

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MB Docket No. 05-102
FM Broadcast Stations.)	RM-10630
(Akron, Colorado))	
)	
Reclassification of License of)	
Station KRFX(FM), Denver, Colorado)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 6, 2007

Released: June 8, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking* issued at the request of Akron Broadcasting Company (“Petitioner”), seeking to amend the FM Table of Allotments by allotting Channel 279C1 at Akron, Colorado, as the community’s first local aural transmission service. To accommodate the proposal consistent with the minimum distance separation requirements of the Commission’s Rules, Petitioner requested the reclassification of Station KRFX(FM), Denver, Colorado, Channel 278C to specify operation on Channel 278C0.¹ Petitioner filed comments in support of its proposal, pledging to file for the channel, if allotted, and build the station if its application is granted. Jacor Broadcasting of Colorado, Inc. (“Jacor”), licensee of Station KRFX(FM), filed opposing comments and reply comments.

2. We will grant the allotment of Channel 279C1 at Akron because it would provide the community with its first local aural transmission service. We find that Akron is a community for allotment purposes. According to Petitioner, the town of Akron was incorporated in 1882, and is listed in the 2000 U.S. Census with a population of 1,711 persons. Akron has its own post office and zip code and is the county seat of Washington County. Petitioner states that Akron has an elected mayor and town council, and the town government provides many services including local zoning and water and sewer service. There are numerous businesses and civic organizations. It has its own schools and library, and there are many churches. Petitioner states that 20,384 persons would gain a service by the addition of Channel 279C1 at Akron, and that it will file an application and construct the facility if the channel is allotted.

¹ 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). Pursuant to the requirements set forth in Note 4 of Section 73.3573 of the rules, we issued an *Order to Show Cause* to Jacor as licensee of Station KRFX(FM), Denver, Colorado. See *In Re Reclassification of License of Station KRFX(FM), Denver, Colorado*, 18 FCC Rcd 3220 (MB 2003). Jacor responded and filed the necessary application (File No. BPH-20030424AA), whose grant was subsequently rescinded. See *Public Notice*, Report No. 25498 (June 3, 2003). On November 9, 2004, that application was dismissed. See *Letter to Marissa G. Repp, Esq.*, BPH-20030424AAN, et al., Reference 1800B3 (Chief, Audio Div. November 9, 2004). On December 9, 2004, Jacor filed a Petition for Reconsideration of that dismissal. On September 18, 2006, Jacor withdrew its Petition for Reconsideration and its opposing comments in this docket.¹ See Joint Request for Approval of Settlement and for Other Relief, filed jointly by Coloradio, Inc., Jacor, and Citicasters Licenses, L.P., dated September 12, 2006. Pursuant to this agreement, Jacor’s license for Station KRFX(FM), Denver, Colorado, has been reclassified from Channel 278C to Channel 278C0.

3. A staff engineering analysis of the proposal shows that Channel 279C1 can be allotted at Akron at Petitioner's requested site 24.5 kilometers (15.2 miles) southeast of the community.²

4. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office Pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(1)(A).

5. Accordingly, pursuant to the authority contained in 47 U.S.C. §§ 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. §§0.61, 0.204(b) and 0.283, IT IS ORDERED That effective July 23, 2007, the FM Table of Allotments, 47 C.F.R. § 73.202(b) IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Akron, Colorado	279C1

6. In addition, a copy of this *Report and Order* shall be sent to Jacor Broadcasting of Colorado, Inc., as follows:

Jacor Broadcasting of Colorado, Inc.
c/o Marissa G. Repp, Esq.
Hogan & Hartson L.L.P.
Columbia Square
555 13th St., NW
Washington, D.C. 20004-1109

7. A window period for filing applications for Channel 279C1 at Akron, Colorado will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

8. The comments filed by Jacor Broadcasting of Colorado, Inc., ARE DISMISSED.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

² Coordinates for Channel 279C1 at Akron are 40-03-28 NL and 102-57-35 WL.