

FEDERAL COMMUNICATIONS COMMISSION

**445 Twelfth Street, S.W.
WASHINGTON DC 20554**

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**MEDIA BUREAU
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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Kemp Communications, Inc.
3800 Howard Hughes Parkway
Wells Fargo Tower, 17th Floor
Las Vegas, NV 89169

Marvin Vesper
4613 Sleeping Indian Road
Fallbrook, CA 92028

In re: KVGG(FM), Salome, AZ
Facility ID No.: 165984
Kemp Communications, Inc.
BLH-20091016ADL

KBUX(FM), Quartzsite, AZ
Facility ID No.: 7694
Marvin Vesper
BLH-19880919KC

Dear Licensees:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to Kemp Communications, Inc. and Marvin Vesper of the filing of a minor change construction permit application (BPH-20100813BHN) by Southwest FM Broadcasting Company, Inc. ("SWB"), licensee of station KAHM(FM), Prescott, AZ. SWB's application requested the substitution of Channel 231A for Channel 270A at Salome, AZ and modification of the FM Station KVGG license accordingly.² In addition, SWB's application requested the substitution of

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 The license of FM Station KVGG at Salome, AZ can be modified to specify operation on Channel 231A in lieu of Channel 270A at the station's current authorized transmitter site (BLH-20091016ADL). The licensed coordinates for FM Station KVGG at Salome, AZ are 33-47-48 NL and 113-33-28 WL.

Channel 243A for Channel 232A at Quartzsite, AZ and modification of the FM Station KBUX, license accordingly.³

Section 316(a) of the Communications Act of 1934, as amended,⁴ 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. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁵ We find that the SWB application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, SWB states that it would reimburse Kemp Communications, Inc. and Marvin Vesper for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.⁶

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, Kemp Communications, Inc. and Marvin Vesper SHALL SHOW CAUSE why their licenses SHOULD NOT BE MODIFIED to specify Channel 231A in lieu of Channel 270A and Channel 243A in lieu of 232A respectively. Kemp Communications, Inc. and Marvin Vesper may, no later than 30 days from the date of this letter, file a written statement showing with particularity why their respective licenses 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 by the date referred to above, the respective licensees will be deemed to have consented to the respective modification as proposed in this *Order to Show Cause* and their licenses will be reissued indicating the modification of its assignment by specifying the new channel.

³ The license of FM Station KBUX at Quartzsite, AZ can be modified to specify operation on Channel 243A in lieu of Channel 232A at the station's current authorized transmitter site (BLH-19880919KC). The licensed coordinates for FM Station KBUX at Quartzsite, AZ are 33-40-58 NL and 114-13-59 WL.

⁴ 47 U.S.C. § 316(a) (the "Act").

⁵ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁶ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).

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,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci". The signature is stylized with a large initial "R" and a long horizontal stroke at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Southwest FM Broadcasting Company, Inc.