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

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In the Matter of )

FCC Mail Room

Amendment of Section 73.202(b) )

MB Docket No. 09-204

Table of Allotments, )

RM-11580

FM Broadcast Stations. )

(Peach Springs, Arizona) )

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: November 17, 2010

Released: November 19, 2010

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (the "Notice")<sup>1</sup> issued at the request of Cochise Media Licenses LLC ("Petitioner"), the auction winner for FM Channel 268C3, Peach Springs, Arizona.<sup>2</sup> Petitioner has filed a Form 301 Application (with the requisite fee) for a construction permit, seeking a minor change in its winning bid by modifying the allotment from Channel 268C3, Peach Springs, Arizona, to Channel 267C2, Oatman, Arizona.<sup>3</sup> The Notice proposes the allotment of Channel 281C3 at Peach Springs, Arizona, in order to maintain a first local service at Peach Springs. Petitioner also submitted a Form 301 (with the requisite fee), seeking authority to construct FM Channel 281C3 at Peach Springs.<sup>4</sup>

2. We find that the allotment of Channel 281C3 at Peach Springs will promote the public interest. The allotment of Channel 281C3 at Peach Springs will preserve a first local service at that community, while allowing Petitioner to construct Channel 267C2 at Oatman, Arizona, thereby providing a first local service at that community, as well. This arrangement of allotments will serve Priority Three of the Commission's allotment priorities.<sup>5</sup> Because Petitioner is not yet providing service at Peach Springs, nor has Petitioner constructed facilities to provide such service, this "backfill" proposal is consistent with the policy articulated in *Pacific Broadcasting of Missouri LLC*.<sup>6</sup> We therefore shall grant Petitioner's proposal to allot Channel 281C3 at Peach Springs, Arizona, as well as Petitioner's application for a construction permit for FM Channel 267C2 at Oatman, Arizona.

<sup>1</sup> *Peach Springs, Arizona*, Notice of Proposed Rule Making, 25 FCC Rcd 91 (MB 2010).

<sup>2</sup> See File No. BSFH-20090625ADT.

<sup>3</sup> File No. BNPH-20091016ADO.

<sup>4</sup> File No. BNPH-20091016ADP.

<sup>5</sup> The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982), *recon. denied*, Memorandum Opinion and Order, 56 RR 2d 448 (1983).

<sup>6</sup> *Pacific Broadcasting of Missouri LLC*, (Letter Ref. No. 1800B3-LAS [M.Bur. Dec. 21, 2001]), *app. for rev. denied*, Memorandum Opinion and Order, 18 FCC Rcd 2291 (2003), *recon. denied*, Memorandum Opinion and Order, 19 FCC Rcd 10950 (2004).

3. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That, effective January 3, 2011, 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</u>
Peach Springs, Arizona	281C3

The reference coordinates for FM Channel 281C3 at Peach Springs, Arizona, are 35-33-46 NL and 113-27-12 WL, at a site 4.5 km (2.8 miles) northwest of that community.

4. IT IS FURTHER ORDERED, That the Form 301 application filed by Cochise Media Licenses LLC, for FM Channel 267C2 at Oatman, Arizona, File No. BNPH-20091016ADO, IS GRANTED.

5. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following counsel of record for Petitioner:

Susan A. Marshall, Esq.  
Anne Goodwin Crump, Esq.  
Fletcher, Heald & Hildreth, PLC  
1300 N. 17<sup>th</sup> Street – Eleventh Floor  
Arlington, Virginia 22209  
(Counsel for Cochise Media Licenses, LLC)

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

7. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801 (a)(1)(A).

8. A filing window period for Channel 281C3 for Peach Springs, Arizona, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

9. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau (202) 418-7072. Questions related to the application filing process for FM Channel 281C3 at Peach Springs, Arizona, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau