

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET SW
WASHINGTON DC 20554**

OCT 21 2013

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

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Montecito FM, Inc.
P.O. Box 22105
Santa Barbara, CA 93121

In re: KJEE(FM), Montecito, CA
Facility I.D. No. 43589
Montecito FM, Inc.
File No. BLH-19940209KC
File No. BPH-20070118AES

KYRA(FM), Thousand Oaks, CA
Facility ID No. 21689
Educational Media Foundation
File No. BPED-20121227AAJ

Dear Licensee:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to Montecito, FM, Inc. ("Montecito"), licensee of Station KJEE(FM), Channel 225A, Montecito, CA, of the filing of a minor change construction permit application (BPED-20121227AAJ) by Educational Media Foundation ("EMF"), licensee of station KYRA(FM), Thousand Oaks, CA.² EMF's application requests modification of the KJEE license to specify operation on Channel 225A in lieu of Channel 225B1.

On November 8, 2007, KJEE filed a minor change "one step" application (BPH-20070118AES) to upgrade its licensed facility (BLH-19940209KC) from Channel 225A to Channel 225B1 pursuant to the Report and Order in MM Docket 92-159. On January 27, 2009, KJEE was issued a construction permit with an expiration date of January 27, 2012. On January 27, 2012, the construction permit expired when KJEE failed to construct the Channel 225B1 facility and file a license application. No further construction permit applications to specify Channel 225B1 have been filed.

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 EMF's application proposes to modify effective radiated power, transmitter location, and antenna height.

Section 316(a) of the Communications Act of 1934, as amended,³ permits us to modify a 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 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.⁴ We find that the Application has sufficient public interest benefits to justify the issuance of a show cause order.

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, Montecito, licensee of Station KJEE, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 225A in lieu of Channel 225B1. Montecito 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 reduced class.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide 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,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Mass Bureau

cc: Marnie K. Sarver, Esq.
Cara Ebert Cameron, Esq.

³ 47 U.S.C. § 316(a) (the "Act").

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).