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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

JUN - 5 2006

Federal Communications Commission
Office of Secretary

In Re: Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Boulder Town, Levan, Mount Pleasant)
and Richfield, UT))

MM Docket No. 04-258
RM-11000
RM-11149

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

PETITION FOR RECONSIDERATION

Micro Communications, Inc. ("Micro"), petitioner herein, by its attorney, pursuant to Section 1.106 of the Commission's rules, hereby respectfully requests reconsideration of the *Report and Order* in the captioned matter, DA 06-956, released May 5, 2006.¹ As demonstrated herein, the *Report and Order* contains a material legal error which this petition for reconsideration affords Commission staff an opportunity to correct.

The *Report and Order* found, under the policy in *Cut and Shoot, Texas*, 11 FCC Rcd 16383 (MMB 1996), that Micro's petition was defective when filed for failure to have protected KCYQ's licensed site as well as its outstanding construction permit. However, as Micro had pointed out in September 13, 2004 Comments, that policy was subsequently tempered by *WKVE, Semora, North Carolina*, 18 FCC Rcd 23411 (2003) at ¶26. There, the full Commission held that subsequent grant of a license application eliminated the requirement to protect formerly licensed facilities. Here, the grant of a license for KLGL (BLH-20050503AAF) on October 17, 2005, while this matter remained

¹ Zeta Holdings, LLC ("Zeta") succeeded to Micro's interests upon consummation of a *pro forma* assignment of license, BALH-20040415AEM on July 26, 2004. Micro's (now Zeta's) subject station, KCFM, Levan, Utah has since changed call letters to KQMB. We further note that the other station involved in this matter has changed licensee from Mid-Utah Radio, Inc. to San Pete County Broadcasting Co. and call signs from KCYQ to KLGL. However, to minimize confusion, the original parties and call signs are retained throughout this pleading.

pending, obviated the need for Micro to continue protecting the formerly licensed site of that station. Consequently, the basis cited as the ostensibly fatal defect of the subject petition, and the sole ground for its dismissal, was in error.

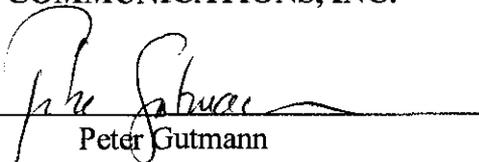
The *Report and Order* also faulted Micro's alternate suggestion to use Channel 244C at Mount Pleasant on the ground that the site Micro proposed is located in a National Forest, permission had not been received from the National Park Service to use a site there, and grant of such authority would not be presumed. However, that is not a ground for rejecting Micro's proposal. Rather, Micro suggested that site in its September 28, 2004 Reply Comments merely as a means of accommodating both its proposal and Mid-Utah's counterproposal (which requested use of the channel at Mount Pleasant). Thus, a defect in Micro's suggested solution would merely result in rejection of Micro's attempt to enable both its proposal and Mid-Utah's counterproposal to be granted, and would leave them mutually exclusive.²

In view of the foregoing, we respectfully urge the staff to reconsider the erroneous legal basis upon which its subject *Report and Order* in this matter was premised and to reverse its dismissal of Micro's petition for rulemaking and termination of this proceeding.

Respectfully submitted,

MICRO COMMUNICATIONS, INC.

By: _____


Peter Gutmann
Its Attorney

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June 5, 2006

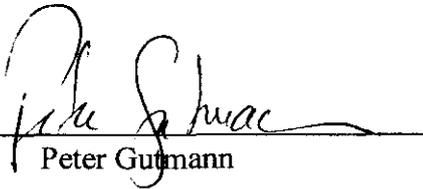
² The *Report and Order* further found Mid-Utah's counterproposal to be fatally defective, not only because it was sited in the same National Forest, but because it created significant white and gray area and thus would not result in a preferential arrangement of allotments. Thus, upon reinstatement, Micro's proposal would be unopposed and entitled to grant.

Certificate of Service

I, Peter Gutmann, an attorney in the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that I have on this 5th day of June, 2006, caused copies of the foregoing Petition for Reconsideration to be mailed to the following by first-class United States mail, postage prepaid:

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