

FEDERAL COMMUNICATIONS COMMISSION

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Ms. Lois Mills
CSN International
P.O. Box 391
Twin Falls, ID 83303

In re: KJCC (FM); Hinton, OK
CSN International
Facility ID No. 122517
Application BMPED-20070814AAW

Dear Ms. Mills:

This refers to your application (File No. BMPED-20070814AAW) to modify the license of noncommercial educational Station KJCC, Carnegie, Oklahoma, to specify Hinton, Oklahoma, as the community of license. For the reasons discussed below, we deny the application.

Background. This application was filed pursuant to Section 73.3573(g) of the Commission's rules which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file a competing expression of interest. Any reallocation proposal must result in a preferential arrangement of allotments.¹ We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.²

Discussion. Noncommercial educational stations have an obligation to serve the significant programming needs of their communities.³ This application will provide a first local service to Hinton under Priority (3). However, this will also result in the removal of the sole local service at Carnegie. In *Community of License*, the Commission

¹ See *Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

² *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

³ See *Revision of Program Policies and Reporting Requirements Related to Public Broadcasting Licenses*, Report and Order, 98 FCC 2d 746 (1984); see also *Valley Broadcasters, Inc.*, Memorandum Opinion and Order, 5 FCC Rcd 2785 (1990).

specifically stated that the removal of a sole local service presumptively disservices the public interest and that it would be a rare circumstance that such a removal would be in the public interest.⁴ The Commission reiterated this position in 2006.⁵ The reason for this policy is that the public has a legitimate expectation that existing local service will continue and that this expectation is a factor that must be weighed independently against any benefit that may result from reallocating a channel from one community to another.⁶ In this instance, a first local service to a community with a population 538 persons greater than the existing community of license (2,175 versus 1,637 persons according to the 2000 U.S. Census) is not a rare circumstance sufficient to justify the removal of the sole local service from Carnegie, Oklahoma.

Accordingly, the aforementioned application filed by CSN International (File No. BMPED-20070814AAW) proposing the modification of the license of Station KJCC, Carnegie, Oklahoma, to specify Hinton, Oklahoma, as the community of license, is unacceptable for filing and IS HEREBY DISMISSED.

Sincerely,



Dale E. Bickel
Senior Electronics Engineer
Audio Division
Media Bureau

⁴ *Community of License*, 5 FCC Rcd at 7098.

⁵ *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, MB Docket 05-210, FCC 06-163, 21 FCC Rcd 14212 (2006) at paragraphs 28-34.

⁶ *See id.* at 7098.