

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Reclassification of License)	RM-11330
of Station KATT-FM, Oklahoma City,)	
Oklahoma)	

ORDER TO SHOW CAUSE

Adopted: May 10, 2006

Released: May 12, 2006

Comment Date: June 26, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. Before the Audio Division is a Petition for Rule Making filed by Charles Crawford (“Petitioner”), requesting the allotment of Channel 241A at Bokchito, Oklahoma, as that community’s first local aural service. To accommodate this allotment, Petitioner requests the reclassification of Station KATT-FM, Channel 263C, Oklahoma City, Oklahoma, to specify operation as a Class C0 facility.¹ Station KATT-FM currently operates on Channel 263C with an effective radiated power (“ERP”) of 100 kilowatts at 363 meters height above average terrain (“HAAT”). As such, this FM station is subject to reclassification as a Class C0 facility because it is operating below the minimum Class C facilities of 100 kW ERP and 451 meters HAAT.²

2. Section 316(a) of the Communications Act of 1934, as amended, permits the Commission to modify an authorization if such action is in the public interest.³ Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission’s rules.⁴ In this instance, a Class C0 reclassification for Station KATT-FM at Oklahoma City, Oklahoma, would accommodate the Petitioner’s request to provide a first local service at Bokchito. Therefore, the Petitioner’s request justifies the issuance of an order to show cause.

3. The reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments.⁵ In instances where an initiating

¹ Petitioner also proposes the substitution of Channel 263A for vacant Channel 241A at Clayton, OK.

² See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, Second Report and Order, 15 FCC Rcd 21,649 (2000), and Section 1.420(g), n. 2, and Section 73.3573, n. 4, of the Commission’s Rules.

³ 47 U.S.C. § 316(a).

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, Order, 2 FCC Rcd 3327 (1987).

⁵ *Second Report and Order, supra*, and 47 C.F.R. § 1.420, n.2.

petition proposes amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4, of the Commission's rules. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved.

4. A petitioner proposing both amendment of the FM Table of Allotments and reclassification of a Class C FM station must certify that no alternative channel is available for the proposed service.⁶ Petitioner has submitted such certification. Therefore, in order to comply with the Commission's Class C0 reclassification procedures, we must issue this *Order to Show Cause* directed to Citadel Broadcasting Company ("Citadel"), licensee of Station KATT-FM. Citadel is required to show cause why its license for Station KATT-FM should not be modified to specify operation on Channel 263C0 in lieu of Channel 263C.⁷

5. The license for Station KATT-FM (File No. BLH-19841105DA) at Oklahoma City, Oklahoma, can be modified to Channel 263C0 at its current authorized transmitter site located at coordinates 35-35-22 NL and 97-29-03 WL. Pursuant to Section 1.87 of the Commission's rules, Citadel may, no later than June 26, 2006 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 on Citadel to furnish additional information. If Citadel raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. 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 by the date referred to above, Citadel will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel modification is found to be in the public interest.

6. If Citadel chooses to seek authority to modify its facilities, an acceptable application for a construction permit to increase its facilities to at least 451 meters HAAT and 100kW ERP for Station KATT-FM must be filed with the Commission within 180 days subsequent to the show cause response due date (June 26, 2006). Upon the filing of an acceptable construction permit application, the proposal to allot Channel 241A at Bokchito will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by Citadel for Channel 263C, as specified herein, under this procedure. If the construction is not completed as authorized, Station KATT-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 241A at Bokchito may be refiled.

7. IT IS ORDERED, That the Commission's Consumer and Governmental Affairs Bureau,

⁶ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

⁷ We note that, as part of a counterproposal (RM-11296) in MB Docket No. 05-136, Citadel proposes to downgrade its Station KATT-FM, Oklahoma City, to Channel 263C1 at its current transmitter site in order to accommodate an upgrade and reallocation of its Station KKWD(FM) from Channel 250A at Edmond, Oklahoma, to Channel 251C1 at The Village, Oklahoma. See *Public Notice*, Report No. 2740, released November 10, 2005.

Reference Information Center, SHALL Send a copy of this Order to Show Cause by Certified Mail, Return Receipt Requested, to the following licensee and its counsel:

Citadel Broadcasting Company.
Licensee of Station KATT-FM
7201 W. Lake Mead Blvd., Suite 400
Las Vegas, Nevada 89128

Christopher J. Sova, Esq.
c/o Leventhal, Senter, & Lerman
2000 K Street, N.W., Suite 600
Washington, DC 20006

8. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail) Protests should be filed with the Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, TW-A325, Washington, D.C. 20554. Additionally, a copy of any filing should be served on:

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205
(Petitioner)

Gene A. Bechtel, Esq.
Law Offices of Gene Bechtel
1050 17th Street, N.W. – Suite 600
Washington, D.C. 20036
(Counsel to Petitioner)

9. The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Pennsylvania Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, Maryland 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. **All filings must be addressed to Marlene H. Dortch, Secretary, Federal Communications Commission. Any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. See 47 C.F.R. § 1.7. Accordingly, failure to follow the specified requirements may result in the treatment of a filing as untimely.**

10. For further information on this proceeding, contact Andrew J. Rhodes, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau