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Before the
Federal Communications Commission
Washington, D.C. 20554

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FCC

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MB Docket No.05-219
FM Broadcast Stations.	)	RM-11249
(Brawley and Campo, California)	)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 26, 2006 **Released: July 28, 2006**

By the Assistant Chief, Audio Division:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding.[1] CCR-Brawley IV, LLC ("CCR-Brawley") filed Comments. For the reasons discussed below, we are modifying the license of Station KSIQ, Channel 241B, Brawley, California, to specify operation on Channel 241B1 at Campo, California.

Background

2. At the request of CCR-Brawley, licensee of Station KSIQ, the *Notice* proposed the substitution of Channel 241B1 for Channel 241B at Brawley, reallotment of Channel 241B1 to Campo, California, and modification of the Station KSIQ license to specify operation on Channel 241B1 at Campo. The *Notice* was pursuant to Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.[2] *Community of License* requires that any reallotment proposal result in a preferential arrangement of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.[3]

4. We are substituting Channel 241B1 for Channel 241B at Brawley, California, reallotting Channel 241B1 to Campo, California, and are modifying the Station KSIQ license to specify operation on Channel 241B1 at Brawley.[4] This reallotment will result in a preferential arrangement of allotments as required by the Commission in *Community of License*. In reaching this determination, we compared

[1] *Brawley and Campo, California,* Notice of Proposed Rule Making, 20 FCC Rcd 11140 (MB 2005).

[2] *See Modification of FM and TV Authorizations to Specify a New Community of License* ("*Community of License*"), Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part,* Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

[3] *Revision of FM Assignment Policies and Procedures,* Second Report and Order, 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service,; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

[4] The reference coordinates for the Channel 241B1 allotment at Campo, California, are 32-38-30 and 116-28-05.

the existing versus the proposed arrangement of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures.* This reallotment will provide a first local service to Campo while Brawley will continue to receive local service from AM Station KROP and FM Station KSEH. Campo is not located in any Urbanized Area. Although not incorporated or a Census Designated Place, Campo has the social, economic and cultural indicia to qualify as a community for allotment purposes.[5] In this regard, Campo has six schools, all with Campo addresses, its own public library and Sheriff's Office. Campo is also the home of the Campo Tribal Hall. In addition, Campo has its own churches, a volunteer fire department, a Parks and Recreation Department, local businesses, a Post Office, and social organizations including the Veterans of Foreign Wars. We recognize that this reallotment will result in the loss of a second receptive service by 366 persons. In determining whether this reallotment of Channel 241B1 to Campo would be a preferential arrangement of allotments, the creation of a gray area[6] for these listeners would support retaining the allotment in Brawley and be considered under Priority 2. However, in this instance, this concern would be counter-balanced by the fact that the reallotment to Campo would result in 2,361 persons receiving their first aural service (Priority 1) and 1,889 persons receiving a second aural service (Priority 2). Moreover, a first local service to Campo is a Priority 3 consideration which is co-equal with the Priority 2 consideration regarding the loss of a second aural service to 366 persons.

5. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

6. Accordingly, pursuant to authority contained in Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective September 11, 2006, the Table of FM Allotments, Section 73.202(b) of the Commission's rules, IS AMENDED, with respect to the communities listed below, to read as follows:

Community	Channel No.
Brawley, California	233B
Campo, California	241B1

7 IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of CCR-Brawley IV, LLC for Station KSIQ, Channel 241B, Brawley, California, IS MODIFIED to specify operation on Channel 241B1 at Campo, California, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order,* the licensee shall file a minor

[5] *See Semora, North Carolina,* Memorandum Opinion and Order, 5 FCC Rcd 934 (1990); *Kenansville, Florida,* Memorandum Opinion and Order, 5 FCC Rcd 2663 (MMB 1990), *rev. denied,* Memorandum Opinion and Order, 10 FCC Rcd 9831 (1995).

[6] For the purpose of FM allotments, an area not receiving any fulltime aural service is referred to as a "white" area and an area receiving only one aural service is referred to as a "gray" area. As indicated above, the removal of Channel 241B from Brawley would create a gray area of 366 persons and would be considered under Priority 2.

change application for construction permit (FCC Form 301) specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's rules, unless the proposed facilities are categorically excluded from environmental processing.

8. Pursuant to Sections 1.1104(1)(k) and (2)(k) of the Commission's rules, any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing the application to implement the change in community of license and/or upgrade. As a result of this proceeding, CCR-Brawley IV, LLC is required to submit a rulemaking fee in addition to the fee required for the application to affect the change in community of license

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Robert Hayne, Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Audio Division
Media Bureau