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

FILED/ACCEPTED

OCT 18 2009

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments, FM Broadcast Stations.)
(Peach Springs, Arizona))

MB Docket No. 09-____
RM - _____

Directed to: Office of the Secretary
Attention: Chief, Media Bureau

PETITION FOR RULE MAKING

Cochise Media Licenses, LLC ("Cochise"), tentative selectee and applicant for a new FM station on Channel 268C3 at Peach Springs, Arizona, Short Form File Number BSFH-20090625ADT, by its attorneys, hereby respectfully submits its Petition for Rule Making to allot Channel 281C3 to Peach Springs. With respect thereto, the following is stated:

Cochise is submitting this Petition for Rule Making as a part of a hybrid application and rule making proposal. In its concurrently filed, long-form application with regard to the current Channel 268C3 allotment, Cochise is proposing a one-step modification from Channel 268C3 at Peach Springs to Channel 267C2 at Oatman, Arizona. This change advances the public interest, as it would provide for a first local transmission service at Oatman and also would increase the number of people to be served by the proposed facility. As set forth in Cochise's long-form application, the gain area associated with the Oatman application encompasses 99,489 people, while the loss area at Peach Springs covers only 1,706 people, for a net gain of 98,783 people. Thus, the proposed change in community of license clearly advances the public interest and increases the efficiency of radio service.

The sole countervailing factor is the loss of potential service at Peach Springs. While the Commission does not view the loss of potential service in the same manner as the loss of the

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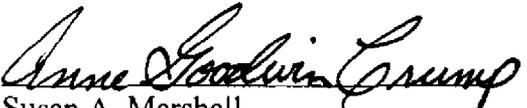
sole, existing service in a community, this petition will eliminate any public interest concerns by allotting a new channel at Peach Springs. The allotment proposed herein will retain first local service for the community of Peach Springs.

As set forth in the attached Engineering Statement, the allotment of channel 281C3 at the current allotment co-ordinates for Channel 268C3 can be made in accordance with Commission rules and policies. From that site, the allotment is fully spaced, and city grade service may be provided to the entire community of license. Concurrently herewith, Cochise is filing an application on FCC Form 301 for a construction permit for the Channel 281C3 allotment at Peach Springs, and that application is also in accordance with the Commission's rules and policies. If this allotment is made, Cochise will prosecute its application filed concurrently with its petition and will participate in any auction of the Peach Springs allotment. In addition, if Cochise is the winning bidder and is granted a construction permit, it will promptly construct the facilities authorized.

Thus, grant of the instant petition would result in first local service for two communities rather than one and service to an additional 98,783 people without any offsetting public interest negative. This positive step would serve the public interest and would make more efficient use of the spectrum.

WHEREFORE, the premises considered, Cochise respectfully requests that the Commission grant its petition and allot Channel 281C3 at Peach Springs, Arizona.

Respectfully submitted,
COCHISE MEDIA LICENSES, LLC

By: 
Susan A. Marshall
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ENGINEERING STATEMENT

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO ALLOT CHANNEL 281C3
FOR USE AT PEACH SPRINGS, AZ**

COCHISE MEDIA LICENSES LLC

OCTOBER 2009

Engineering Statement

This Engineering Statement has been prepared on behalf of Cochise Media Licenses LLC ("Cochise"), winning bidder in FM Auction #79 for a construction permit on Channel 268C3 at Peach Springs, Arizona, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to allot Channel 281C3 for use at Peach Springs.

Hybrid Application and Rulemaking Filing

The instant proposal is being filed as a part of a hybrid application and rulemaking proposal.

Cochise is proposing in its Form 301 application to implement its auction facility with a "one step" modification from Channel 268C3 at Peach Springs to Channel 267C2 at Oatman, Arizona. Since grant of that proposal would remove the sole potential local service allotted to Peach Springs, it is being proposed by the instant rulemaking filing to allot Channel 281C3 for use at Peach Springs. The grant of the instant proposal will ensure that Peach Springs will retain a potential first local service, while also ensuring that there will be no loss area associated with Cochise's Form 301 application.

The attached spacing study is included to demonstrate that Channel 281C3 can be allotted for use at Peach Springs, using the reference coordinates of the existing Channel 268C3 allotment at N35-33-46 x W113-27-12. This location is 4.5 kilometers from Peach Springs. The standard Class C3 70 dBu contour distance is 23.2 km, and so this site will provide 70 dBu service to 100% of Peach Springs.

As required, a Form 301 application is also being filed for Channel 281C3 at Peach Springs.

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SEARCH PARAMETERS                               FM Database Date: 091005
Channel: 281C3 104.1 MHz                       Page 1
Latitude: 35 33 46
Longitude: 113 27 12
Safety Zone: 32 km
Job Title: PEACH SPRINGS 281C3 ALLOTMENT SITE
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| Call Status | City St | FCC File No. | Channel Freq. | ERP(kW) HAAT(m) | Latitude Longitude | Bearing deg-True | Dist (km) | Req (km) |
|-------------|--------------------|----------------|---------------|-----------------|--------------------|------------------|--------------|--------------|
| NEW-T APP | KINGMAN AZ | BNPFT-30317HIX | 227D 93.3 | 0.250 1766.0 | 35-11-30 113-26-47 | 179.1 | 41.18 0.00 | 0 TRANS |
| NEW-T APP | KINGMAN AZ | BNPFT-30317JMV | 278D 103.5 | 0.250 1499.0 | 35-10-54 113-47-45 | 216.3 | 52.50 0.00 | 0 TRANS |
| NEW-T APP | KINGMAN AZ | BNPFT-30317HKD | 279D 103.7 | 0.250 1766.0 | 35-11-30 113-26-47 | 179.1 | 41.18 0.00 | 0 TRANS |
| K280EH LIC | KINGMAN AZ | BLFT-960111TP | 280D 103.9 | 0.010 1079.0 | 35-06-48 113-53-00 | 218.1 | 63.36 0.00 | 0 TRANS |
| NEW-T APP | NOTHING AZ | BNPFT-30317HMJ | 280D 103.9 | 0.250 1308.0 | 34-28-47 113-20-09 | 174.9 | 120.63 0.00 | 0 TRANS |
| ADD | ESSEX CA | RM-bg-144* | 280B 103.9 | 0.000 0.0 | 34-52-50 115-04-06 | 243.1 | 165.37 20.37 | 145 CLEAR |
| VAC | TOQUERVILLE UT | RM-9603 | 280C 103.9 | 0.000 0.0 | 37-15-12 113-17-00 | 4.6 | 188.21 12.21 | 176 CLEAR |
| K280BU CP | FLAGSTAFF AZ | BFPT-70809ABG | 281D 104.1 | 0.018 812.0 | 35-14-27 111-35-47 | 101.5 | 172.43 0.00 | 0 TRANS |
| NEW-T APP | KINGMAN AZ | BNPFT-30317JLK | 281D 104.1 | 0.250 1321.0 | 35-05-56 113-42-06 | 203.7 | 56.20 0.00 | 0 TRANS |
| K281BD LIC | CRYSTAL NV | BLFT-70725AAA | 281D 104.1 | 0.034 291.0 | 36-36-04 114-35-06 | 319.0 | 153.83 0.00 | 0 TRANS |
| KAJM LIC | CAMP VERDE AZ | BLH-80411ABM | 282C 104.3 | 40.000 807.0 | 34-13-47 112-21-03 | 145.5 | 178.96 2.96 | 176 SS CLOSE |
| KFRH LIC | NORTH LAS VEGAS NV | BLH-961122KB | 282C 104.3 | 24.500 1128.0 | 35-58-02 115-30-06 | 284.3 | 190.59 14.59 | 176 CLEAR |
| KFRHaux LIC | NORTH LAS VEGAS NV | BXLE-80414AAP | 282C 104.3 | 1.200 1126.0 | 35-58-02 115-30-06 | 284.3 | 190.59 0.00 | 0 AUX |
| NEW-T APP | PEACH SPRINGS AZ | BNPFT-30317HES | 283D 104.5 | 0.250 2205.0 | 35-24-07 113-23-49 | 164.0 | 18.56 0.00 | 0 TRANS |

===== END OF FM SPACING STUDY FOR CHANNEL 281 =====

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Peach Springs, Arizona, has been prepared by me or under my direct supervision. All representations herein are true to the best of my knowledge. I am a staff engineer in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the State of Washington.

Signed this 12th day of October, 2009



Erik C. Swanson, P.E.