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November 8, 2007

VIA HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W., Room TW-A325  
Washington, D.C. 20554

FILED/ACCEPTED  
NOV - 8 2007  
Federal Communications Commission  
Office of the Secretary

**Re: Amendment of Section 73.202(b)  
FM Table of Allotments  
(Nevada City and Mineral, California)**

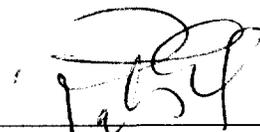
Dear Ms. Dortch:

Transmitted herewith on behalf of Shamrock Communications, Inc. is an original and four (4) copies of a Petition for Rule Making seeking the reallocation of Channel 297A from Nevada City to Mineral, California.

Should any questions arise concerning this matter, please contact the undersigned.

WILKINSON BARKER KNAUER, LLP

By: \_\_\_\_\_



Patricia M. Chuh

Encls.

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Date: 11/8/07

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

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) RM \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
(Nevada City and Mineral, California) )

To: Assistant Chief, Audio Division, Media Bureau

**FILED/ACCEPTED**  
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**Petition for Rule Making**

Shamrock Communications, Inc. ("Shamrock"), by its counsel, hereby respectfully requests that the Commission commence a rule making proceeding to reallocate Channel 297A from Nevada City to Mineral, California to provide Mineral, California with its first local broadcast service (FM Allotment Priority No. (3) First local transmission service). The instant petition for rule making is filed concurrently with, and contingent upon, an FCC 301 minor change application for a new FM station on Channel 297C at Alturas, California (FIN 166018) ("Station"), which seeks a change in the community of license from Alturas, California to Fernley, Nevada as well as a change in the transmitter site, among other things ("Fernley Community of License Change Application"). Please cross-reference and note that the grant of the Fernley Community of License Change Application is contingent upon the adoption of the reallocation proposed in the instant petition for rule making and that the adoption of the reallocation proposed in the instant petition for rule making is contingent upon the grant of the Fernley Community of License Change Application.

The reallocation of Channel 297A from Nevada City to Mineral, California may be made in compliance with the Commission's separation and allocation requirements. Channel 297A may be allotted at reference coordinates 040-16-11 N; 121-31-46 W (NAD 27), which site is

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approximately 11 kilometers from the community coordinates of Mineral, California. Attached is a channel study showing that these allotment coordinates are fully spaced to all allotments under the Table of Distances in 47 C.F.R. §73.207. Also attached is a map showing that Mineral, California is within the 70 dBu contour of the proposed reallocation, using the fully spaced allotment coordinates with a non-directional 6 kilowatt ERP at 100 meters height above average terrain.

Shamrock requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Nevada City, California	208B1, 297A	208B1
Mineral, California		297A

Mineral, California is a community for allotment purposes. Mineral is a census-designated place in Tehama County, California with a population of 143 persons (2000 U.S. Census). The listing of a community in the U.S. Census is ordinarily sufficient to demonstrate the community's status as a community for FM channel assignment/allotment purposes. *See, e.g., Vernon Center and Eagle Lake, Minnesota, Report and Order, DA 06-2561, at para 6, MB Docket No. 06-83, RM-11325 (2006); Oraibi and Leupp, Arizona, Report and Order, 14 FCC Rcd 13547, at para.6 (1999).* In addition, Mineral has its own post office, postal zip code (96063), and fire department as well as its own school district, with a number of its own schools including, the Mineral Elementary School and the Mineral Charter School. There are also several businesses that serve the community of Mineral, California as well as its many visitors, including several that incorporate the name of the community in its name. Some examples are: the Lassen Mineral Lodge, the Mineral Lodge & Restaurant, the Lassen Mineral Lodge General

Store, and the Mineral Lodge Saloon. *See, e.g., Kenansville, Florida*, 10 FCC Rcd 9831 (1995) (the existence of organizations that incorporate the community's name is indicative of community status).

Moreover, Mineral is home to a U.S. National Park. The Lassen Volcanic National Park, with more than 30 volcanic domes that have erupted in the past, is a tourist destination. During certain times of the year, Mineral's population swells as visitors come to Lassen Volcanic National Park. There are numerous campgrounds, restaurants, motels, and bed and breakfasts, etc. within 15 miles of Mineral that cater to the large number of tourists that visit the national park each year.

The reallocation of Channel 297A from Nevada City to Mineral, California will result in a preferential arrangement of FM channel assignments/allotments. As noted, while Mineral, California will receive its first local broadcast service (FM Allotment Priority No. (3) First local transmission service), Nevada City, California will not lose its sole local broadcast service since the current assignment of Channel 297A at Nevada City is a vacant, unapplied for, allotment that has yet to be auctioned. In addition, Nevada City is served by KVMR(FM), Channel 208B1, Nevada City, California (FIN 48338), which operates with an ERP of 1.75 kilowatts at 345 meters height above average terrain. Further, Nevada City is also served by at least six other broadcast services, including: KBAA(FM), Grass Valley, California (FIN 87969) (60 dBu service); KNCO-FM, Grass Valley, California (FIN 48339) (60 dBu service); KLVS(FM), Citrus Heights, California (FIN 70676) (60 dBu service); KHYL(FM), Auburn, California (FIN 10144)

(Class B, 54 dBu service); KNCO(AM), Grass Valley, California (FIN47885) (2 mV/m service); and KVMR(FM), Nevada City, California (FIN 48338) (60 dBu service).

Moreover, the reallocation of Channel 297A from Nevada City to Mineral, California is necessary for the grant of the Fernley Community of License Change Application, which seeks a change in the community of license of the Station (new FM station on Channel 297C at Alturas, California (FIN 166018)) from Alturas, California to Fernley, Nevada as well as a change in the transmitter site, among other things. The changes proposed in the Fernley Community of License Change Application will greatly improve the FM facilities for the Station. The population coverage of the facility will be greatly improved. The population to be served by the 60 dBu coverage area of the current assignment of Channel 297C at Alturas is 19,963 persons (2000 U.S. Census). The reallocation of Channel 297C to Fernley at the proposed Jessup, Nevada transmitter site will increase the population served within the 60 dBu contour to 356,848 persons (2000 U.S. Census), while the reallocation of Channel 297A from Nevada City to Mineral, California, proposed in the instant petition for rulemaking, will only result in a loss of 60 dBu service to 52,950 persons (a loss of 60 dBu Nevada City service to 60,186 persons less the new service at Mineral to an additional 7,236 persons). Thus, the grant of the Fernley Community of License Change Application and the adoption of the reallocation proposed herein will result in a net service gain of 303,898 persons, a 454% gain in received 60 dBu service (the current assignments of Channels 297C and 297A at Alturas and Nevada City, California, respectively, will serve 80,149 persons, while the proposed reallocations of Channels 297C and 297A to Fernley, Nevada and Mineral, California, respectively, will serve 364,084 persons). Further benefits of the reallocation of Channel 297C from Alturas, California to Fernley, Nevada are

discussed in the Section 307(b) showing, submitted as Exhibit 32 to the Fernley Community of License Change Application. It is noted that the reallocation of Channel 297A from Nevada City to Mineral, California proposed herein and the reallocation of Channel 297C from Alturas, California to Fernley, Nevada proposed in the Fernley Community of License Change Application are interdependent. One can not be done without the other being done simultaneously.

Finally, Mineral is also deserving of a first local broadcast service because the residents and visitors that will be served will greatly benefit from having their own local broadcast service that can provide local, community specific programming and emergency information. The provision of timely local emergency information could make the difference in saving lives and property, especially given that Mineral is home to the Lassen Volcanic National Park, which has more than 30 volcanic domes that have erupted in the past.

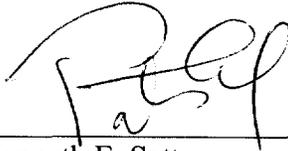
Shamrock hereby certifies that if Channel 297A is reallocated from Nevada City to Mineral, California, Shamrock intends to apply to participate in the auction for the Channel 297A, Mineral, California facilities, and to promptly construct the Channel 297A, Mineral, California facilities if Shamrock is the winning bidder for such facilities.

WHEREFORE, for the reasons above, Shamrock respectfully requests that the Commission grant the Fernley Community of License Change Application (i.e., the FCC 301 minor change application for a new FM station on Channel 297C at Alturas, California (FIN 166018), which seeks a change in the community of license from Alturas, California to Fernley,

Nevada as well as a change in the transmitter site, among other things) and commence a rule making proceeding to reallocate Channel 297A from Nevada City to Mineral, California.

Respectfully submitted,

**SHAMROCK COMMUNICATIONS, INC.**

By:   
\_\_\_\_\_  
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