

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

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SEP 29 2006

FCC WASHINGTON

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-136
Table of Allotments,)	RM-10458
FM Broadcast Stations)	RM-10663
(Arlington, The Dalles, Moro, Fossil, Astoria,)	RM-10667
Gladstone, Portland, Tillamook, Coos Bay,)	RM-10668
Springfield-Eugene, Manzanita and Hermiston,)	
Oregon, and Covington, Trout Lake, Shoreline,)	
Bellingham, Forks, Hoquiam, Aberdeen,)	
Walla Walla, Kent, College Place, Long Beach)	
and Ilwaco, Washington))	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: September 22, 2006

Released: September 22, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Petition for Reconsideration filed by Mercer Island School District ("Mercer Island"), licensee of Class D Station KMIH, Channel 283D, Mercer Island, Washington, directed to the *Report and Order* in this proceeding.¹ Mid-Columbia Broadcasting, Inc. and First Broadcasting Company, L.P. ("Joint Petitioners") filed an Opposition to Petition for Reconsideration and Mercer Island filed a Reply to the Opposition filed by the Joint Petitioners. For the reasons discussed below, we dismiss the Petition for Reconsideration.²

2. In response to a Petition for Rule Making filed by the Joint Petitioners, the *Report and Order* reallocated Channel 283C3 from The Dalles to Covington, Washington, and modified the Station KMCQ license to specify operation on Channel 283C3 at Covington. This provided Covington with a first local service and resulted in a net gain of service to 802,176 persons. As a result of this action, Station KMIH would cause interference to Station KMCQ and, as a Class D secondary station, would be required to suspend operation.

3. Subsequent to the filing of the Petition for Reconsideration, Mercer Island and the Joint Petitioners filed a Joint Request for Approval of Settlement Agreement. This agreement looks toward dismissal of the Mercer Island Petition for Reconsideration upon grant of Mercer Island's minor change application to operate Station on Channel 205D (File No. BPED-20060327AJM). This application was

¹ *Arlington, The Dalles, Moro, Fossil, Astoria, Gladstone, Portland, Tillamook, Coos Bay, Springfield-Eugene, Manzanita and Hermiston, Oregon, and Covington, Trout Lake, Shoreline, Bellingham, Forks, Hoquiam, Aberdeen, Walla Walla, Kent, College Place, Long Beach and Ilwaco, Washington*, Report and Order, 19 FCC Rcd 12803 (MB 2002).

² Triple Bogey, LLC, MCC Radio, LLC and KDUX Acquisition have jointly filed an Application for Review directed to the *Report and Order*. The Application for Review will be considered separately.

granted on September 20, 2006. This will enable Station KMIH to preserve noncommercial educational service at Mercer Island. In consideration of the withdrawal of the Petition for Reconsideration, the Joint Petitioners have agreed to reimburse Mercer Island for certain legitimate and prudent expenses.

4. Accordingly, IT IS ORDERED, that the aforementioned Joint Request for Approval of Settlement Agreement filed by Mercer Island School District, Mid-Columbia Broadcasting, Inc. and First Broadcasting Company, L.P. IS HEREBY APPROVED and the Petition for Reconsideration filed by Mercer Island School District IS DISMISSED.

5. The Commission will not send a copy of this *Memorandum Opinion and Order* to Congress or to the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), because the aforementioned Petition for Reconsideration is being dismissed.

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Audio Division
Media Bureau