

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 10-64
Table of Allotments,)	RM-11598RM
FM Broadcast Stations.)	
(Milford, UT))	FILED/ACCEPTED

MAY 14 2010

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

Federal Communications Commission
Office of the Secretary

COMMENTS IN SUPPORT OF RULE MAKING

Canyon Media Group, LLC (“Canyon”), licensee of radio station KCLS(FM) Pioche, Nevada,¹ and proponent of the above-captioned rule making hereby submits its comments in support of the proposal set forth in the Commission’s recent Notice of Proposed Rule Making (“NPRM”). By the recent NPRM released March 26, 2010,² the Commission requested comment on the proposed channel substitution for the vacant FM allotment at Milford, Utah. Canyon initiated this rule making proceeding by filing a Petition for Rulemaking to amend the FM Table of Allotments contained in Section 73.202(b) of the Commission’s Rules as part of a contingently filed “hybrid” application and rulemaking proceeding submitted in October 2009. In order to accommodate the change sought for KCLS(FM), Canyon proposed to substitute Channel 288C for vacant Channel 285C at Milford, Utah, at the existing reference coordinates.

¹ Since filing its Petition for Rule Making in this matter, Canyon has closed on its acquisition of KCLS(FM) consistent with the grant of Commission authority contained in FCC File No. BALH-20090617AAS.

² *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Milford, Utah)*, Notice of Proposed Rule Making, MB Docket No. 10-64, RM-11598, DA 10-487, rel. March 26, 2010.

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Canyon submits that the proposed modification of the vacant allotment at Milford, Utah set forth in the NPRM would further the Commission's allotment priorities and thus, serve the public interest. As detailed in the Petition for Rule Making and NPRM, the change would facilitate the introduction of a first local transmission service to Leeds, Utah, without creating any white or gray area, and without depriving any community of its sole local service.³ In this fashion, the channel substitution for Milford, Utah, in concert with the pending applications for minor modification of KCLS(FM) and minor modification the construction permit for a New FM station at Panaca, Nevada, respectively, will serve Priority Three of the Commission's allotment priorities while also resulting in a net increase of service to 126,746 persons in Utah under Priority Four of the allotment priorities.⁴

In addition, Canyon incorporates by reference the showings made in both its Petition for Rule Making and in the pending contingent applications for KCLS(FM) (FCC File No. BPH-20091016AEO) and New FM station at Panaca, Nevada, (FCC File No. BMPED-20091016AEN), which further demonstrate that the channel substitution sought by this hybrid rule making is in the public interest. If the Commission adopts this hybrid rule making and

³ Please note, the NPRM incorrectly states that Pioche would continue to be served by FM station KBZB, Channel 255C. (NPRM at 1.) In fact, the community of Pioche will continue to be served by the modification of the community of license specified for the New FM station at Panaca, Nevada (FIN-175553), as contemplated by application FCC File No. BMPED-20091016AEN. This application for modification of the New FM station was filed as a contingent application with the pending minor modification of KCLS(FM) (FCC File No. BPH-20091016AEO) consistent with the agreement between Canyon and Lincoln County School District, the permittee of the New FM station at Panaca, NV.

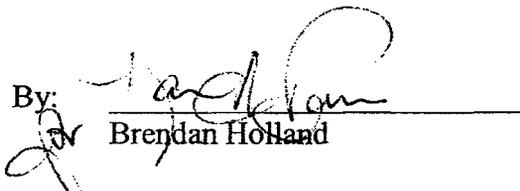
⁴ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("FM Assignment Policies"). The four priorities are: (i) first full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) first local transmission service to a community; and (iv) other public interest factors. The second and third criteria have equal priority. *Id.* at 91. See also *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, at ¶ 10 (2006) (Section 307(b) priorities and policies used by Commission since 1982 continue to apply under new application procedures).

grants the related contingent applications, Canyon intends to complete the modification of KCLS(FM) to Leeds, Utah, sought by the pending application.

Accordingly, Canyon strongly supports the proposed rule making and respectfully requests that the Commission expeditiously adopt the aforementioned channel substitution at Milford, Utah. Approval of this hybrid rulemaking proceeding will serve the public interest and further the Commission's established allotment priorities.

Respectfully submitted,

CANYON MEDIA GROUP, LLC

By: 

Brendan Holland

Its Attorney

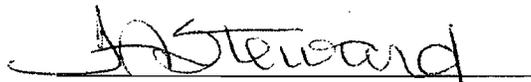
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Dated: May 14, 2010

CERTIFICATE OF SERVICE

I, Tracey Steward, a Paralegal in the law firm of Davis Wright Tremaine LLP, hereby certify that on this 14th day of May 2010, I caused a copy of the foregoing "COMMENTS IN SUPPORT RULE MAKING" to be served by hand delivery, upon the following:

John A Karousos*
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
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Tracey Steward

*Via Hand Delivery