



Federal Communications Commission  
Washington, D.C. 20554

August 31, 2012

*In Reply Refer to:*  
1800B3-RFS

Educational Media Foundation  
c/o David Oxenford, Esq.  
Wilkinson Barker Knauer, LLP  
2300 N Street N.W., Suite 700  
Washington, D.C. 20037-1128

Re: New FM Station, Hotchkiss, Colorado  
Facility ID Number: 190375  
File No: BNPH-20120529ALF

Dear Counsel:

This letter refers to the long-form application (the "Application") of Educational Media Foundation ("EMF"), winning bidder in Auction 93 for FM Channel 258C3 at Hotchkiss, Colorado, to implement its winning bid at Colona, Colorado.<sup>1</sup> For the reasons discussed below, we direct EMF to amend the Application.

**Background.** The Application was filed pursuant to Sections 73.3573(a)(i) and(ii) of the Commission's Rules,<sup>2</sup> which permit a winning auction bidder to file a minor amendment to its proposal to specify a new community of license or a different class channel without affording other parties an opportunity to file a competing expression of interest. Among other requirements, an application for such a minor modification must demonstrate that the proposed change of community constitutes a preferential arrangement of allotments in comparison to the station's current service.<sup>3</sup> We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.<sup>4</sup> The Application requests the city of license modification of Channel 258C3 from Hotchkiss, Colorado, to Colona, Colorado.

**Discussion.** We find that the proposed city of license modification would not result in a preferential arrangement of allotments under the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*<sup>6</sup> and as required by *Community of License*.<sup>7</sup> We recognize that the new FM

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<sup>1</sup> BPH-20120529ALF

<sup>2</sup> 47 C.F.R. § 73.3573(a)(i) and (ii).

<sup>3</sup> See Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License"), Report and Order, 4 FCC Rcd 4870 (1989), recon. granted in part, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

<sup>4</sup> Revision of FM Assignment Policies and Procedures, Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

<sup>6</sup> *Id.* note 4.

Station has not yet commenced service at Hotchkiss. However, in comparing a potential first local service at Hotchkiss (2010 U.S. Census pop. 944 persons) under Priority (3) versus a second local service to Colona (2010 U.S. Census pop. 30 persons) under Priority 4, a first local service at Hotchkiss is the preferred allotment over the allotment of second local service at Colona, Colorado.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide an opportunity to respond. Failure to respond within this time period will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568(b). Please note that amendments must be filed in the same manner as the original application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nazifa Sawez".

*for* Nazifa Sawez  
Assistant Chief  
Audio Division  
Media Bureau

cc: Cristina Brown, Signal Development Specialist

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<sup>7</sup> *Id.* note 3.