

## **REQUEST FOR PROGRAM TEST AUTHORITY**

Crested Butte Mountain Educational Radio, Inc. ("Crested Butte") was awarded a construction permit for new noncommercial station KGNI(FM), Gunnison, Colorado by Memorandum Opinion and Order, FCC 10-118, para. 48 (2010). The Order took note of Crested Butte's commitment to divest itself of its FM translator in Gunnison as part of Crested Butte's claim for diversification credit. Condition 5 embodies that commitment:

Prior to commencing program tests pursuant to this noncommercial educational FM (NCE) construction permit, the permittee shall surrender its license for FM translator station K210BS, Gunnison, CO, Facility ID No. 76701.

The KGNI construction permit expires August 12, 2013. Crested Butte has completed construction, conducted equipment tests, and is prepared to commence operation under Program Test Authority ("PTA"). As explained below, however, Crested Butte asks that the Commission issue PTA, rather than authorize Crested Butte to begin operating KGNI immediately under automatic PTA.

Crested Butte has recently come to learn that, upon commencement of operation by KGNI, its transmissions on 88.7 MHz (Channel 204) will effectively terminate operation of translator station K203BB on first adjacent frequency 88.5 MHz (Channel 203). K203BB is licensed to Public Broadcasting of Colorado (d/b/a Colorado Public Radio, "CPR"). The CPR translator delivers NPR national and CPR Statewide news and information programming to citizens of the Gunnison area.

In order to avoid any harm to CPR and loss of its programming to Gunnison, Crested Butte has agreed to gift the license for translator K210BS to CPR. By delaying full-time operation of KGNI(FM) until the Commission grants the concurrently filed application to assign the license of translator station K210BS from Crested Butte to CPR (File No. BALFT-20130808AHY), Crested Butte would comply with the condition on the KGNI permit, preserve the license for KGNI, avoid harm to another noncommercial licensee, and prevent the loss of the only source of national and Colorado State-wide, 24-hour non-commercial news and information programming to Gunnison.

Accordingly, Crested Butte asks that the Commission issue PTA for KGNI or grant this license application concurrently with the grant of the application to assign the K210BS license to CPR.