

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

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

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RM-11245

Federal Communications Commission
Office of Secretary

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

COUNTERPROPOSAL

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SUMMARY

This Counterproposal is filed on behalf of College Creek Broadcasting Inc. ("College Creek"), permittee of Station KPHD(FM), Elko, Nevada and Station KTPD(FM), Hazelton, Idaho. College Creek is filing this Counterproposal in response to the *Notice of Proposed Rule Making*, DA 06-729 (*rel.* March 31, 2006) in the above-captioned proceeding. College Creek proposes a number of changes to the FM Table of Allotments which, taken together, will (i) establish first local services in the communities of Owyhee, Nevada, Finley, Washington, and Iona and Melba, Idaho (with a combined population of 8,427), (ii) result in a net gain in radio service to 514,680 people, (iii) provide a first aural service to 1,697 persons, and (iv) provide a second aural service to 2,932 persons. The consent statements of the licensees of the stations that are not owned by College Creek are attached to this Counterproposal. Finally, in this Counterproposal, College Creek requests that the Commission issue an Order to Show Cause to Citadel Broadcasting Company and Citicasters Licenses, L.P. the licensee of two stations implicated in this proposal, to show why their channels should not be changed at their current sites.

This Counterproposal conflicts with the *NPRM* proposal to allot Channel 231C0 to Boardman, Oregon, due to the proposed allotment of Channel 230A to Finley, Washington. Under the FM allotment priorities, the Commission should favor the public interest benefits proposed herein under Priorities 1, 2, and 3.

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COUNTERPROPOSAL

College Creek Broadcasting Inc. ("College Creek"), permittee of Station KPHD(FM), Elko, Nevada, and Station KTPD(FM), Hazelton, Idaho, by its counsel, hereby submits this counterproposal to the *Notice of Proposed Rule Making*, DA 06-729 (rel. March 31, 2006) ("*NPRM*") in the above-captioned proceeding. College Creek proposes to (i) allot Channel 247C3 to Owyhee, Nevada as that community's first local service and (ii) change the channel of KPHD(FM) from Channel 248C to 249C, relocate the station to a new transmitter site, and change its community of license to Melba, Idaho as that community's first local service. College Creek hereby states that it will apply for Channel 247C3 at Owyhee and Channel 249C at Melba and construct the facilities if the Commission grants this proposal. In order to accomplish this change, the following amendments to the FM Table of Allotments are requested (listed alphabetically):

Community	Channel	
	Existing	Proposed
Boise, Idaho	222C, 250C, 282C, 286C	222C, 274C, 282C, 286C
Caldwell, Idaho	231C, 277C, 296C	231C, 278C, 296C
Grangeville, Idaho	224C3	226C2
Hazelton, Idaho	232C3	224C3
Iona, Idaho	--	224C0
Jerome, Idaho	275C1	276C1
McCall, Idaho	228C3, 238C3, 252C1, 266C1, 275C3, 293C3	224C3, 228C3, 238C3, 252C1, 266C1, 293C3
Melba, Idaho	--	249C
Salmon, Idaho	224A, 233A ¹	225C0, 260C1
Sun Valley, Idaho	237C1, 279C, 298C0	233C0, 237C1, 298C0
West Yellowstone, Montana	225C	--
Elko, Nevada	229C2, 233C, 237C1, 248C1 ²	229C2, 233C, 237C
Owyhee, Nevada	--	247C3
Arlington, Oregon	261C2	261C2, 291A
Finley, Washington	--	230A
Pasco, Washington	229A, 252A, 267C3	252A, 267C3

In support whereof, College Creek states as follows:

I. PRELIMINARY MATTERS.

1. College Creek has reached agreement with the licensees of all but two of the affected stations for the changes proposed herein.³ The consent statements of the licensees of Stations KRJC(FM), Elko, Nevada; KSKI-FM, Sun Valley, Idaho; KSRA-FM, Salmon, Idaho; KEZQ(FM), West Yellowstone, Montana; KORT-FM, Grangeville, Idaho; KRKL(FM), Walla Walla, Washington; KGSG(FM), Pasco, Washington; and KMVX(FM), Jerome, Idaho; and the permittee of a new station at Salmon, Idaho are attached hereto as Exhibit 1. The underlying

¹ Skywest Media has a permit for Channel 233C0 at Salmon. See BNPH-20050103AAQ.

² College Creek has a permit for Channel 248C at Elko. See BNPH-20041223ABR.

³ College Creek has applied to assign the license for KTPD(FM) to FM Idaho Co., LLC. See BAPH-20051206AEU. However, as the current licensee, College Creek intends to make the changes proposed for Station KTPD(FM).

agreements provide that College Creek will reimburse the licensees and permittee for their expenses in making the changes, and College Creek hereby states that it will do so. With respect to the remaining stations, College Creek requests that the Commission issue an Order to Show Cause to (i) Citadel Broadcasting Company, the licensee of Station KQFC(FM), Boise, Idaho, to show why its channel should not be changed from 250C to 274C at its current site, and (ii) Citicasters Licenses, L.P. the licensee of Station KSAS-FM, Caldwell, Idaho, to show why its channel should not be changed from 277C to 278C at its current site. College Creek hereby states that it will reimburse the licensees for their reasonable expenses in changing channel in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967). Thus, this proposal complies with the Commission's policy in *Columbus, Nebraska*, 59 RR 2d 1185 (1986).

II. CONFLICT WITH THE *NPRM*.

2. As indicated in the attached Engineering Statement, the proposal offered herein to change the channel of KGSG(FM) from Channel 229A to 230A, relocate the station to a new transmitter site, and change its community of license to Finley, Washington, conflicts with the *NPRM* proposal to allot Channel 231C3 to Boardman, Oregon. As demonstrated herein, the collective changes offered herein include (i) establishment of first local services in the communities of Owyhee, Nevada, Finley, Washington, and Iona and Melba, Idaho (with a combined population of 8,427), (ii) a net gain in radio service to 514,680 people, (iii) a first aural service to 1,697 persons, and (iv) a second aural service to 2,932 persons. Thus the Commission must favor these priority 1, 2, and 3 benefits over a first local service to Boardman, Oregon (2000 U.S. Census pop. 2,855) (priority 3) under its FM priorities. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*").

III. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES.

A. NEW CHANNEL, OWYHEE, NEVADA.

3. College Creek proposes to allot Channel 247C3 to Owyhee, Nevada, as that community's first local service. As indicated in the attached channel study, Figure 1, Channel 247C3 can be allotted to Owyhee, Nevada in compliance with the Commission's spacing rules provided that a change is made at Elko, Nevada. This change is discussed below. From the proposed site the station will provide a 70 dBu signal to Owyhee. *See* Figure 2. The allotment of Channel 247C3 to Owyhee will provide a first aural service to 1,428 persons. *See* Figure 3. College Creek hereby states that it will file an application specifying the new channel and construct the facilities if its application is granted.

4. Owyhee, Nevada is located in Elko County, Nevada. It is listed in the 2000 U.S. Census with a population of 1,017 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 has assigned one zip code, 89832, to Owyhee and operates a post office in the community. Among the local and federal government offices located in Owyhee include Owyhee Probation Office, Owyhee Water & Sanitation Department, United States Facilities Management, United States Indian Affairs Bureau and United States Mental Services. The Shoshone-Paiute Tribe has several offices in Owyhee including offices for Alcohol and Drug Abuse, Education Assistance, Health Programs, Land Office, Fire Management, Tribal Health, Prosecutor's Office, Senior Citizens, Social Services and Judge's Office. The Owyhee Community Health and Owyhee Day Care Center operates within the community. The Elko County School District #1 operates the Owyhee Combined School within the community. The Owyhee Fire Station offers fire protection to the residents of the community. A number of businesses are located in Owyhee including Owyhee Café and Country Café. Community

organizations in Owyhee include the Owyhee Baptist Church, United Presbyterian Church and the Church of Jesus Christ of Latter Day Saints. Exhibit 2.

B. STATION KPHD(FM) ELKO, NEVADA, TO MELBA, IDAHO.

5. In order to allot Channel 247C3 to Owyhee, Station KPHD(FM), Elko, Nevada, must change its channel from 248C to 249C and its community of license to Melba, Idaho. As indicated in the attached channel study, Figure 4, Channel 249C can be allotted to Melba, in compliance with the Commission's spacing rules provided that a change is made at Boise, Idaho (Station KQFC(FM)). That change, and the other modification that it requires in turn, will be discussed below. From the proposed site the station will provide a 70 dBu signal to Melba. See Figure 5. This allotment will (i) provide a first aural service to 11 persons, (ii) provide a second aural service to 2,930 persons, and (iii) will result in a net gain in 60 dBu service to 384,968 people. See Figure 6. While the reallocation of Station KPHD(FM) to Melba will create potential white area, it will be covered by the modifications to Station KRJC(FM), Elko, Nevada, discussed below. College Creek reiterates that it will file an application specifying the new channel and construct the facilities if its application is granted.

6. 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.

7. These criteria are met here. First, the proposed use of Channel 249C at Melba is mutually exclusive with the current use of Channel 248C at Elko. See Figure 4. Second, Elko

will not be deprived of its only local service because six other stations are licensed to Elko. Further, the Commission has held that the removal of unbuilt facilities does not present the same loss of service concerns as the removal of an operating station that the public has become reliant upon. *See, e.g., Linden, Texas, et al.*, 16 FCC Rcd 10853, 10854 (2001); *Grand Isle and Empire, Louisiana*, 15 FCC Rcd 9162, 9163 (2000); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664, 7665 (1997). Finally, the provision of a first local service at Melba (2000 U.S. Census pop. 439) under priority (3) is preferred over the provision of a seventh local service at Elko (2000 U.S. Census pop. 16,708) under priority (4).⁴ *See FM Assignment Policies, supra.*

8. Melba is not located in an Urbanized Area and the proposed KPHD(FM) contour will not cover more than 50% of any Urbanized Area. Thus, this change does not implicate *Tuck*. The City of Melba, Idaho, located in Canyon County, Idaho, is a community for allotment purposes. Melba is an incorporated city listed in the 2000 U.S. Census with a population of 439 persons. Therefore, Melba is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). The United States Postal Services associates the zip code 83641 with Melba and operates an office in the city. Melba has several businesses, churches, a city government, a library, and various other community indicia. The City of Melba was incorporated in 1964. The city government is composed an elected mayor and four council members who serve staggered four-year terms. The city government has a city clerk, utility billing officer, planning and zoning commission and a water master. Citizens can access the website “www.cityofmelba.org” for local governmental information. The United States Agricultural Research Service has offices in Melba. The Melba Cottage Library is staffed and maintained by volunteers for the residents of Melba. The Melba

⁴ Melba does not currently have any local service. There is an application pending for a new AM station at Melba, however that application is part of AM Auction 84 and there is no guarantee that it will be granted because it conflicts with a number of other AM applications filed in AM Auction 84. *See BNP-20040130BPM.*

School District provides public school education to the residents of the city. The Melba Elementary School, Melba Middle School and Melba High School are each located within the city limits. A number of business identify with the community by using "Melba" in their name, including Melba Valley Real Estate, Melba Quick Stop, and Melba Supply & Repair. Among the businesses located in Melba include the following: Blue Canoe, Dan's Ferry Service, and Jacksmart. Healthcare in Melba is provided by the Melba Health Services. The Melba Rural Volunteer Fire Department provides fire protection services to the residents of Melba. Community organizations in Melba include Melba Community Baptist Church, Melba Friends Church, Melba Valley Worship Center, and Church of Jesus Christ of Latter-Day Saints. *See* Exhibit 3.

C. STATION KRJC(FM), ELKO, NEVADA.

9. In order to eliminate the white area created by the relocation of Station KPHD(FM) from Elko, Nevada to Melba, Idaho, College Creek proposes to change the channel of Station KRJC(FM), Elko, Nevada, from Channel 237C1 to Channel 237C at the station's current site. As indicated in the attached channel study, Figure 8, Channel 237C can be allotted to Elko, in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Elko. *See* Figure 9. The consent statement of the licensee, Holiday Broadcasting of Elko, consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Holiday Broadcasting for its expenses in making this change.

D. STATION KQFC(FM), BOISE, IDAHO.

10. In order to allot Channel 249C to Melba, Idaho, Station KQFC(FM), Boise, Idaho, must change its channel from 250C to 274C. As indicated in the attached channel study, Figure 10, Channel 274C can be allotted to Boise at Station KQFC(FM)'s current site, in

compliance with the Commission's spacing rules provided a change is made at Caldwell, Idaho (Station KSAS-FM), Jerome, Idaho (Station KMVX(FM)), and McCall, Idaho (vacant allotment). These changes, and the other modifications that they require in turn, will be discussed below.

11. College Creek requests that the Commission issue an Order to Show Cause to Citadel Broadcasting Corporation, the licensee of Station KQFC(FM), Boise, Idaho, to show why KQFC(FM)'s channel should not be changed at its current site. College Creek reiterates that it will reimburse Citadel for its reasonable expenses in changing channel in accordance with *Circleville, Ohio, supra*.

E. STATION KSAS-FM, CALDWELL, IDAHO.

12. In order to allot Channel 274C to Boise, Station KSAS-FM, Caldwell, Idaho, must change its channel from 277C to 278C. As indicated in the attached channel study, Figure 11, Channel 278C can be allotted to Caldwell at Station KSAS-FM's current site, in compliance with the Commission's spacing rules provided a change is made at Sun Valley, Idaho (Station KSKI-FM). This change, and the other modifications that it requires in turn, will be discussed below.

13. College Creek requests that the Commission issue an Order to Show Cause to Citicasters Licenses, L.P., the licensee of Station KSAS-FM, Caldwell, Idaho, to show why KSAS-FM's channel should not be changed at its current site. College Creek reiterates that it will reimburse Citicasters for its reasonable expenses in changing channel in accordance with *Circleville, Ohio, supra*.

F. STATION KSKI-FM, SUN VALLEY, IDAHO.

14. In order to allot Channel 278C to Caldwell, Station KSKI-FM, Sun Valley, Idaho, must change its channel from 279C to 233C0. As indicated in the attached channel study, Figure

12, Channel 233C0 can be allotted to Sun Valley at a new site, in compliance with the Commission's spacing rules provided a change is made at Salmon, Idaho (new station), and at Hazelton, Idaho (Station KTPD(FM)). These changes, and the other modifications that the require in turn, will be discussed below. From the proposed site the station will provide a 70 dBu signal to Sun Valley. *See* Figure 13. This allotment will result in a net loss in 60 dBu service to 5,622 people. *See* Figure 14. The loss area will continue to receive adequate aural service. *See* Figure 15. The consent statement of the licensee, Chaparral Broadcasting, Inc., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Chaparral for its expenses in making this change.

G. NEW STATION, SALMON, IDAHO.

15. In order to allot Channel 233C0 to Sun Valley, the permittee at Salmon, Idaho, must change its channel from 233C0 to 260C1. As indicated in the attached channel study, Figure 16, Channel 260C1 can be allotted to Salmon at the station's current site, in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Salmon. *See* Figure 17. This allotment will result in a net loss in 60 dBu service to 2,778 people. *See* Figure 18. While the reallocation of this station to Salmon will create white and grey area, it will be covered by the modifications to Station KSRA-FM, Salmon, Idaho, as discussed below.

16. The consent statement of the permittee, Skywest Media, L.L.C., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Skywest for its expenses in making this change.

H. STATION KSRA-FM, SALMON, IDAHO.

17. In order to eliminate the white area created by the allotment of Channel 260C1 at Salmon, Idaho, College Creek proposes to change the channel of Station KSRA-FM, Salmon,

Idaho, from Channel 224A to Channel 225C0 at a new site. As indicated in the attached channel study, Figure 20, Channel 225C0 can be allotted to Salmon, in compliance with the Commission's spacing rules provided a change is made at West Yellowstone, Montana (Station KEZQ(FM)). This 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 Salmon. See Figure 21. This allotment will result in a net gain in 60 dBu service to 5,071 people. See Figure 22. There will not be a loss area. The consent statement of the licensee, Salmon River Communications, Inc., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Salmon River for its expenses in making this change.

I. STATION KEZQ(FM), WEST YELLOWSTONE, MONTANA TO IONA, IDAHO.

18. In order to allot Channel 225C0 to Salmon, Station KEZQ(FM), West Yellowstone, Montana, must change its channel from 225C to 224C0 and its community of license to Iona, Idaho. As indicated in the attached channel study, Figure 23, Channel 224C0 can be allotted to Iona at a new site, in compliance with the Commission's spacing rules.⁵ From the proposed site the station will provide a 70 dBu signal to Iona. See Figure 24. This allotment will result in a net gain in 60 dBu service to 113,651 people. See Figure 25. The reallocation of this station to Iona will create grey area to 1,498 persons. See Figure 26. However, this is more than overcome by the public interest benefits proposed herein under the comparison between priorities 2 and 3.

⁵ The attached Channel Study (Figure 23) includes a "use" listing for Channel 222C2 at Victor, Idaho for Station KYPT(FM). On July 22, 2005, that channel was automatically downgraded to Channel 222C3 at Victor by special operating condition No. 3 (BMPH-20041013AAG). The FM Table of Allotments currently reflects the allotment of Channel 222C3 at Victor and the Commission should delete the entry of Channel 222C2 at Victor in CDDBS.

19. The consent statement of the licensee, Chaparral Broadcasting, Inc., consenting to *this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Chaparral for its expenses in making this change.*

20. The relocation of KEZQ(FM) from West Yellowstone to Iona complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 23, demonstrates that the proposed allotment of Channel 224C0 at Iona is mutually exclusive with the current allotment of Channel 225C at West Yellowstone. West Yellowstone will retain existing local service, because Station KWYS(AM) will remain licensed to West Yellowstone. The provision of a first local service at Iona, Idaho (2000 U.S. Census pop. 1,201), under priority (3) is favored over the retention of a second local service at West Yellowstone (2000 Census pop. 1,177) under priority (4).

21. Iona is located in the Idaho Falls, Idaho Urbanized Area. Therefore, this relocation implicates the Commission's policy regarding the migration of stations into urban areas. See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995) ("*Headland*"); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) ("*Tuck*"). In making the determination whether to award an urbanized community a first local service preference, the Commission will consider (1) the extent to which the station will provide service to the entire Urbanized Area, (2) the relative populations and proximity of the suburban and central city, and, most importantly, (3) the independence of the suburban community. *Tuck*, 3 FCC Rcd at 5377-78. In this case, from the proposed transmitter site, KEZQ(FM) would place a 70 dBu contour over more than 50% of Idaho Falls Urbanized Area. Iona's population (2000 U.S. Census 1,201) is 2.4% of that of Idaho Falls (2000 U.S. Census 50,730), and Iona is located 11 kilometers from Idaho Falls. Nevertheless, the Commission has repeatedly stated that these factors are less

important than evidence of independence. See *Headland*, 10 FCC Rcd at 10355. The following analysis of the eight *Tuck* factors demonstrates the independence of Iona from Idaho Falls.

(1) ***Extent to which the residents of Iona work in Iona.*** According to the 2000 U.S. Census figures, 49 of the 490 employed individuals in Iona, or 10%, work at their place of residence. See Exhibit 4. This percentage compares favorably with other independent communities. See, e.g., *Albemarle and Indian Trail, North Carolina*, 16 FCC Rcd 13876 (2001) (11.3% of working-age residents worked in community); *Coolidge and Gilbert, Arizona*, 11 FCC Rcd 3610 (1996) (13% of Gilbert's working population actually worked in Gilbert).

(2) ***Newspapers and other media that cover Iona's local needs and interests.*** There are a number of radio and television stations (not licensed to Idaho Falls) that provide local coverage for the community of Iona.

(3) ***Community leaders and residents perceive Iona as being separate from Idaho Falls.*** Iona was established in 1883. The first log cabin built belonged to Cadwallader Owens and the first Sunday school and church meetings were held in this home. Another log cabin was built on the southeast corner of Owens avenue and Iona north road and was where the first school was held. The center of all the town's activities was the first church which was built in 1887. The annual Iona Days celebration is sponsored by the Iona City Council, encouraging the citizens of the area to come out and help celebrate the founding of Iona. Since 1970, Iona's population has increased from 890 to 1,245. See Exhibit 4.

(4) ***Iona has its own local government and elected officials.*** Iona is administered by a mayor and five member city council. Brad Anderson is the current Mayor of Iona.

Iona also has a City Clerk, City Treasurer, Chief of Police, and Public Works Director.

Iona also has its own library and public schools. *See Exhibit 4.*

(5) *Iona has its own zip code.* The zip code assigned to Iona is 83427, and the U.S. Postal Service operates one office in Iona. *See Exhibit 4.*

(6) *Iona has its own commercial establishments.* Iona is home to a number of businesses and commercial establishments including Ernie's Café, Jack's 6-12 Food Stores, Iona Merc, Pasley's Grain Seed & Feed, Larsen Auto Repair, Bonestore Restaurant, Chem-Pro Chemical, and Ryan Precision Cabinet. Iona is also home to a number of community organizations including the Iona's Lions Club, the Church of Jesus Christ of Ladder Day Saints, and Iona Fourth Ladder Ward. *See Exhibit 4.*

(7) *Iona is a separate and distinct advertising market from Idaho Falls.* The radio and television stations (not licensed to Idaho Falls) provide local advertising opportunities for the businesses of Iona.

(8) *Iona has its own schools, library, and police department.* Iona is home to the Iona Police Department, which provides traditional police services to the community of Iona. The Iona Public Library is also located in Iona. The Bonneville County Joint School District administers the public schools in Iona which include the Iona Elementary School. *See Exhibit 4.*

J. STATION KTPD(FM), HAZELTON, IDAHO.

22. In order to allot Channel 233C0 to Sun Valley, Station KTPD(FM), Hazelton, Idaho, must change its channel from 232C3 to 224C3. As indicated in the attached channel study, Figure 27, Channel 224C3 can be allotted to Hazelton at the station's current site, in compliance with the Commission's spacing rules. As indicated, College Creek is the licensee of

Station KTPD(FM) and will file an application to make the changes and if granted will construct the facilities as authorized.

K. VACANT ALLOTMENT, MCCALL, IDAHO.

23. In order to allot Channel 274C to Boise, the vacant channel at McCall, Idaho, must change its channel from 275C3 to 224C3. As indicated in the attached channel study, Figure 28, Channel 224C3 can be allotted to McCall at the channel's current site, in compliance with the Commission's spacing rules provided a change is made at Grangeville, Idaho (Station KORT-FM). This change, and the other modifications that it requires in turn, will be discussed below.

L. STATION KORT-FM, GRANGEVILLE, IDAHO.

24. In order to allot vacant Channel 224C3 to McCall, Station KORT-FM, Grangeville, Idaho, must change its channel from 224C3 to 226C2. As indicated in the attached channel study, Figure 29, Channel 226C2 can be allotted to Grangeville at a new site, in compliance with the Commission's spacing rules provided a change is made at Walla Walla, Washington (Station KRKL(FM)). This 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 Grangeville. *See* Figure 30. This allotment will result in a net gain in 60 dBu service to 6,885 people. *See* Figure 31. While the reallocation of Station KORT-FM will create white area to a small area that is unpopulated, this reallocation will provide service to a white area containing 162 persons. *See* Figure 32. The statement of the licensee, 4-K Radio, Inc., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse 4-K Radio for its expenses in making this change.

M. KRKL(FM), WALLA WALLA, WASHINGTON.

25. In order to allot Channel 226C2 to Grangeville, Station KRKL(FM), Walla Walla, Washington, must change its transmitter site. As indicated in the attached channel study, Figure 33, Channel 227C1 at Walla Walla can be moved to a new site in compliance with the Commission's spacing rules provided a change is made at Pasco, Washington (Station KGSG(FM)). This 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 Walla Walla. See Figure 34. This allotment will result in a net gain in 60 dBu service to 5,175 people. See Figure 35. The loss area will continue to receive adequate aural service. See Figure 36. The statement of the licensee, Educational Media Foundation, consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Educational Media Foundation for its expenses in making this change.

N. STATION KGSG(FM), PASCO TO FINLEY, WASHINGTON.

26. In order to move the site for Channel 227C1 at Walla Walla, Station KGSG(FM), Pasco, Washington, must change its channel from 229A to 230A and its community of license to Finley, Washington. As indicated in the attached channel study, Figure 37, Channel 230A can be allotted to Finley at a new site, in compliance with the Commission's spacing rules except for a short spacing to the allotment of Channel 231C3 at Boardman, Oregon proposed in the *NPRM*. Therefore, this counterproposal is mutually exclusive with the *NPRM*. From the proposed site the station will provide a 70 dBu signal to Finley. See Figure 38. This allotment will result in a net gain in 60 dBu service to 1,974 people. See Figure 39. The loss area will continue to receive adequate aural service. See Figure 40. The statement of the licensee, Gospel Music Broadcasting Corp., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Gospel Music for its expenses in making this change.

27. The relocation of KGSG(FM) from Pasco to Finley complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 37, demonstrates that the proposed allotment of Channel 230A at Finley is mutually exclusive with the current allotment of Channel 229A at Pasco. Pasco will retain existing local service, because four other stations will remain licensed to Pasco. The provision of a first local service at Finley, Washington (2000 U.S. Census pop. 5,770), under priority (3) is favored over the retention of a fifth local service at Pasco (2000 Census pop. 32,066) under priority (4).

28. Both Pasco and Finley are located within the Kennewick-Richland, Washington Urbanized Area. Therefore, this relocation does not implicate the Commission's policy concerning the migration of stations from underserved rural areas to well-served urban areas. See *Boulder and Lafayette, Colorado*, 11 FCC Rcd 3632 (1996) (granting a proposal to reallocate a channel from one community in an Urbanized Area to another community in same Urbanized Area without a *Tuck* showing); *East Los Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd 2864 (1995) (stating that the concern with migration to Urbanized Areas does not exist when a proposal involves reallocating a channel from one community in an Urbanized Area to another community in same Urbanized Area).

29. Finley, Washington is located in Benton County, Washington. It is listed in the 2000 U.S. Census with a population of 5,770 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 zip code 99336 to Finley⁶. The Finley School District #53 provides public school education to the residents of the community and operates the Finley Elementary and Middle Schools. A number of businesses identify with the

⁶ Because Finley shares a zip code with Kennewick, Washington, a number of the business and governmental entities cited herein also have a Kennewick zip code.

community by using "Finley" in their name, including Finley Truck Stop, Finley Storage, Finley Shopper and Finley Air Repair. Community organizations in Finley include the Finley First Baptist Church. *See* Exhibit 5.

O. PROPOSED CHANNEL 231C0, BOARDMAN, OREGON.

30. As discussed above, College Creek's proposal for Channel 230A at Finley conflicts with the proposed allotment of Channel 231C0 at Boardman, Oregon. College Creek's counterproposal, with (i) first local services at Owyhee, Melba, Iona, and Finley, under priority (3), (ii) second aural services to 2,932 people, and (iii) the provision of first aural service to 1,697 people, under priority (1), should be preferred over the provision of a first local service at Boardman, Oregon (2000 U.S. Census pop. 2,855), under priority (3).

P. NEW ALLOTMENT, ARLINGTON, OREGON.

31. In order to cover the white and grey area that would have been covered by the allotment of Channel 231C3 at Boardman, College Creek proposes to allot Channel 291A to Arlington, Oregon. As indicated in the attached channel study, Figure 41, Channel 291A can be allotted to Arlington, Washington in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Arlington. *See* Figure 42. The allotment of Channel 291A to Arlington will provide a first aural service to the 30 persons, and a second aural service to the 683 persons, that would have received these services by the allotment at Boardman. This proposal also provides a second aural service to 88 persons. *See* Figure 43. College Creek hereby states that it will file an application specifying the new channel and construct the facilities if its application is granted. Arlington, Oregon has already been determined to be a community for allotment purposes.⁷

⁷ *See Arlington, Oregon, et al.*, 19 FCC Rcd 12803 (2004).

Q. STATION KMVX(FM), JEROME, IDAHO.

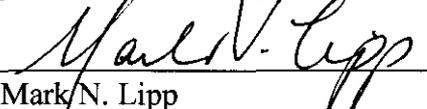
32. In order to allot Channel 274C to Boise, Station KMVX(FM), Jerome, Idaho, must change its channel from 275C1 to 276C1. As indicated in the attached channel study, Figure 44, Channel 276C1 can be allotted to Jerome at Station KMVX(FM)'s current site, in compliance with the Commission's spacing rules. The statement of the licensee, Kart Broadcasting Co., Inc., consenting to this change is attached hereto as Exhibit A, and College Creek reiterates that it will reimburse Kart Broadcasting for its expenses in making this change.

IV. CONCLUSION.

College Creek proposes a number of changes to the FM Table of Allotments which, taken together, will (i) establish first local services in the communities of Owyhee, Nevada, Finley, Washington, and Iona and Melba, Idaho (with a combined population of 8,427), (ii) result in a net gain in radio service to 514,680 people, (iii) provide a first aural service to 1,697 persons, and (iv) provide a second aural service to 2,932 persons. This Counterproposal conflicts with the *NPRM* proposal to allot Channel 231C0 to Boardman, Oregon, due to the proposed allotment of Channel 230A to Finley, Washington. Under the FM allotment priorities, the Commission should favor the public interest benefits proposed herein under Priorities 1, 2, and 3.

Respectfully submitted,

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May 22, 2006

Its Counsel

**ENGINEERING STATEMENT
IN SUPPORT OF A
COUNTERPROPOSAL**

MB DOCKET 06-72

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May 21, 2006

ENGINEERING STATEMENT

In Support of a
Counterproposal
MB Docket 06-72

College Creek Broadcasting, Inc.
Boardman, OR

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ENGINEERING STATEMENT

In Support of a Counterproposal

MB Docket 06-72

College Creek Broadcasting, Inc.
Boardman, OR

Introduction

College Creek Broadcasting, Inc. ("College Creek"), permittee of KPHD (FM) 248C Elko, NV, and KTPD 232C3 Hazelton, ID, hereby offers the instant engineering statement in support of its counterproposal to the *Notice of Proposed Rule Making*, DA 06-729 (rel. March 31, 2006) ("*NPRM*") in the above-captioned proceeding. The counterproposal is mutually exclusive to MB Docket 06-72, which proposes the allocation of channel 231C3 at Boardman, OR, as that community's first local service.

All proposed spectrum modifications are first demonstrated by a channel or allocations study. The study shows the spacings to all known FM entries in the Commission's database, and it also establishes if additional spectrum modifications are required. Spectrum modifications that require antenna site relocations, class changes or community of license changes are followed by a series of maps demonstrating compliance with all current Commission allotment rules.

College Creek's counterproposal creates first aural reception service to 1,697 persons in north-central Nevada, southwestern Idaho, northern Idaho, and south-central Washington under Priority 1 of the Commission's allotment priorities. It provides second aural service to 2,932 persons in north-central Nevada, southwestern Idaho, central Idaho, northern Idaho, north-central Oregon, and south-central Washington. It also provides first local services at Owyhee, NV (population 1,017), Melba, ID (population 439), Iona, ID (population 1,201) and Finley, WA (Population 5,770). The counterproposal has the added benefit of increasing the total population served with new FM service by 514,680 persons under Priority 4.

The following page includes a summary of the changes proposed to the FM Table of Allotments (listed alphabetically by state).