

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: Frank Takacs
TELEPHONE: (202) 418-1632
FACSIMILE: (202) 418-1410/1411
MAIL STOP: 1800B3
INTERNET ADDRESS: Frank.Takacs@fcc.gov

May 24, 2012

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mt. Rushmore Broadcasting, Inc.
218 N. Walcott
Casper, WY 82602

In re: KZMX-FM, Hot Springs, South Dakota
Mt. Rushmore Broadcasting, Inc.
Facility ID No. 46712
File No. BMLH-19901010KC

Dear Licensee:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to Mt. Rushmore Broadcasting, Inc. ("Rushmore"), licensee of Station KZMX-FM, Channel 244A, Hot Springs, South Dakota,² of the filing of construction permit application BNPH-20120509AFG (the "Application") by Alex Media, Inc. ("Alex") for a new Channel 244C FM station at Lead, South Dakota. The Application requests substitution of Channel 244A for Channel 242A at Hot Springs, South Dakota, and modification of the KZMX-FM license accordingly.³

Section 316(a) of the Communications Act of 1934, as amended,⁴ permits us to modify a license or construction permit if such action is in the public interest. The Act requires that we notify the

¹ See *Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket No. 05-210, FCC 06-163 (rel. Nov. 29, 2006).

² File No. BMLH-19901010KC.

³ The KZMX-FM license, BMLH-19901010KC, can be modified to specify operation on Channel 242A in lieu of Channel 244A at the station's authorized transmitter site. The geographic coordinates of the authorized KZMX-FM transmitter site are 43° 26' 34" NL; 103° 27' 27" WL (NAD27).

⁴ 47 U.S.C. § 316(a) (the "Act").

affected station of the proposed action, the public interest reasons for the action, and afford the licensee/permittee of the affected station at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.⁵ We find that the Application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, Alex states that it will reimburse Rushmore for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.⁶

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, Rushmore SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify Channel 242A in lieu of Channel 244A. Rushmore may, not later than 30 days from the date of this letter, file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed within the period specified above, the licensee will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and its assignment will be modified to specify the new channel.

Further action on the Application will be withheld for 30 days from the date of this letter to provide Rushmore an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,



Susan N. Crawford
Assistant Chief
Audio Division
Media Bureau

cc: Lee J. Peltzman, Esq.
Evan Carb, Esq.
Alex Media, Inc.

⁵ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁶ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).