

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
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SEP 14 2012

MEDIA BUREAU
AUDIO DIVISION
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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Penfold Communications, Inc.
35200 Cathedral Canyon Drive, Suite 53
Cathedral City, CA 92234

In re: KTWD(FM), Wallace, ID
Facility I.D. No. 82985
Penfold Communications, Inc.
BMLED-20101210ACY

NEW(FM), Charlo, MT
Facility I.D. No. 171098
Spanish Peaks Broadcasting, Inc.
File No. BNPH-20070411ABF

Dear Licensee:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to Penfold Communications, Inc. ("Penfold Communications"), licensee of KTWD(FM) Wallace, ID, of the filing of a construction permit application (BNPH-20070411ABF) by Spanish Peaks Broadcasting, Inc ("Spanish Peaks Broadcasting") for a new FM station at Charlo, MT. Spanish Peaks Broadcasting's application requested the substitution of Channel 278C2 for Channel 248C2 at Wallace, ID and modification of the FM Station KTWD license accordingly.²

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 KTWD at Wallace, ID can be modified to specify operation on Channel 278C2 in lieu of Channel 248C2 at the station's current authorized transmitter site (BMLED-20101210ACY). The licensed coordinates for FM Station KTWD at Wallace, are 47-33-49 NL and 115-50-01 WL.

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. Furthermore, Spanish Peaks Broadcasting states that it would reimburse Penfold Communications for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.⁵

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, Penfold Communications, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 278C2 in lieu of Channel 248C2. Penfold Communications 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 new channel.

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: John C. Trent, Esq.
Scott Woodworth

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).

⁵ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).