



Federal Communications Commission
Washington, D.C. 20554

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In Reply Refer to:
1800B3-RFS

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In re: KACS(FM), Chehalis, Washington
Facility ID No. 10685
File No. BPED-20160314AAD

Dear Counsel:

We have before us a minor change application filed by Chehalis Valley Educational Foundation ("Chehalis Valley"), licensee of Station KACS(FM), Channel 213A, Chehalis, Washington. The Application proposes to change the community of license of Station KACS(FM), from Channel 213A, Chehalis, Washington, to Channel 213C3, Rainier, Washington. For the reasons set forth below, we dismiss the Application.

Background. The Application was filed pursuant to Section 73.3573(g) of the Commission's Rules, which sets forth the requirements for modification of an FM Station license to specify a new community of license without providing an opportunity for competing expressions of interest. Among other requirements, an applicant for such a minor modification must demonstrate that the proposed change of community constitutes 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 Chehalis Valley claims that the proposed community of license change for Station KACS(FM) to Channel 213C3, Rainier, Washington triggers Priority (3), first local service.

Discussion. A staff engineering analysis determined that the proposed 60 dBu contour would cover 53.6 percent of Olympia-Lacey, Washington urbanized area, whereas the existing license site of Station KACS(FM) does not cover any part of the urbanized area. In the *Rural Radio* proceeding,³ the Commission established a rebuttable presumption applicable when a station's proposed community is located in an urbanized area or the station could, through a minor modification application, cover at least

¹ See 47 C.F.R. § 73.3573(g). See also *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 (1982). 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 *Policies to Promote Rural Radio Service and to Streamline Allotment an Assignment Procedures*, Second Report and Order, First Order On Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556 (2011) ("*Rural Radio*").

50 percent of an urbanized area. In such cases, we will treat the application as a proposal to serve the entire urbanized area, rather than as a proposal for local service to the named community of license. Pursuant to the Commission's decision in *Rural Radio*, your client's proposed change of community to Rainier, Washington is considered a proposal to serve the Olympia-Lacey, Washington urbanized area. Because the urbanized area already has numerous local FM and AM stations, the proposed change of community does not satisfy Priority (3) of the Commission's allotment priorities, first local service.

Conclusion. Based on the foregoing, the Application, File No. BPED-20160314AAD is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and is HEREBY DISMISSED.

Sincerely,



Nazifa Sawez
Assistant Chief, Audio Division
Media Bureau