

**January 2009
KPKR(FM) Channel 239C3
Parker, AZ
Allocation Study**

Hybrid Application and Rulemaking Filing

The instant application is being filed as an amendment to BPH-20080418AAU, which is part of a hybrid application and rulemaking proposal.

KPKR presently operates on Channel 247C3 at Parker, Arizona, as a §73.215 short-spaced station. It has been determined that KPKR can operate as a fully-spaced Class C3 station on Channel 239C3, but for the vacant Channel 239B allotment at Blythe, California. Therefore, it was proposed in BPH-20080418AAU to modify KPKR to operate on Channel 239C3.

Simultaneous with that application, it was proposed by rulemaking to modify the vacant Blythe Channel 239B allotment to Channel 247B. That proposal was released on a Notice of Proposed Rulemaking in MB Docket No. 08-151 on August 1, 2008. The comment and reply comment dates in that proceeding have passed. This amendment does not make any change to the Blythe proposal.

The instant amendment incorporates a site change for the proposed KPKR operation, to the transmitter site on Black Peak. It is not believed necessary to receive Mexican concurrence for the Parker Channel 239C3 proposal prior to a construction permit grant, in that the Parker Channel 239C3 (international Class B1) 45 km radius protected area is completely contained within the Blythe Channel 239B 65 km radius protected area at all azimuths which are in the direction of Mexico. (Where "in the direction of Mexico" is defined as those azimuths on which Mexican land area is within 320 kilometers of the Parker Channel 239C3 transmitter site.) Please see attached map exhibit.

The attached spacing study shows that the proposed KPKR operation meets the co-channel and adjacent channel spacing requirements for Class C3 stations as prescribed in §73.207 of the Commission's Rules. As discussed above, the apparent short-spacing to Blythe is being resolved by a channel substitution at that community.

Hatfield & Dawson Consulting Engineers

An apparent short-spacing to a proposed deletion of Channel 239C0 at Cottonwood (in the context of Docket No. 05-263) is an erroneous or outdated entry in the database. There is currently no Channel 239C0 assignment at Cottonwood. Rather, FM station KKLD is licensed at Cottonwood on Channel 240C0.

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SEARCH PARAMETERS FM Database Date: 090109

Channel: 239C3 95.7 MHz Page 1

Latitude: 34 7 29

Longitude: 114 12 38

Safety Zone: 32 km

Job Title: KPKR 239C3 BLACK PEAK

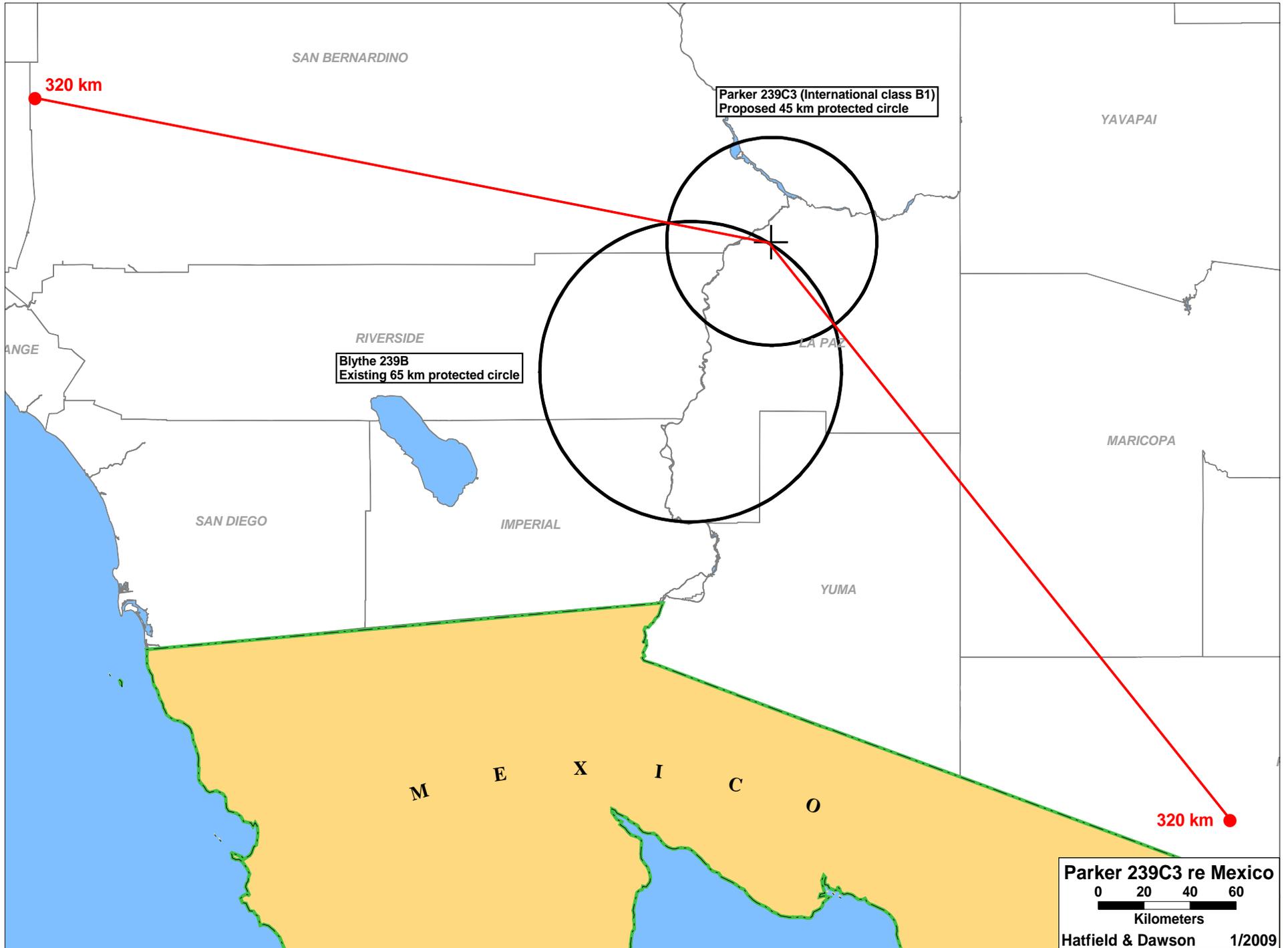
Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
K236AC LIC	LAKE HAVASU CITY AZ	BLFT-080625ABP	236D 95.1	0.010 DA 1013.0	34-33-06 114-11-37	1.9	47.38 0.00	0 TRANS
NEW-T APP	PARKER STRIP AZ	BNPFT-030317CKA	237D 95.3	0.015 389.0	34-07-29 114-12-38	0.0	0.00 0.00	0 TRANS
NEW-T APP	KINGMAN AZ	BNPFT-030317JKD	238D 95.5	0.250 1007.0	34-55-59 113-39-55	28.9	102.70 0.00	0 TRANS
DEL NOTE:	COTTONWOOD AZ	RM-bg-144* ERRONEOUS OR OUTDATED DATABASE ENTRY	239C0 95.7	0.000 0.0	34-41-14 112-07-00	71.4	202.38 -23.62	226 SHORT
NEW-T APP	PARKER AZ	BNPFT-030317JPC	239D 95.7	0.250 126.0	34-11-08 114-13-14	352.3	6.81 0.00	0 TRANS
KPKR RSV	PARKER AZ	-	239C3 95.7	0.000 0.0	34-00-11 114-13-40	186.7	13.59 -139.41	153 SHORT
KPKR APP	PARKER AZ	BPH-080418AAU	239C3 95.7	9.500 32.0	34-00-11 114-13-40	186.7	13.59 -139.41	153 SHORT
NEW-T APP	PARKER STRIP AZ	BNPFT-030317CFD	239D 95.7	0.015 389.0	34-07-29 114-12-38	0.0	0.00 0.00	0 TRANS
VAC NOTE:	BLYTHE CA	RM-11089 TO 247B	239B 95.7	0.000 0.0	33-37-02 114-35-20	211.9	66.29 -144.71	211 SHORT
DEL NOTE:	BLYTHE CA	RM-11476 TO 247B	239B 95.7	0.000 0.0	33-37-02 114-35-20	211.9	66.29 -144.71	211 SHORT
K240CL LIC	BULLHEAD CITY AZ	BLFT-080610ACI	240D 95.9	0.145 DA 741.0	35-02-06 114-22-09	351.9	102.02 0.00	0 TRANS
K240BO LIC	KINGMAN AZ	BLFT-860822TD	240D 95.9	0.082 DA 1164.0	35-05-39 113-54-18	14.5	111.13 0.00	0 TRANS
K240AZ LIC	LAKE HAVASU CITY AZ	BLFT-080814ABO	240D 95.9	0.010 DA 1011.0	34-33-06 114-11-37	1.9	47.38 0.00	0 TRANS

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SEARCH PARAMETERS                               FM Database Date: 090109
Channel: 239C3 95.7 MHz                          Page 2
Latitude: 34 7 29
Longitude: 114 12 38
Safety Zone: 32 km
Job Title: KPKR 239C3 BLACK PEAK
    
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Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
NEW-T APP	PARKER STRIP AZ	BNPFT-030317DYV	240D 95.9	0.015 389.0	34-07-29 114-12-38	0.0	0.00	0
NEW-T APP	QUARTZSITE AZ	BNPFT-030317DZN	240D 95.9	0.250 121.0	33-42-11 114-13-04	180.8	46.78	0
K242AR LIC	LAKE HAVASU CITY AZ	BLFT-030327ADG	242D 96.3	0.041 DA 21.0	34-27-13 114-21-53	338.9	39.15	0
NEW-T APP	LAKE HAVASU CITY AZ	BNPFT-030317DWK	242D 96.3	0.250 42.0	34-29-03 114-24-47	335.1	44.01	0
NEW-T APP	QUARTZSITE AZ	BNPFT-030317LFL	242D 96.3	0.250 1115.0	33-40-34 114-19-58	192.8	51.03	0
RSV	WICKENBURG AZ	RM-10344	242C 96.3	0.000 0.0	33-54-15 112-59-02	101.9	115.92	96

44444 END OF FM SPACING STUDY FOR CHANNEL 239 44444



320 km

Parker 239C3 (International class B1)
Proposed 45 km protected circle

Blythe 239B
Existing 65 km protected circle

320 km

Parker 239C3 re Mexico
0 20 40 60
Kilometers
Hatfield & Dawson 1/2009

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 08-151
Table of Allotments,)	RM-11476
FM Broadcast Stations.)	
(Blythe, California))	

NOTICE OF PROPOSED RULE MAKING

Adopted: July 30, 2008

Released: August 1, 2008

Comment Date: September 22, 2008

Reply Date: October 7, 2008

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Petition for Rule Making filed by Prescott Valley Broadcasting Company, Inc. (“Petitioner”), proposing to substitute Channel 247B for vacant Channel 239B at Blythe, California. The purpose of the requested channel substitution at Blythe is to enable FM Station KPKR, which presently operates on Channel 247C3 at Parker, Arizona, as a §73.215 short-spaced station, to operate as a fully-spaced Class C3 station on Channel 239C3. The proposed channel substitution is filed as part of a hybrid rulemaking and application proposal.¹

2. We believe that the proposal to substitute Channel 247B for Channel 239B at Blythe, California, warrants consideration. The proposed channel substitution will accommodate Petitioner’s pending application to operate as a fully-spaced Class C3 channel at Parker, Arizona, without any deleterious effect upon the service that can be made available using the Class B allotment at Blythe. A staff engineering analysis indicates that Channel 247B can be allotted at Blythe, California, consistent with the minimum distance separation requirements of the Commission’s rules, at coordinates 33-37-02 NL and 114-35-20 WL, with a site restriction of 1 km (.61 miles) northeast of the community. Concurrence by the Government of Mexico is required for the allotment of Channel 247B at Blythe, California, because the proposed allotment is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Accordingly, we seek comment on amendment of the FM Table of Allotments, 47 C.F.R. Section 73.202(b), to substitute Channel 247B for vacant Channel 239B at Blythe, California:

¹ Petitioner filed a FCC Form 301 minor change application for FM Station KPKR (File No. BPH-20080418AAU), and was required to submit a filing fee pursuant to *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006) (“Revised Allotment Procedures R&O”).

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Blythe, California	239B	247B

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached *Appendix* and are incorporated by reference herein.

4. Pursuant to Sections 1.415 and 1.419 of the Commission's Rules,² interested parties may file comments on or before September 22, 2008, and reply comments on or before October 7, 2008, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of any filing should be served on counsel for Petitioner as follows:

David Tillotson, Esq.
4606 Charleston Terrace, N.W.
Washington, D.C. 20007
(Counsel for Prescott Valley Broadcasting Company, Inc.)

5. Parties must file an original and four paper copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Georgia Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. **All filings must be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission, Office of the Secretary. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. See 47 C.F.R. § 1.7. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.**

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules.³ This document does not contain proposed information collection

² See 47 C.F.R. §§1.415 and 1.419.

³ See *Certification that Section 603 and 604 of the Regulatory Flexibility Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed.Reg. 11549 (February 9, 1981).

requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198.⁴

7. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, at (202) 418-7072. For purposes of restricted notice and comment rule making proceedings, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a *Notice of Proposed Rule Making* until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in the particular docket unless the Commission specifically waives this service requirement. Any comment which has not been served on the Petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁴ See 44 U.S.C. 3506(c)(4).

APPENDIX

1. Pursuant to 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 PROPOSED TO AMEND the FM Table of Allotments, 47 C.F.R. Section 73.202(b), as set forth in the *Notice of Proposed Rule Making* to which this *Appendix* is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this *Appendix* is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments (*see* 47 C.F.R. Section 1.420(d).)

(b) Petitions for rule making which conflict with the proposals in this *Notice* will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; service. Pursuant to applicable procedures set out in 47 C.F.R. Sections 1.415 and 1.420, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this *Appendix* is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. The person filing the comments shall serve comments on the petitioner. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments (*see* 47 C.F.R. Section 1.420(a), (b) and (c).) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of 47 C.F.R. Section 1.420, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Information Center, at its headquarters, 445 12th Street, S.W., Washington, D.C.