

**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)

(Toquerville, Utah))

MB Docket No. 14-54

RM-11698

Accepted/Filed

MAY 27 2014

To: The Commission, Office of the Secretary

Attn: Audio Division, Media Bureau

FCC Office of the Secretary

COMMENTS OF CANYON MEDIA GROUP, LLC

Canyon Media Group, LLC (“Canyon”) hereby submits comments to the Notice of Proposed Rulemaking released by the Commission on April 4, 2014 (the “NPRM”).¹ The Petition for Rulemaking was filed by JER Licenses, LLC (“Petitioner”), proposing the substitution of Channel 246C for vacant Channel 280C at Toquerville, Utah. The proposed channel substitution at Toquerville accommodates Petitioner’s hybrid application requesting the downgrade of the new facility at Peach Springs, AZ from Channel 281C3 to Channel 280A.

Canyon has no objection to Petitioner’s proposal to downgrade its facilities at Peach Springs, AZ from Channel 281C3 to Channel 280A. However, Canyon objects to the substitution of Channel 246C for the NCE vacant allotment at Toquerville. As demonstrated in the Technical Statement and Line of Site study attached hereto, we have found that an NCE allotment at Channel 246C is not viable based on the site restrictions that must be placed on the allotment.

¹ These comments are timely filed pursuant to the NPRM due to the Memorial Day holiday on May 26, 2014.

A more efficient spectrum allocation under Section 307(b) standards would be to substitute channel 281C for Channel 280C for the NCE vacant allotment at Toquerville. Channel 281C would become available upon the grant of Petitioner's downgrade to Channel 280A. This would be a superior channel substitution because the NCE allotment at Toquerville would be fully-spaced as demonstrated the channel study attached hereto. Moreover, an allotment at 281C would not require any site restrictions at the same reference coordinates for the current Channel 280C allotment.

Canyon is the licensee of translator K245BF at Cedar City, Utah (FID: 147973) at Channel 245, which would be first adjacent to Petitioner's proposed allotment at Channel 246C at Toquerville. As demonstrated in the attached Technical Statement, allotment of a Class C NCE facility on 246 at Toquerville would ultimately require K245BF to terminate service at Cedar City, resulting in a loss of service to numerous listeners in Cedar city, an underserved community. Because Canyon has proposed a superior reallocation to Channel 281C, Petitioner's proposal would be allowed to move forward without any loss in service.

Respectfully submitted,

CANYON MEDIA GROUP, LLC

By: 

Elizabeth Stewart

Its Attorney

Wilkinson Barker Knauer, LLP
2300 N Street, N.W., Suite 700
Washington, D.C. 20037
(202) 783-4141

Dated: May 27, 2014

CERTIFICATE OF SERVICE

I, Christopher Calvert, a legal assistant with the law firm of Wilkinson Barker Knauer, LLP, hereby certify that on this 27th day of May, 2014, I served copies of the foregoing **“COMMENTS ON NOTICE OF PROPOSED RULEMAKING”** on the following via messenger (Federal Communications Commission) and U.S. Mail (Wray Fitch III, Esq.):

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W. Room TW-A235
Washington, D.C. 20554

Wray Fitch III, Esq.
Gammon & Grange, P.C.
820 Greensboro Drive, 7th Floor
McLean, Virginia 22102
Petitioner



Christopher Calvert

*Stamp & Return copy to be provided the following day upon receipt from the Secretary's Office.

Technical Statement

The instant Technical Statement is hereby submitted this 27th day of May, 2014, by the undersigned in support of Comments submitted by Canyon Media Group, L.L.C. ("Canyon") in MB Docket 14-54, RM-11698.

It its Petition for Rulemaking, JER Licenses, LLC ("JER"), proposes, in its original construction permit, to downgrade its facility at Peach Springs, AZ from Channel 281C3 to Channel 280A in BNPH-20120529ALI. In order to accommodate this change, JER proposes the substitution of Channel 246C for Channel 280C for the NCE vacant allotment at Toquerville, UT.

Canyon is the licensee of K245BF Cedar City, UT, which operates from licensed facilities less than 11 kilometers from the proposed reference coordinates of Channel 246C at Toquerville on its first adjacent channel. If the Commission grants the substitution of Channel 246C at Toquerville, Canyon will eventually be required to cease operations of K245BF at Cedar City as the secondary service would ultimately violate Section 74.1203.

The undersigned has evaluated the viability of using Channel 246C at Toquerville, UT. Channel 246C is also currently used by KXPT(FM) Las Vegas, NV. Due to the close proximity of Las Vegas to Toquerville, a site restriction must be placed on the Toquerville allotment at a location nearly 47 kilometers northeast of the community. This site restriction substantially reduces the number of existing communications facilities where an NCE entity may construct a

Class C facility. There appears to be no electrical power available anywhere near the proposed allotment site. In addition, the site is extremely difficult to access in the winter months, as it is location at an elevation over 10,000 feet AMSL. A new tower at this location would also be just outside the Dixie National Forest in close proximity to both the Cedar Breaks National Monument and Zion National Park.

Exhibit A is a line of sight profile study depicting the signal path from the reference coordinates to Toquerville that a Class C station using a 600 meter tall tower perched atop a 10,000 foot mountain peak would provide. Even using this extremely tall tower on top of a mountain peak, line of sight is broken twice along the path – once with more than 200 meters of obstruction.

Due to the fact that there is a substantial terrain obstruction between the proposed reference coordinates for Channel 246C and Toquerville, the undersigned does not believe that the JER's proposed Channel 246C is the best choice of substitute channels available for a future NCE station. However, once Channel 281C3 at Peach Springs is downgraded to Channel 280A as proposed by JER, Channel 281C can be designated for use at Toquerville, UT, at the same allotment reference coordinates currently used for Channel 280C within the bounds of the community.

The substitution of Channel 281C instead of Channel 246C at Toquerville would better serve the public interest for three reasons: First, the NCE allotment would enjoy greater site availability when it is eventually constructed. Second, JER's can still downgrade its Peach

Springs station as proposed in its application. And third, Canyon's K245BF will be able to continue serving the public at Cedar City.

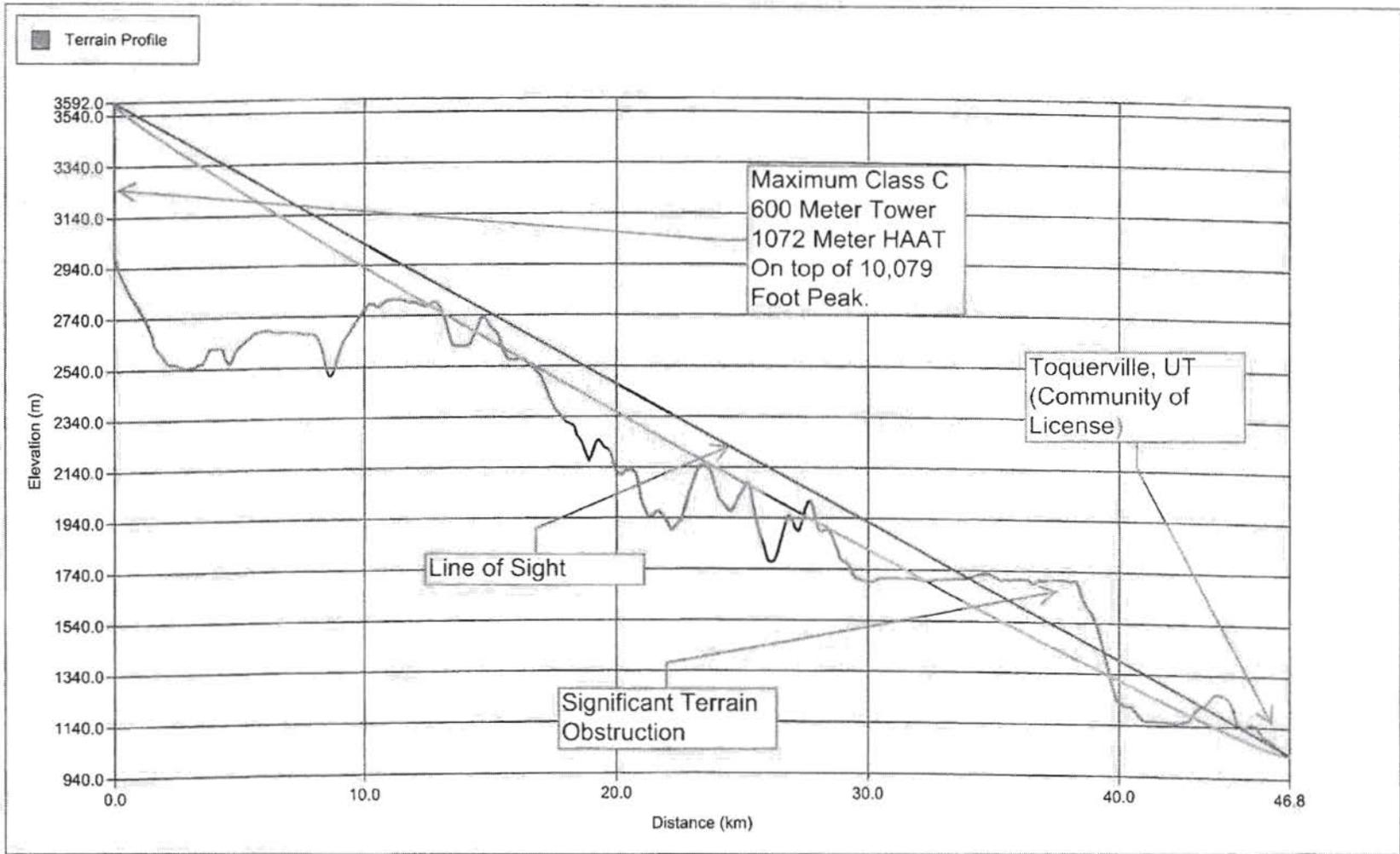
In conclusion, the undersigned hereby certifies that this Technical Statement is true, complete and correct to the best of my knowledge and belief and is made in good faith.



Kevin Terry
Technical Consultant to
Canyon Media Group, L.L.C.

Exhibit A
Line of Sight Profile Study
from Proposed Reference Coordinates

Channel 246C Toquerville, UT



Start Latitude: 37-34-28 N
 Start Longitude: 112-56-33 W

End Latitude: 37-15-11.14 N
 End Longitude: 113-17-08.01 W

Distance: 46.84 km
 Bearing: 220.52 deg

Exhibit B
Section 73.207 Channel Study

ADD 281C Toquerville, UT

281C Toquerville, UT
Section 73.207 Channel Spacings Study

REFERENCE
37 15 12.0 N.
113 17 00.0 W.

CLASS = C Int = C
Current Spacings to 3rd Adj.
Channel 281 - 104.1 MHz

DISPLAY DATES
DATA 05-21-14
SEARCH 05-21-14

Call	Channel	Location		Azi	Dist	FCC	Margin
AL9633	VAC 280C	Toquerville	UT	0.0	0.00	240.5	-240.5
R15376	DEL 280C	Toquerville	UT	0.0	0.00	240.5	-240.5

Of No Concern:
Current Allotment channel being changed.

1496405	APP 281C3	Peach Springs	AZ	184.7	188.20	236.5	-48.3
AU9313391	VAC 281C3	Peach Springs	AZ	184.7	188.20	236.5	-48.3

Of Note:
As a result of proponent's contingent change from 281C3 to 280A at Peach Springs in BNPH-20120529ALI, this spacings conflict would be eliminated.

R11000	DEL 278C1	Fredonia	AZ	112.7	105.18	104.5	0.7
1560191	APP 278C1	Fredonia	AZ	112.7	105.18	104.5	0.7
AU9460540	VAC 278C1	Fredonia	AZ	112.7	105.18	104.5	0.7
R10991	DEL 278C1	Fredonia	AZ	112.7	105.18	104.5	0.7
KFRH	LIC 282C	North Las Vegas	NV	234.8	244.45	240.5	4.0
KJUL	CP 284C0	Moapa Valley	NV	242.3	122.42	104.5	17.9
KJUL	LIC 284C1	Moapa Valley	NV	240.3	126.48	104.5	22.0
1571654	RSV-A 280A	Peach Springs	AZ	180.4	188.45	164.5	24.0
AL9572	RSV-A 281C	First Mesa	AZ	122.8	314.34	289.5	24.8
1571522	APP-Z 280A	Peach Springs	AZ	182.8	205.68	164.5	41.2
KADD	LIC 228C	Logandale	NV	227.6	101.39	47.5	53.9

RSV-R = reserved - needs protection, RSV-A = allocation.
All separation margins include rounding