FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Christian Media Incorporated
209 East 15th Street
Scottsbluff, NE 69361

In re: KCMI(FM), Terrytown, NE
Facility ID #11069
Christian Media Incorporated
BLH-19881221KC

Dear Applicant:

Christian Media Incorporated ("Christian") is hereby notified of the modification of the license (BLH-19881221KC) for KCMI(FM), Terrytown, NE, to specify Channel 246C1.

Background. On August 22, 2007, Appaloosa Broadcasting Company, Inc. ("Appaloosa"), licensee of station KIMX(FM), Laramie, WY, filed a minor change construction permit application (BPH-20070822AAL), requesting the substitution of Channel 245A for Channel 244C2 at Laramie, WY, the reallotment of Channel 245A to Nunn, CO. Appaloosa's application also requested the substitution of Channel 246C1 for Channel 245C1 at Terrytown, NE, and modification of the above captioned license.[1] This modification required the substitution of FM Channel 286A for vacant Channel 247A at Wheatland, WY. Therefore, Appaloosa's application was filed as part of a hybrid application and rulemaking proceeding (MB Docket No. 08-3). Section 316(a) of the Communications Act of 1934, as amended,[2] 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 December 17, 2007, Christian was directed to show cause why its license should not be modified to specify Channel 246C1 in lieu of Channel 245C1 at Terrytown, NE.

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[1] The license at Terrytown, NE can be modified to specify operation on Channel 246C1 in lieu of Channel 245C1 at the station's current authorized transmitter site (BLH-19881221KC). The authorized coordinates for the license at Terrytown, are 41-42-08 NL and 103-41-00 WL.

[2] 47 U.S.C. § 316(a) (the "Act").

Response to Order to Show Cause. On January 16, 2008, Christian filed a Response to Order to Show Cause, stating why its license should not be modified to specify Channel 246C1. Christian claims that Channel 246 is not the equivalent of Channel 245. Specifically, Christian believes that service to 65,000 persons beyond the 60 dBu protected contour will be eliminated due to new interference on Channel 246. Christian states that this would violate the Commission's long-standing policy of protecting and maintaining a station's existing service to its audience. Therefore, Christian concludes that this loss of local programming as well as KIMX's proposed move from the smaller community of Laramie, WY to effectively the larger community of Ft. Collins, CO, are not in the public interest and thus, Appaloosa's application should be dismissed.

Discussion. Reception of an FM station is protected from interference within the station's 60 dBu contour. However, outside of that contour, interference may be caused by other stations.[3] Therefore, service outside the 60 dBu protected contour is not protected by the Commission's Rules. In addition, KCMI's licensed facility on Channel 246 is fully spaced. Furthermore, a legal review of the application revealed that the proposed change of community from Laramie, WY to Nunn, CO is a preferential arrangement of allotments. Therefore, we find that the allegations forth in Christian's Response to Order to Show Cause are insufficient to establish that the Appaloosa's application is unacceptable.

We have reviewed the Response to Order to Show Cause submitted by Christian and find that the public interest would be served by the substitution of Channel 246C1 for Channel 2451 at Terrytown, NE and the modification of the license for Station KCMI to specify operation on Channel 246C1 at Terrytown, NE. This channel change will accommodate the grant of Appaloosa's application and result in the provision of a first local service to Nunn, Colorado. Furthermore, Christian has not raised a substantial or material question of fact or demonstrated that Station KCMI would be harmed by modification of its license to specify operation on the alternate Class C1 channel. Finally, Appaloosa has stated its willingness to reimburse Christian the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.[4]

Conclusion. 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:

Community	Channel No.
Terrytown, NE	Add 246C1
Terrytown, NE	Delete 245C1

Pursuant to Section 316(a) of the Communications Act of 1934, license BLH-19881221KC IS MODIFIED to specify on Channel 246C1 in lieu of Channel 245C1.

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[3] *See Greenup, Kentucky, and Athens, Ohio*, Memorandum Opinion and Order, 4 FCC Rcd 3843, 3844-45, paragraph 12 (1989).

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

IT IS FURTHER ORDERED, the application BPH-20070822AAL filed by Appaloosa Broadcasting Company, Inc., IS GRANTED. The Audio Division is concurrently granting Appaloosa's rulemaking petition in MB Docket No. 08-3, substituting FM Channel 286A for vacant Channel 247A at Wheatland, WY.

Within 30 days of the effective date of this letter, Christian 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: Barry A. Friedman, Esq.
Lee G. Petro, Esq.