

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

FILED/ACCEPTED

FEB - 8 2008

Federal Communications Commission
Office of the Secretary

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. _____
Table of Allotments)	RM- _____
FM Broadcast Stations)	
(Basin, Wyoming))	

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

PETITION FOR RULEMAKING

White Park Broadcasting, Inc. ("White Park") hereby requests the allotment of FM Channel 300C3 to Basin, Wyoming in order to provide that community with its second local transmission service.¹ The following Table summarizes the change requested in the instant Petition:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Basin, Wyoming	277C	277C, 300C3

In the attached Allocation Study (Exhibit A hereto), White Park demonstrates that FM Channel 200C3 can be allotted to Basin, Wyoming, consistent with the terms of

¹ Pursuant to the terms of the Commission's rulemaking decision in *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212 (2006), White Park is contemporaneously filing a Form 301 application for this proposal along with the requisite filing fee. Should this Channel be allotted to Basin, White Park hereby states that it will participate in the auction process for the award of the construction permit for the new facility. *Dededo, Guam*, DA 08-12, released February 1, 2008.

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Section 73.207 of the Commission's Rules with regard to all existing and proposed domestic allotments and allocated facilities. The indicated reference point contained in the Allocation Study will allow for the provision of a 70 dBu signal to be provided to all parts and populations of Basin, Wyoming.

White Park wishes to inform the Commission that it is the permittee of Station KBEN-FM, Basin, Wyoming. In File No. BMPH-20070716ABY, White Park has proposed, pursuant to the provisions of Section 73.3573(g) of the Commission's Rules, to modify KBEN-FM's authorization to specify Cowley, Wyoming, in place of Basin, Wyoming, as the community of license for KBEN-FM.

This rulemaking petition is being filed in order to provide for a backfill of Basin, should the allotment of KBEN-FM be changed to Cowley, Wyoming. The backfill allotment as proposed herein will insure that the residents of Basin, Wyoming are not deprived of their potential first transmission service, while the residents of Cowley, Wyoming also receive a first transmission service.

The Commission recently spoke to the proposed backfill procedure in deciding a rulemaking proceeding in *Meeteetse, et al., Wyoming*, DA 08-126, released February 1, 2008.² In that proceeding, the Commission specifically provided for the allotment of a new channel in order to "prevent removal of potential first local service." *Id.* at ¶ 7. It reasoned (*id.* at n. 40):

Marbleton will not be deprived of its only local service because Station KFMR(FM) is an unbuilt station....The allotment of Channel 257C1 at Marbleton does not violate our policy, concerning the use of vacant allotments to replace loss of either a first or second aural reception service because Station KFMR is an unbuilt FM station....

² See also *Sells, Willcox, and Davis-Monthan Air Force Base, Arizona*, DA 08-275, released February 1, 2008 at ¶ 9.

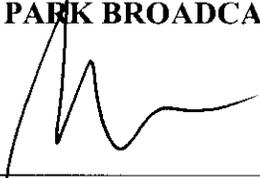
Basin is clearly a community for Section 307(b) allotment purposes. The Commission has previously considered the merits of Basin in the rulemaking context and decided that Basin qualifies as a community for license purposes as evidenced by the prior allotment of FM Channel 277C2 to the community. *Kaycee and Basin, Wyoming*, 15 FCC Rcd 15767 (2000).

Consequently, Petitioner respectfully requests that the Commission authorize the aforementioned allotment addition involving Basin, Wyoming, in order for Petitioner to provide a result that is in the public interest by furthering the allotment priorities for new FM radio services.

Respectfully submitted,

WHITE PARK BROADCASTING, INC.

By:



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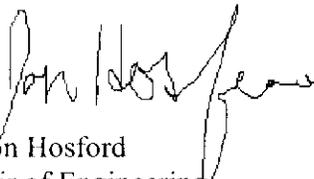
Dated: February 8, 2008

EXHIBIT A

Allocation Study
CH 300C3
Basin WY
February 7, 2008

The proposed allocation coordinates, 44-30-42N, 107-36-03W (NAD 27) were examined for compliance with 73.207 spacing requirements for operation on ch 300C3.

Based on the results shown below in *figure 1*, it has been determined that the proposed coordinates meet all spacing requirements and can be allocated to Basin WY with operation on 300C3.

A handwritten signature in black ink, appearing to read "John Hosford". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Hosford
Dir of Engineering
White Park Broadcasting

Figure 1

Proposed 300C3 Operation 73.207 Distances

44-30-42N 107-36-03W

400km Radius Search

Callsign	Service	Class	Status	Channel	City	State	Distance	73 207 Min Separation	73 207 Clearance	Latitude (NAD27)	Longitude (NAD27)
KRVK	FM	C1	LIC	300 : 107.9 MHz	VISTA WEST	WY	222	211	11	N42:44:37	W106:18:24
K247BE	FM	DX	LIC	247 : 97.3 MHz	COWLEY, ETC.	WY	41	0	41	N44:48:58	W107:54:12
KRPM	FM	C1	LIC	298 : 107.5 MHz	BILLINGS	MT	154	76	78	N45:45:48	W108:27:20
20060309AEF	FM	C1	CP	246 : 97.1 MHz	SHOSHONI	WY	123	24	99	N43:26:18	W107:59:46