

FEDERAL COMMUNICATIONS COMMISSION

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NOV 21 2012

**MEDIA BUREAU
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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:

Penfold Communications, Inc. ("Penfold") is hereby notified of the modification of the license (BMLED-20101210ACY) for KTWD(FM), Wallace, ID to specify Channel 278C2.

On August 21, 2012, Spanish Peaks Broadcasting, Inc. ("Spanish Peaks") amended its above-captioned construction permit application (BNPH-20070411ABF)¹ and requested the substitution of Channel 278C2 for Channel 248C2 for Station KTWD at Wallace, ID and modification of the above captioned license accordingly.² Section 316(a) of the Communications Act of 1934, as amended,³ 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 September 14, 2012, Penfold Communications was directed to show cause why its license should not be modified to specify Channel 278C2 in lieu of Channel 248C2.

On October 11, 2012, Penfold filed a Response to the Order to Show Cause letter. The letter indicates that Penfold objects to the Spanish Peaks' proposal. Furthermore, Penfold states that they are undertaking an engineering analysis of the Spanish Peaks' application and shall supplement its response with technical data if appropriate. However, as of the date of this letter, we have not received a further response from Penfold.

¹ This application was granted this date.

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.

³ 47 U.S.C. § 316(a) (the "Act").

We have reviewed the Response to Order to Show Cause submitted by Penfield and find that the public interest would be served by the substitution of Channel 278C2 for Channel 248C2 at Wallace, ID and the modification of the license for Station KTWD to specify operation on Channel 278C2 at Wallace, ID. This channel change will accommodate the grant of Spanish Peaks' application and result in the provision of a first local service to Charlo, MT. Furthermore, Penfold has not raised a substantial or material question of fact or demonstrated that Station KTWD would be harmed by modification of its license to specify operation on the alternate Class C2 channel. Finally, Spanish Peaks has stated its willingness to reimburse Penfold the reasonable costs incurred in connection with the proposed channel change consistent with the Circleville policy.⁴

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>
Wallace, ID	Add 278C2
Wallace, ID	Delete 248C2

Pursuant to Section 316(a) of the Communications Act of 1934, as amended, license BMLED-20101210ACY IS MODIFIED to specify operation on Channel 278C2 in lieu of Channel 248C2.

Within 30 days of the effective date of this letter, Penfold Communications 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

cc: John C. Trent, Esq.
Scott Woodworth, Esq.

⁴ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).