

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

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OCT 29 2009

In the Matter of)

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Amendment of Section 73.202(b),)

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Table of Allotments,)

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FM Broadcast Stations.)

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(Wheatland, Wyoming))

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MB Docket No. 08-3

RM-11407

FCC Media Room

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 21, 2009

Released: October 23, 2009

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a *Notice of Proposed Rule Making*¹ issued at the request of Appaloosa Broadcasting Company, Inc. ("Petitioner"), the licensee of Station KIMX(FM), Channel 244C2, Laramie, Wyoming; and (2) supporting comments filed by the Petitioner. No other comments were received. For the reasons discussed below, we will grant the rulemaking petition.

2. **Background.** In response to the Petitioner's rulemaking petition, the *NPRM* proposed the substitution of FM Channel 286A for vacant Channel 247A at Wheatland, Wyoming. This proposed channel change was filed as part of a hybrid application and rulemaking proposal involving the Petitioner's concurrently filed minor change application.² In this application, the Petitioner proposes the substitution of Channel 245A for Channel 244C2 at Laramie, the reallocation of Channel 245A to Nunn, Colorado, and the associated modification of its license for Station KIMX(FM), pursuant to the provisions of Section 73.3573(g) of the Commission's Rules.³ The modification of the Laramie license is contingent upon the requested channel substitution at Wheatland.

3. **Discussion.** We believe that the public interest would be served by the substitution of FM Channel 286A for vacant Channel 247A at Wheatland. This channel substitution will accommodate the grant of the Petitioner's application and result in the provision of a first local service to Nunn, Colorado.⁴ Further, Channel 286A can be substituted at Wheatland without a change to the current reference

¹ *Wheatland, Wyoming*, Notice of Proposed Rule Making, 23 FCC Rcd 75 (MB 2008) ("*NPRM*").

² See File No. BPH-20070822AAL.

³ 47 C.F.R. § 73.3573(g). The application also requests the involuntary substitution of Channel 246C1 for Channel 245C1 for Station KCMI(FM), Terrytown, Nebraska, and the modification of KCMI(FM)'s license, accordingly. An Order to Show Cause, to that effect, was subsequently issued. See *Letter to Christian Media, Incorporated*, (MB Dec. 17, 2007). Station KCMI(FM) filed an objection to the involuntary channel change.

⁴ The Petitioner's application, File No. BPH-20070822AAL, is being granted concurrently with the release of this Report and Order, and the objection is being denied separately by a staff letter.

coordinates.⁵

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 47 C.F.R. Sections 0.61, 0.204(b), and 0.283, IT IS ORDERED, That effective December 7, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b) is AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Wheatland, Wyoming	286A

5. IT IS ORDERED, That the rulemaking petition (RM-11407) filed by Appaloosa Broadcasting Company, Inc., IS GRANTED.

6. A copy of this *Report and Order* will be sent to Barry A. Friedman, Esq., Thompson Hine LLP, 1920 N Street, N.W., Suite 800, Washington, DC 20036 (Counsel for Appaloosa Broadcasting Company, Inc.); and Lee G. Petro, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 North 17th Street, 11th Floor, Arlington, Virginia 22209 (Counsel to Christian Media Incorporated, licensee of Station KCFM(FM)).

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

8. For further information concerning this proceeding, contact Andrew J. Rhodes, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ The reference coordinates for Channel 286A at Wheatland are 42-04-28 NL and 104-56-51 WL.