proposals in this proceeding. This amendment does not affect these two filings.

Engineering Statement
In Support of an

Amendment to a Counterproposal
The Joint Parties
MB Docket 05-243, RM-FCC

Allocation Study – Ch. 283A at Ashton, ID (New CP)
Substituting Channel 283A for Channel 243C2 at Ashton, ID
(Using New Allotment Site)

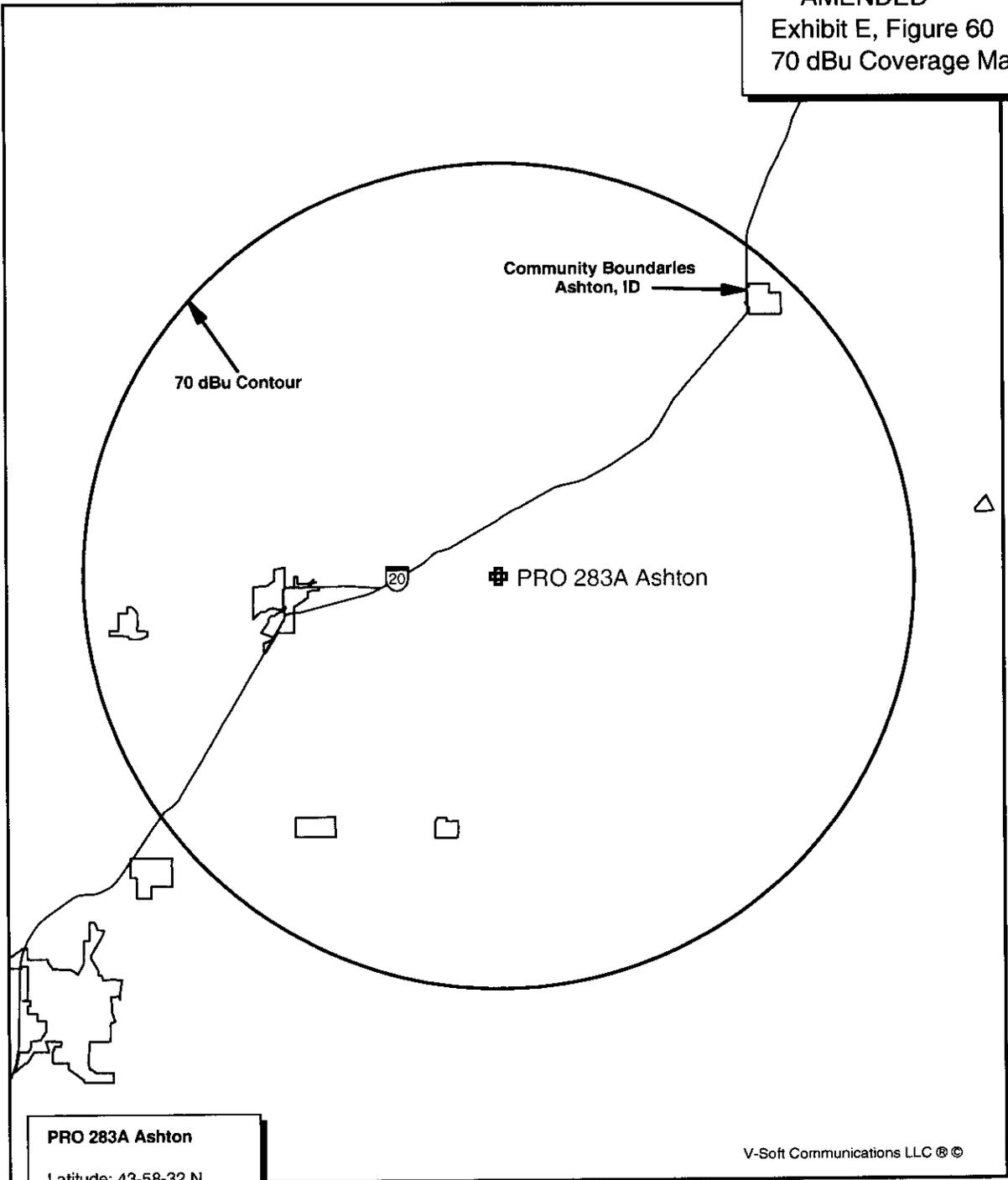
REFERENCE						DISPLAY DATES
43 58 32 N		CLASS = A				DATA 12-21-05
111 34 40 W		Current Spacings				SEARCH 12-29-05
----- Channel 283 - 104.5 MHz -----						

Call	Channel	Location	Dist	Azi	FCC	Margin		
RADD	ADD	283C1	Thayne	WY	134.55	172.7	200.0	-65.45
								Of Note: Database entry from MB 04-427 (now dismissed).
RADD	ADD	283A	Dubois	ID	56.80	293.4	115.0	-58.20
								Of Note: Database entry from MB 04-427 (now dismissed).
RADD	ADD	283A	Ammon	ID	67.58	210.3	115.0	-47.42
								Of Note: Database entry from MB 04-427 (now dismissed).
RADD	ADD	283C3	Thayne	WY	103.51	159.0	142.0	-38.49
								Of Note: Database entry from MB 04-427 (now dismissed).
ALLO	USE	284C1	Big Sky	MT	145.09	4.0	133.0	12.09
KBZM	LIC	284C1	Big Sky	MT	145.09	4.0	133.0	12.09
RDEL	DEL	286A	Dubois	ID	56.80	293.4	31.0	25.80
RADD	ADD	286A	Dubois	ID	56.80	293.4	31.0	25.80
RADD	ADD	286C1	Thayne	WY	124.84	159.2	75.0	49.84
KIKX	LIC	284C	Ketchum	ID	221.84	250.4	165.0	56.84
RADD	ADD	286C3	Thayne	WY	103.51	159.0	42.0	61.51
ALLO	USE	284C	Ketchum	ID	229.82	261.7	165.0	64.82
KORR	LIC-N	281C1	American Falls	ID	145.17	211.8	75.0	70.17
KORR.C	CP -N	281C1	American Falls	ID	145.17	211.8	75.0	70.17

******AMENDED******
Exhibit E, Figure 59
Allocation Study

AMENDED

Exhibit E, Figure 60
70 dBu Coverage Map



PRO 283A Ashton

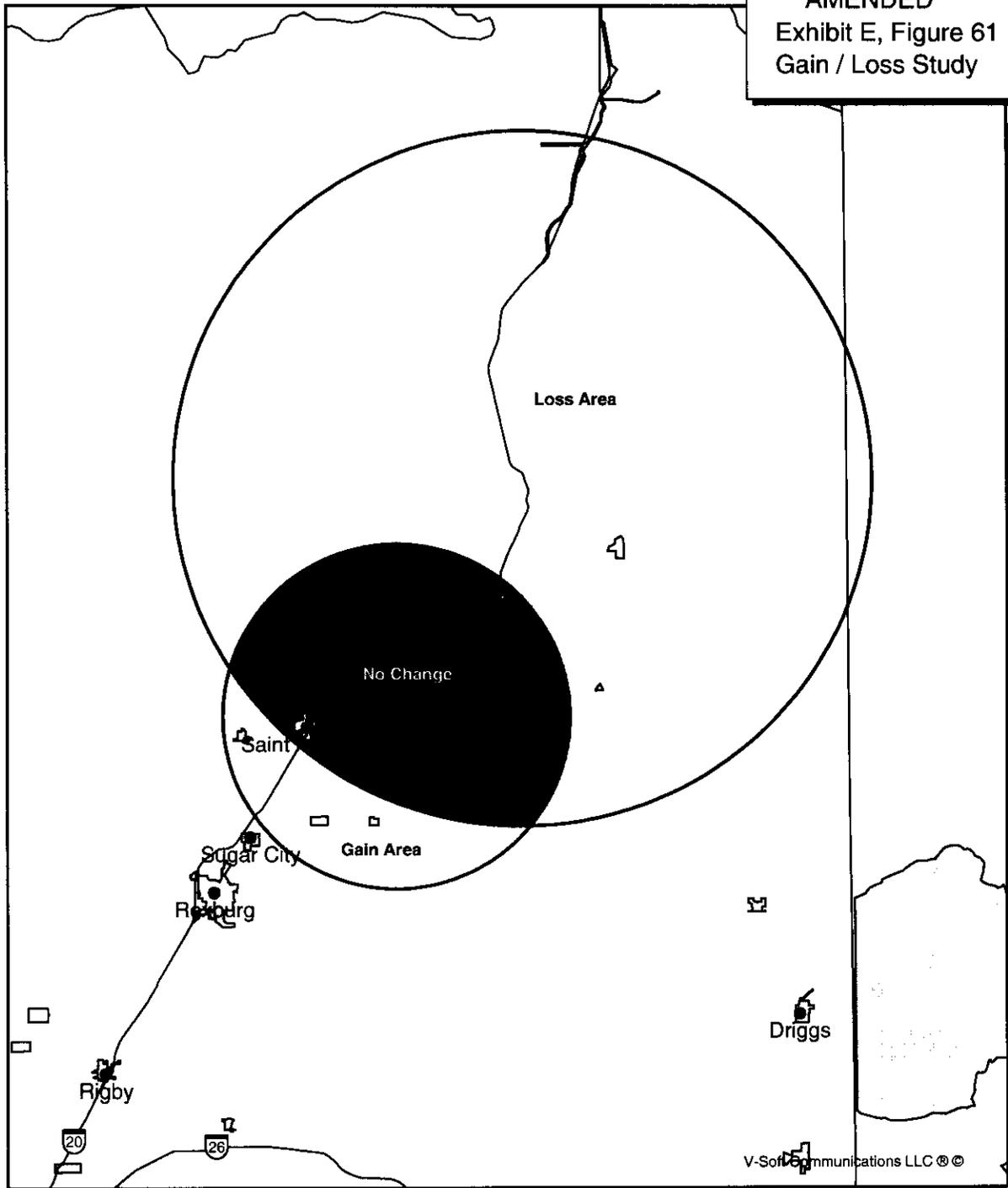
Latitude: 43-58-32 N
Longitude: 111-34-40 W
ERP: 6.00 kW
HAAT: 100.0 m
Channel: 283 A
Frequency: 104.5 MHz
AMSL Height: 1679.79 m
Elevation: 1558.83 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

V-Soft Communications LLC ©

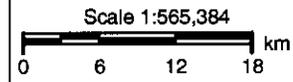
Scale 1:235,576



*****AMENDED*****
Exhibit E, Figure 61
Gain / Loss Study



Population in Loss Area = 1,254 persons
Population in Gain Area = 2,880 persons
Land Area in Loss Area = 2,731 sq. km.
Land Area in Gain Area = 217 sq. km.



CERTIFICATE OF SERVICE

I, Scott Woodworth, in the law firm of Vinson & Elkins, do hereby certify that I have on this 10th day of February, 2006, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Amendment**" to the following:

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Washington, DC 20554

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Roosevelt, UT 84066

Citicasters Licenses, L.P.
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Tulsa, OK 74129-2623

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Sand Hill Media Corp.
P.O. Box 570
Logan, Utah 84321



Scott Woodworth

* HAND DELIVERED