

ORIGINAL

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

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

MB Docket No. 09-204
RM -11580

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

FILED/ACCEPTED

MAR 11 2010

Federal Communications Commission
Office of the Secretary

COMMENTS

Cochise Media Licenses, LLC ("Cochise"), hereby respectfully submits its Comments in response to the Commission's *Notice of Proposed Rule Making*, DA 10-23, released January 8, 2010 (the *NPRM*), in the above-captioned proceeding. With respect thereto, the following is stated:

As noted in the *NPRM*, Cochise petitioned the Commission to allot Channel 281C3 to Peach Springs, Arizona, as a part of a hybrid application and rule making proposal. Cochise, the tentative selectee in Auction 79 and short-form applicant for a new station to operate on Channel 268C3 at Peach Springs, filed concurrently with its Petition for Rule Making ("Petition") in this proceeding a long-form application proposing a one-step modification from Channel 268C3 at Peach Springs to Channel 267C2 at Oatman, Arizona. In its Petition, Cochise demonstrated that the proposed change would advance 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.

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The sole countervailing factor, the loss of potential service at Peach Springs, would be eliminated by adoption of the channel allotment proposed in the *NPRM*. While the Commission does not view the loss of potential service in the same manner as the loss of the sole, existing service in a community, this allotment will eliminate any public interest concerns regarding loss of potential service at Peach Springs by retaining first local service for the community. Moreover, as set forth in Cochise's Petition, the proposed allotment can be made in accordance with the Commission's technical rules and policies.

Cochise continues to maintain its interest in pursuing the proposed allotment at Peach Springs. Concurrently with the filing of its Petition, Cochise filed an application 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, allotment of Channel 281C3 at Peach Springs as proposed in the *NPRM* 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 allot Channel 281C3 at Peach Springs, Arizona in accordance with the *NPRM*.

Respectfully submitted,

COCHISE MEDIA LICENSES, LLC

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March 1, 2010

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