

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

In the Matter of
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Silverpeak, Nevada)
MB Docket No. 08-197
RM-11491

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 3, 2010

Released: November 5, 2010

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division issued a Notice of Proposed Rule Making in response to a Petition for Rule Making filed by Shamrock Communications, Inc. ("Shamrock"). The Notice proposes the allotment of Channel 291C at Silverpeak, Nevada, as that community's first local service. Shamrock filed a FCC Form 301 application proposing allotment of Channel 291C at Silverpeak, Nevada. Shamrock submitted a filing fee for that application pursuant to Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services. Shamrock stated that if Channel 291C is allotted at Silverpeak, it will file an application for Channel 291C, and, if its application is granted, Shamrock will build the station.

2. In order to accommodate the proposed allotment of Channel 291C at Silverpeak, Shamrock proposed that Channel 250C1 be substituted for Channel 290C1 at Amargosa Valley, Nevada. Shamrock, the permittee of Channel 290C1 at Amargosa Valley, filed a FCC Form 301 application for Channel 250C1 at Amargosa Valley and paid the requisite fee. This channel substitution at Amargosa Valley, was, however, dismissed for failure to prosecute.

3. Without the substitution of Channel 250C1 for Channel 290C1 at Amargosa Valley, the allotment of Channel 291C at Silverpeak is mutually exclusive with Channel 290C1 at Amargosa Valley; thus, the proposed allotment does not meet the Commission's spacing requirements for FM services. We

1 Silverpeak, Nevada, Notice of Proposed Rule Making, 23 FCC Rcd 15316 (MB 2008).

2 File No. BNPH-20080724AAY.

3 Report and Order, 21 FCC Rcd 14212 (2006).

4 File No. BMPH-20080724AAX.

5 The dismissal occurred on June 30, 2010. See Broadcast Actions, Public Notice, Report No. 47271, File No. BMPH-20080724AAZ (July 6, 2010).

therefore will deny Shamrock's request for the allotment of Channel 291C at Silverpeak, and the petition for rulemaking will be dismissed.

4. We also dismiss in this Report and Order the Form 301 application of CCR-St. George IV, LLC ("CCR"), seeking a change of community and channel upgrade: The application proposes that FM Station KSNN, currently operating at St. George, Utah, on Channel 291C2, be authorized to operate on Channel 291C1 at Logandale, Nevada.⁶ In an amendment to its application, CCR notes that its application is contingent on the grant of Shamrock's Form 301 application to substitute Channel 250C1 for Channel 290C1 at Amargosa Valley.⁷ CCR did not propose an involuntary channel substitution at Amargosa Valley, but merely stated that its application is contingent upon grant of Shamrock's application. Because Shamrock's Form 301 application for a channel substitution at Amargosa Valley was dismissed, it is not possible for Station KSNN to operate on Channel 291C1 at Logandale, Nevada. Accordingly, we hereby dismiss CCR's Form 301 application proposing that change of community.

5. Accordingly, IT IS ORDERED, That the petition for rule making filed by Shamrock Communications, Inc., proposing the allotment of Channel 291C at Silverpeak, Nevada, IS DISMISSED.

6. IT IS FURTHER ORDERED, That the Form 301 application filed by Shamrock Communications, Inc., for FM Channel 291C at Silverpeak, Nevada, File No. BNPH-20080724AAY, IS DISMISSED.

7. IT IS FURTHER ORDERED, That the Form 301 application filed by CCR-St. George IV, LLV, seeking a change of community and upgrade for FM Station KSNN, from Channel 291C2 at St. George, Utah, to Channel 291C1 at Logandale, Nevada, File No. BPH-20070108AAW, IS DISMISSED.

8. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

Kenneth E. Satten, Esq.
Patricia M. Chuh, Esq.
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⁶ See File No. BPH-20070108AAW.

⁷ *Id.* See Amendment filed September 15, 2008, Exhibit 26, Note 1.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. This document is not subject to the Congressional Review Act. The Commission, is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office, pursuant to the Congressional Review Act, because the proposed rule was dismissed.⁸

11. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 260A at Silverpeak, Nevada, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁸ See 5 U.S.C. 801(a)(1)(A).