

ORIGINAL

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 12-352
Table of Allotments, FM Broadcast Stations.))	RM -11686
(Dove Creek, Colorado))	

FILED/ACCEPTED

FEB 1 2013

Federal Communications Commission
Office of the Secretary

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

COMMENTS

Cochise Media Licenses, LLC ("Cochise"), hereby respectfully submits its Comments in response to the Commission's *Notice of Proposed Rule Making*, DA 12-2002, released December 11, 2012 (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 229C3 to Dove Creek, Colorado, as a new allotment and filed an FCC Form 301 application for that allotment in accordance with the Commission's procedures. In its Petition, Cochise demonstrated that the proposed change would advance the public interest, as it would provide for a first local service for the community of Dove Creek, which is an incorporated town in Dolores County, and which has a 2010 Census population of 735 persons. Dove Creek has twice previously been found to be a community for allotment purposes, but no station is currently allotted there. While FM station KDVC (Facility ID No. 164124) had a licensed facility at Dove Creek, that station was re-allotted to the community of Loma, Colorado, by grant of the KDVC application in File No. BPH-20090205ACK. That action is effective and final, and any continued operation of KDVC at Dove

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Creek would be under the FCC's implied special temporary authorization. A separately-granted construction permit for a new NCE FM station at Dove Creek (see BNPED-20071022BIU as modified by BMPED-20090603AFO) expired unbuilt on January 29, 2012. Accordingly, adding a new channel at Dove Creek would serve the public interest. 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 Dove Creek. As noted above, concurrently with the filing of its Petition, Cochise filed an application for a construction permit for the Channel 229C3 allotment at Dove Creek, 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 Dove Creek allotment. In addition, if Cochise is the winning bidder and is granted a construction permit, it will promptly construct the facilities authorized.

WHEREFORE, the premises considered, Cochise respectfully requests that the Commission grant its petition and allot Channel 229C3 at Dove Creek, Colorado

Respectfully submitted:

COCHISE MEDIA LICENSES LLC

By: 
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It's Attorneys

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February 1, 2013