

FEDERAL COMMUNICATIONS COMMISSION

**445 TWELFTH STREET, SW
WASHINGTON, DC 20554**

FEB 27 2009

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

**ENGINEER: GARY A. LOEHRS
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/1411
MAIL STOP: 1800B3
INTERNET ADDRESS: Gary.Loehrs@fcc.gov**

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Lahontan Valley Broadcasting Company, LLC
1155 Gummow Drive
Fallon, NV 89406

In re: KVLV-FM, Fallon, NV
Facility ID # 36244
Lahontan Valley Broadcasting
Company, LLC
BMLH-19900529KB

Dear Licensee:

Lahontan Valley Broadcasting Company, LLC ("Lahontan") is hereby notified of the modification of the license (BMLH-19900529KB) for KVLV-FM, Fallon, NV to specify Channel 258A.

Order to Show Cause

On June 5, 2007 Jerry Evans ("Evans"), licensee of station KKFT at Gardenerville-Minden, NV filed a minor modification construction permit application (BPH-20070605ABN) requesting the substitution of Channel 258A for Channel 257A at Fallon, NV and modification of the above captioned license accordingly.¹ Section 316(a) of the Communications Act of 1934, as amended,² permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. Accordingly, by staff letter dated May 19, 2008, Lahontan was directed to show cause why its license should not be modified to specify Channel 258A in lieu of Channel 257A.

Response to Order to Show Cause

On June 16, 2008, Lahontan filed a Response to Order to Show Cause stating why its license should not be modified to specify channel 258A. Lahontan responded that it is opposed to the Evans proposal for the following reasons. First, Lahontan states that interference would occur with KKFT and a proposed change to KLVS in Grass Valley, CA. Second, Lahontan believes there will be costs in retuning the transmission system, retuning translator inputs, changing printed material, logos, and advertising promotions. Third, Lahontan claims that the EAS system will be disrupted by the change required to monitoring stations.

¹ The license at Fallon, NV can be modified to specify operation on Channel 258A in lieu of Channel 257A at the station's current authorized transmitter site (BMLH-19900529KB). The authorized coordinates for the license at Fallon, are 39-29-47 NL and 118-48-50 WL.

² 47 U.S.C. § 316(a) (the "Act").

Discussion

We have reviewed this response to order to show cause submitted by Lahontan and find that the public interest would be served by the substitution of Channel 258A for Channel 257A at Fallon, NV and the modification of the license for Station KVLV-FM to specify operation on Channel 258A. The proposed change is compliant with interference protection rules between all affected stations. Change is occurring in EAS configurations on a constant basis. Enhancements such as Amber Alerts require new coordination and planning efforts. These efforts are a part of the work of the State EAS coordinators and can be incorporated into the channel change. Furthermore, Evans has stated its willingness to reimburse Lahontan the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.³ Therefore, Lahontan has not raised a substantial or material question of fact or demonstrated that Station KVLV-FM would be harmed by modification of its license to specify operation on the alternate Class A channel.

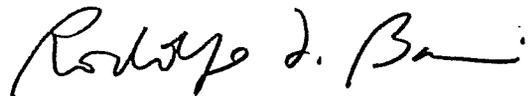
Conclusion

Accordingly, pursuant to the 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 ORDERED, That effective the date of this letter, the FM assignment IS MODIFIED as follows:

<u>Community</u>	<u>Channel No.</u>
Fallon, NV	Add 258A
Fallon, NV	Delete 257A

Within 30 days of the effective date of this letter, Lahontan shall submit to the Commission a minor change application for construction permit (Form 301). Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules. Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

³ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).