

EXHIBIT E-1
TECHNICAL STATEMENT
KIMX NUNN, COLORADO
APPALOOSA BROADCASTING COMPANY, INC.
FCC FORM 301
JANUARY 2007

This technical statement is in support of this minor change application for KIMX Laramie, WY , facility ID 82007, to change its city of license to Nunn, Colorado as its first local service, change its transmitter location, and one step channel change and class from 244C2 to channel 245A.

Figure 1 shows a channel spacing study from the proposed transmitter location and proposed allotment point for KIMX on channel 245A at Nunn, Colorado. It shows that the channel will meet all of the required spacing under 73.207 with the exception of KCMI, facility ID 11069, operating on channel 245C1 at Terrytown, Nebraska.

Figure 2 shows a channel spacing study conducted on channel 246C1 from the current transmitter site for KCMI on channel 245C1. It shows that from this location, that channel 246C1 meets all of the spacing requirements under 73.207 of the commission rules. There appears to be a short spacing issue with a vacant allotment at Wheatland, WY on channel 247A. However, some research into this allotment shows that it should not be included in the CDBS database or the FM table of allotments 73.202(b). It appears that this allotment at Wheatland is a clerical error made by the commission in regards to a recent Proposed Rule Making, MB Docket 05-98, RM-11187, RM-11252, RM-11253. The Report and Order (DA-06-9) released on January 6, 2006, attached as Figure 4, does show in paragraph 15, channel 247A being allotted to Wheatland. However paragraph 5 in the R&O, the Joint Parties in an effort to resolve a

conflict with a Counterproposal filed by Kona Coast Radio, LLC, requested the allotment of 247A at Wheatland in “LIEU” of channel 298A at Wheatland to eliminate mutually exclusivity with the Notice’s proposal. In paragraph 6, the commission rejected the Kona Coast Counterproposal for technical deficiencies. Thus, the need to substitute channel 247A for channel 298A at Wheatland, Wyoming was no longer necessary. As can be seen in paragraph 15, channel 298A is also listed as an allotment at Wheatland, thus channel 247A should not have been included on this summary. Channel 298A is now authorized for use by KPAD Wheatland, Wyoming on channel 298C2, after an commission auction of channel 298A at Wheatland.

In fact, in the Report and Order in MB Docket 05-210, released on November 29, 2006. The newly amended FM table of allotments, 73.202(b), page 37 of the R&O, shows that there are no vacant allotments for channel 247A at Wheatland, Wyoming. A search of the commission CDBS database does not show any authorized stations on channel 247A. So while there is some disparity in the R&O in Docket 05-98, a research of the original petition, comments, and counterproposal show that channel 247A should not have been allotted, and appears not to be allotted to Wheatland, and that the reserved point in the CDBS database should be removed.

This will allow for the substitution of channel 246C1 at Terrytown, Nebraska for channel 245C1 for use by KCMI. The distance to between the new proposed operation of KIMX at Nunn and KCMI is 143.7 kilometers. The required spacing between these two stations with KCMI operating on channel 246C1 would be 133 kilometers.

Thus, Appaloosa Broadcasting Company, Inc., licensee of KIMX, hereby respectfully requests that the commission issue a “Show Cause Order” to the licensee,

Christian Media Incorporated, of KCMI Terrytown, Nebraska, to specify operation on channel 246C1 in lieu of channel 245C1.

It should be noted, that the current operation of KCMI is short spaced by 3.94 kilometers to the operation of the current KIMX Laramie, Wyoming on channel 244C2. A proposed move by KCMI to channel 246C1 will not be short spaced to any other assignment or station under 73.207. Also, this will have minimal effect on the operation as the station will only be moving one channel from 96.9 Mhz to 97.1 Mhz.

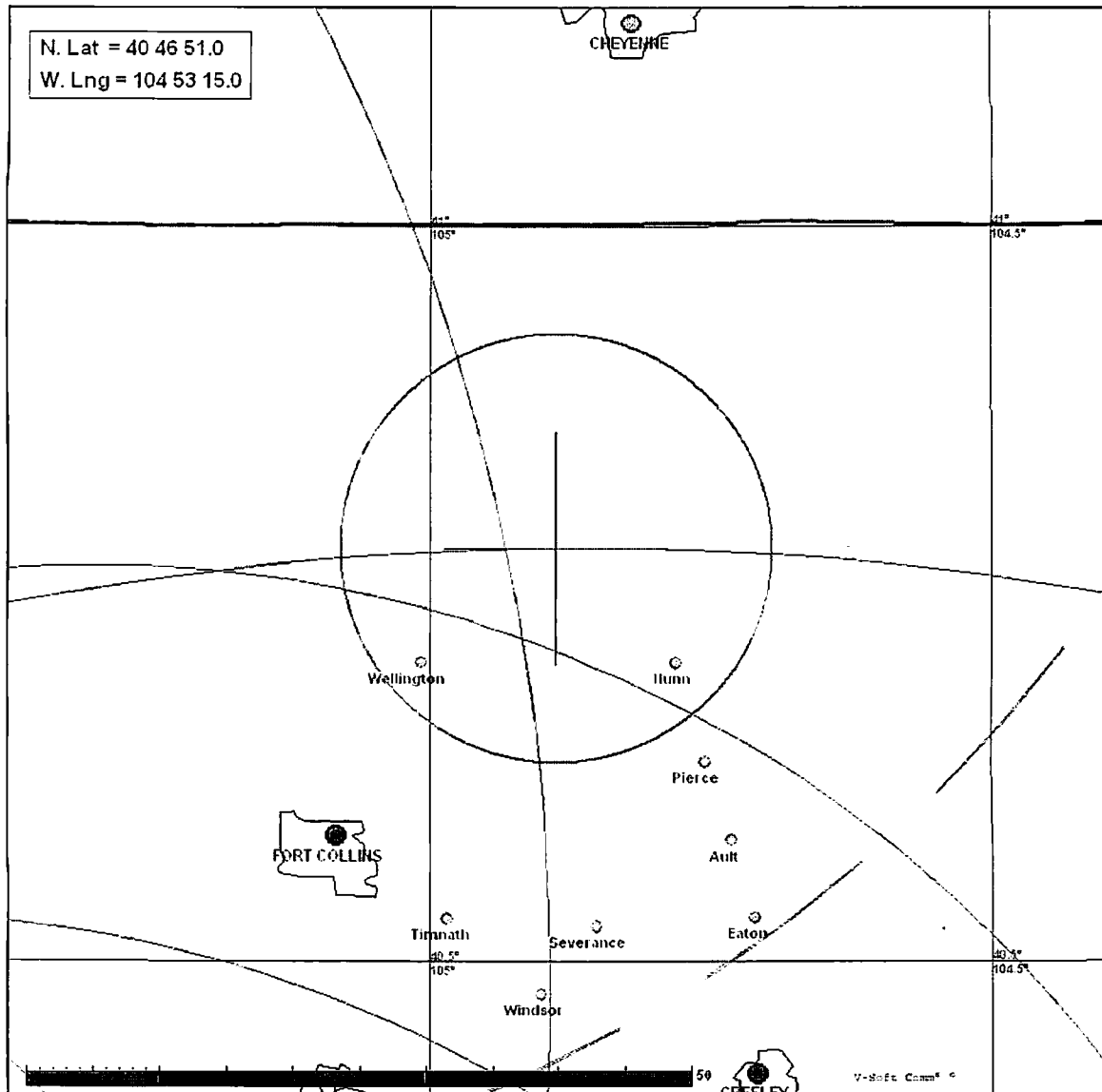
Appaloosa Broadcasting Company, Inc. certifies that it will reimburse the licensee of KCMI for all reasonable expenses incurred by the required change of channels by KCMI.

It should also be noted that the channel 286A could be allotted to substitute channel 247A at Wheatland at the same allotment point, if for some reason the commission determines that this channel does exist, see figure 3.

The new proposed operation by KIMX at Nunn is proposed from an existing tower site, tower registration number 1022979. Figure 5 shows the predicted coverage contours for the proposed KIMX. It shows that the required 70 dbu city grade contour will completely encompass the community of Nunn, Colorado.

CH 245 A 96.9 MHz

EXHIBIT E-1, FIG 1, CHANNEL SPACING STUDY, CH. 245A
PROPOSED SITE, KIMX NUNN, COLORADO

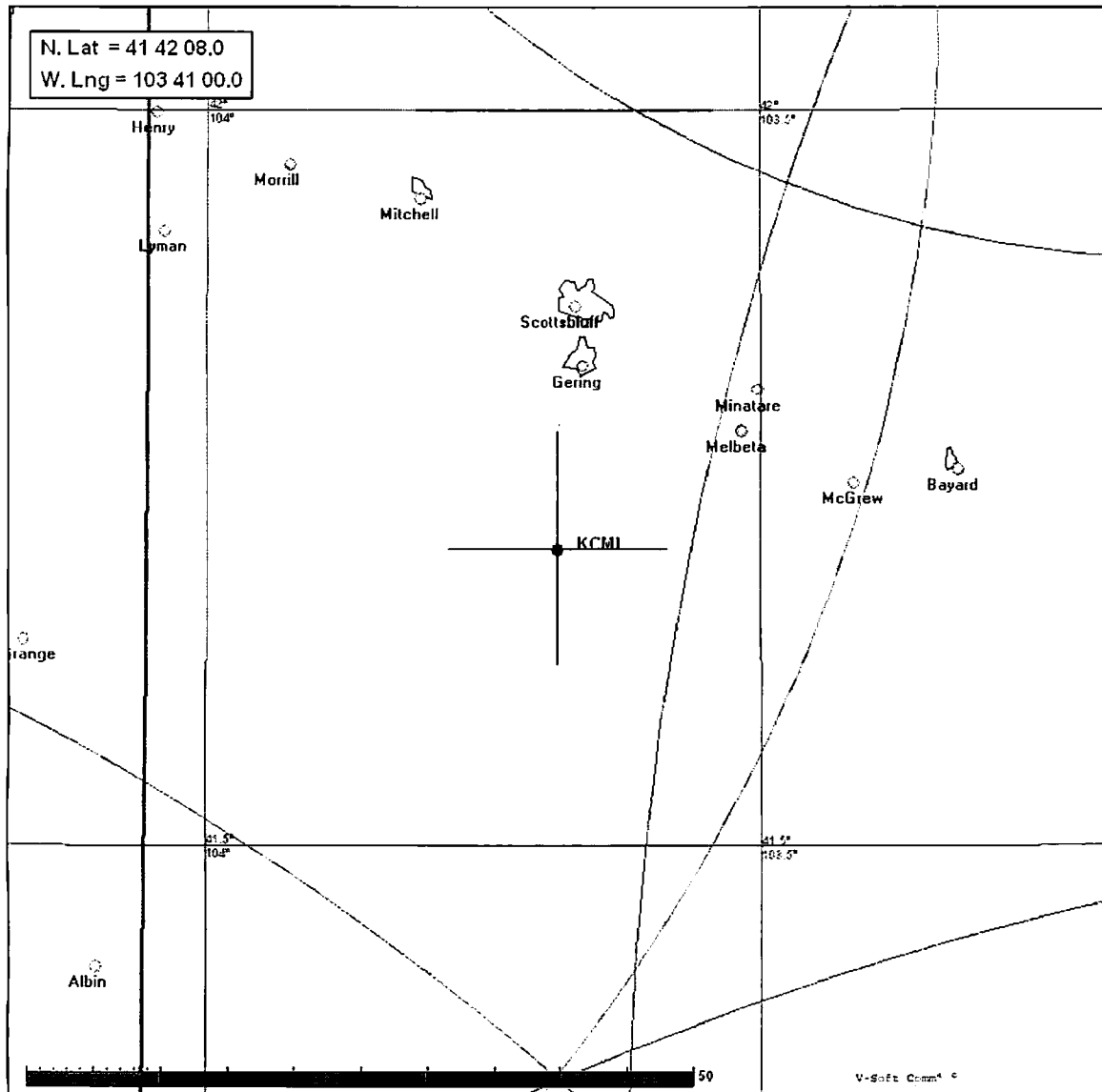


Data Date:01-27-07 Job Date:01-27-07

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
KCMI	245C1	LIC	Terrytown	NE	44.1	143.73	200.0	-56.27
KIMX	244C2	LIC N	Laramie	WY	320.4	73.03	106.0	-32.97
KIMX.C	244C2	CP N	Laramie	WY	320.5	73.17	106.0	-32.83
KCCY	245C	LIC	Pueblo	CO	179.4	226.01	226.0	0.01
KBCR-FM	245C2	LIC	Steamboat Spring	CO	258.6	169.72	166.0	3.72
KBCO-FM	247C	LIC-D	Boulder	CO	199.7	102.28	95.0	7.28
KXPK	243C	LIC	Evergreen	CO	202.7	132.78	95.0	37.78

CH 246 C1 97.1 MHz

EXHIBIT E-1, FIG 2, CHANNEL SPACING STUDY, CH. 246C1
KCMI TERRYTOWN, NE, AT ITS CURRENT TOWER SITE

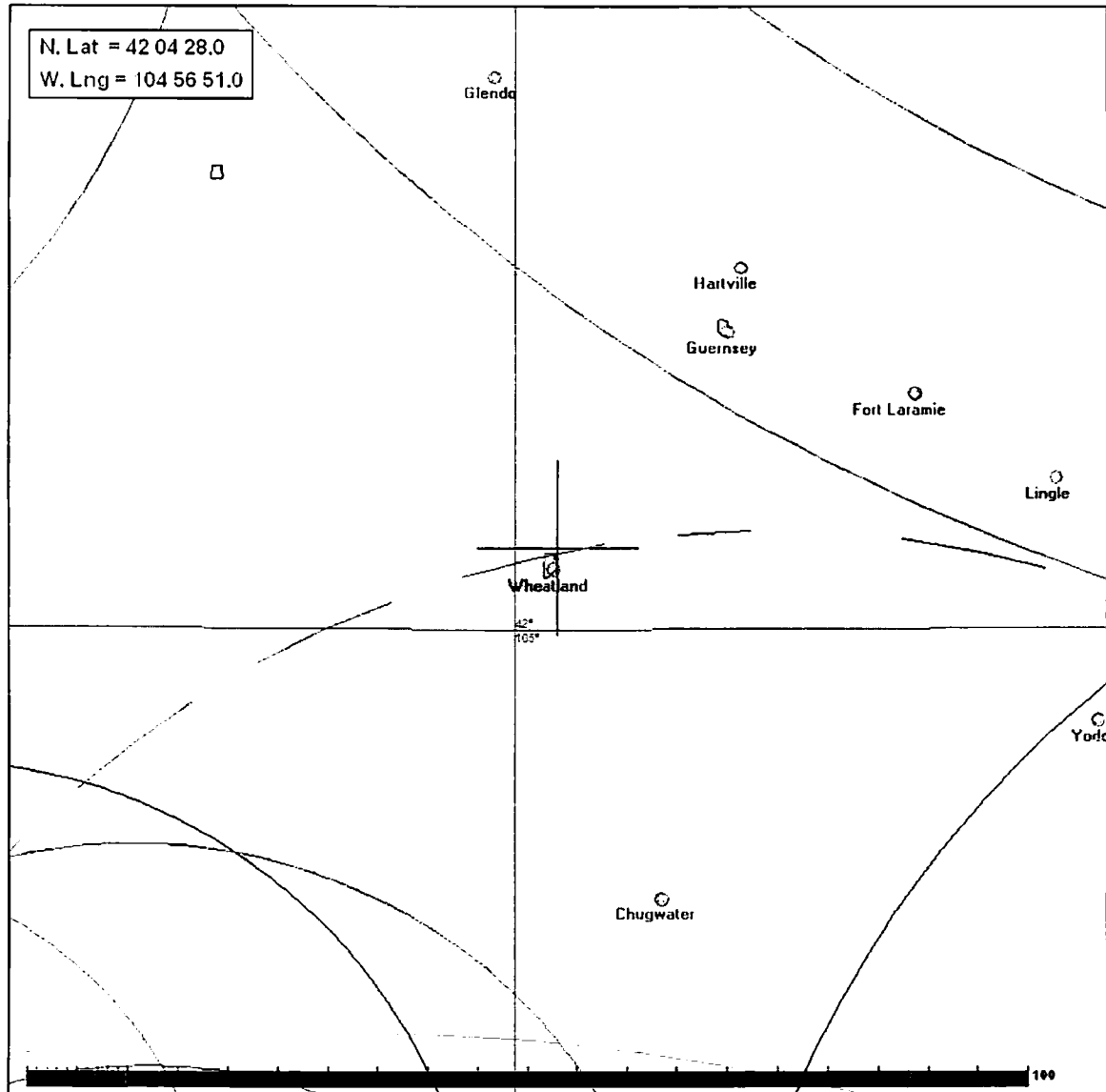


Data Date:01-27-07 Job Date:01-27-07

Call	CH#	Type	Location	Azi	D-KM	FCC	Margin
KCMI	245C1	LIC	Terrytown	NE	0.0	0.00	177.0 -177.00
AL4211	247A	VAC	Wheatland	WY	292.0	112.77	133.0 -20.23
KELN	246C1	LIC	North Platte	NE	100.7	254.86	245.0 9.86
KBCO-FM	247C	LIC-D	Boulder	CO	214.8	240.61	209.0 31.61
KQSK	248C1	LIC	Chadron	NE	24.5	114.15	82.0 32.15
AU7057916	246C1	VAC	Stratton	CO	159.9	282.39	245.0 37.39
RS8231	248C2	RSV	Sterling	CO	164.0	127.64	79.0 48.64
AP3269	248C3	APP	Sterling	CO	161.4	126.07	76.0 50.07
AP4048	248C3	APP	Sterling	CO	169.2	132.04	76.0 56.04
KJBL	243C1	RSV	Julesburg	CO	123.3	142.94	82.0 60.94
KJBL.A	243C1	APP	Julesburg	CO	123.3	142.94	82.0 60.94
AP8024	248C2	APP N	Sterling	CO	161.7	145.93	79.0 66.93
KJBL	243A	LIC	Julesburg	CO	123.3	142.94	75.0 67.94

CH 286 A 105.1 MHz

EXHIBIT E-1, FIGURE 3, CHANNEL SPACING STUDY, CH. 286A
ALLOTMENT POINT, SUBSTITUTE CHANNEL, WHEATLAND, WY



Data Date:01-27-07 Job Date:01-27-07

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
KRRR	285C2	LIC N	Cheyenne	WY	168.4	106.54	106.0	0.54
KAWK	286C1	LIC	Custer	SD	32.2	220.83	200.0	20.83
RDEL	283C2	DEL	Laramie	WY	210.4	78.69	55.0	23.69
KRQU	283C2	LIC	Laramie	WY	206.5	94.69	55.0	39.69
RADD	283C2	ADD	Laramie	WY	219.2	98.88	55.0	43.88
KREO	287A	LIC	Pine Bluffs	WY	137.9	117.37	72.0	45.37
RDEL	287A	DEL	Pine Bluffs	WY	137.9	117.37	72.0	45.37
RADD	287C2	ADD	Potter	NE	128.4	154.93	106.0	48.93
KXKL-FM	286C*	LIC	Denver	CO	184.7	275.67	226.0	49.67
AL5152	285C	RSV	Ellsworth Afb	SD	32.2	220.83	165.0	55.83
KTRS-FM	284C1	LIC	Casper	WY	304.2	134.32	75.0	59.32
KRQU.A	283C2	APP	Laramie	WY	200.9	114.73	55.0	59.73
KRQU.A	283C3	APP	Laramie	WY	225.8	105.65	42.0	63.65
KRQU	283C3	RSV	Laramie	WY	225.8	105.65	42.0	63.65
KHAD.C	288C2	CP	Mills	WY	304.0	134.30	55.0	79.30
KJAC	288C1	LIC N	Timnath	CO	191.2	164.90	75.0	89.90
AL4780	289C1	VAC	Edgemont	SD	23.4	178.15	75.0	103.15

Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
KMLD	233C	LIC	Casper	WY	303.3	135.59	29.0	106.59
KKQZ	232C3	LIC	Wellington	CO	187.4	128.36	12.0	116.36
NEW.C	287A	CP	Wright	WY	347.0	192.21	72.0	120.21
NEW.C	287A	CP	Wright	WY	347.0	192.21	72.0	120.21

(* indicates downgraded class C station)

Federal Communications Commission

DA 06-9

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

2005 JAN -9 P 5:02

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MB Docket No. 05-98
FM Broadcast Stations,	)	RM-11187
(Wheatland, Rock River, Lusk, Gillette,	)	RM-11252
Moorcroft, Pine Haven, Upton, Wyoming, and	)	RM-11253
Edgemont, Custer, Murdo, Wall and Ellsworth	)	
AFB, South Dakota) ¹	)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 4, 2006

Released: January 6, 2006

By the Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* issued at the request of Mitchell Beranek ("Petitioner"), proposing the allotment of Channel 298A at Wheatland, Wyoming, as its fourth FM commercial broadcast service.² Petitioner filed comments and reply comments. Keyhole Broadcasting, LLC, licensee of Station KXXL(FM), Gillette, Wyoming and Mount Rushmore Broadcasting, Inc., licensee of Station KAWK(FM), Custer, South Dakota (collectively "Joint Parties") filed jointly a counterproposal and reply comments. Kona Coast Radio, LLC, ("Kona Coast"), permittee of Station KVAN(FM), Rock River, Wyoming, filed a counterproposal and reply comments. Clear Channel Broadcasting Licenses, Inc. ("Clear Channel") filed reply comments.

2. **Background.** The *Notice* proposed the allotment of Channel 298A at Wheatland, Wyoming, as its fourth FM commercial broadcast service. Petitioner filed comments, reiterating its continued interest in the allocation of a new Class A channel allotment at Wheatland. Petitioner states that she would file the necessary application or participate in an auction to implement the proposed Wheatland allotment, if granted.

3. The Joint Parties filed a counterproposal requesting the allotment of Channel 289C1 at Edgemont, South Dakota, as its first local service. To accommodate the proposed Edgemont allotment, the Joint Parties request the reallocation of Channel 285C from Custer to Ellsworth AFB, South Dakota, as its first local service and modification of the Station KAWK(FM) license accordingly. To accommodate these proposals, the Joint Parties propose a series of channel substitutions at Upton, Wyoming, Moorcroft, Wyoming, Gillette, Wyoming, Wheatland, Wyoming, and Pine Haven, Wyoming; and Wall, South Dakota and Murdo, South Dakota.

4. Kona Coast filed a counterproposal requesting the substitution of Channel 242C1 for Channel 240A at Rock River, Wyoming and modification of the Station KVAN(FM) license accordingly. To

¹ Rock River, Lusk, Gillette, Moorcroft, Pine Haven, Upton, Wyoming, and Edgemont, Custer, Murdo, Wall and Ellsworth AFB, South Dakota have been added to the caption. See *Public Notice*, Report No. 2717, released June 24, 2005.

² *Wheatland, Wyoming*, 20 FCC Rcd 5252 (MB 2005).

accommodate this upgrade. Kona Coast proposes the substitution of Channel 247A for vacant Channel 298A at Wheatland, Wyoming; and substitution of Channel 299C for vacant Channel 242C at Lusk, Wyoming.

5. In response to the *Public Notice*, the Joint Parties filed reply comments proposing a "Universal Solution" that would eliminate the existing conflicts between the three proposals. Specifically, the Joint Parties proposes the substitution of Channel 299C for vacant Channel 288C at Wall, South Dakota, and the substitution of Channel 298A for vacant Channel 289A at Wheatland, Wyoming, to resolve the conflict with the Kona Coast counterproposal. Moreover, the Joint Parties requests the allotment of Channel 247A in lieu of Channel 298A at Wheatland to eliminate the mutually exclusivity with the *Notice's* proposal.

6. **Discussion.** The Kona Coast counterproposal is technically defective pursuant to Section 73.315 of the Commission's rules with respect to the proposed Channel 299C substitution at Lusk. Specifically, there is a major obstruction in the direction toward the community, which prevents the proposed 70 dBu contour from providing one hundred percent 70 dBu coverage to Lusk. Additionally, the proposed Lusk channel substitution violates Section 73.208(a)(1) of the Commission's rules because Channel 299C is short-spaced to the licensed site of Station KRVK, Channel 300C, Midwest, Wyoming.³ We recognize that Station KRVK has a pending application to specify operation as a Class C1 facility at Midwest to which the proposed Channel 299C at Lusk protects.⁴ However, the proposed Lusk channel substitution must protect the licensed site of Station KRVK as a Class C facility until the outstanding Class C1 construction permit is granted, and licensed at Midwest.⁵ As a result, the Kona Coast counterproposal is contingent on the licensing of Station KRVK as a Class C1 facility. Counterproposals must be capable of being effectuated at the time they are granted and cannot be contingent upon future actions by third parties.⁶ Accordingly, the Kona Coast counterproposal is dismissed.

7. The Joint Parties counterproposal conflicts with the *Notice's* proposal to allot Channel 298A at Wheatland, Wyoming, as its fourth FM commercial broadcast service. A review of the proposals indicates that both proposals serve the public interest. Generally, conflicting proposals are compared under our policy set forth in *Revision of FM Assignment Policies and Procedures* in instances where no alternative channels are available to eliminate the conflict.⁷ In this instance, no comparison is needed because we are adopting the Joint Parties' Universal Solution by allotting alternate Channel 247A at Wheatland, as its fourth FM commercial broadcast service, which requires a site restriction of 2.3 kilometers (1.4 miles) north at reference coordinates 42-04-28 NL and 104-56-51 WL.

8. Accordingly, we are allotting Channel 289C1 at Edgemont, South Dakota, as its first local service.⁸ To accommodate this allotment, we are substituting Channel 283C1 for vacant Channel 290C1

³ See File No. BLH-20011018AFC.

⁴ See File No. BPH-20030602ACU.

⁵ *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413(1989), see also 47 C.F.R. § 73.208(a)(1).

⁶ See *Cloverdale, Montgomery and Warrior, Alabama*, 12 FCC Rcd 2090 (MMB 1997), see also *Cut and Shoot, Texas*, 11 FCC Rcd 16383 (MMB 1996).

⁷ 90 FCC 2d 88, 91 (1988). The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3)].

⁸ Edgemont is an incorporated community located in Fall River County with a 2000 U.S. Census with a population of 867 persons. Edgemont has its own mayor, Mark Hollenback. The community has its own zip code (57735), chamber of commerce, public library, medical clinic, elementary school and school district, theatre company (the Edgemont Theatre Company, golf and racquet club, two churches (Edgemont Baptist Church and Assembly of (continued....)

and Channel 228A for vacant Channel 283A at Upton, Wyoming. Moreover, we are substituting Channel 291A for Channel 228A at Moorcroft, Wyoming and modifying the authorization for this allotment, File No. BPH-20050103AGC accordingly. In addition, we are substituting Channel 260C2 for Channel 280C2 at Gillette, Wyoming and modifying the FM Station KXXL license accordingly;⁹ substituting Channel 256A for vacant Channel 260A at Pine Haven, Wyoming; substituting Channel 299C for vacant Channel 288C at Wall, South Dakota and substituting Channel 298A for vacant Channel 289A at Wheatland, Wyoming. Additionally, to accommodate the Edgemont allotment, we are substituting Channel 285C for Channel 286C1 at Custer, South Dakota, reallocating Channel 285C from Custer to Ellsworth AFB, South Dakota, as its first local service and modifying the Station KAWK(FM) license accordingly. To facilitate the Ellsworth AFB reallocation, we are substituting Channel 283A for Channel 285A at Murdo, South Dakota; and modifying the authorization for this allotment, File No. BSFH-20040806AID to reflect this change.¹⁰ The affected permittees and licensees have consented to the channel substitutions for their respective stations. The Joint Parties states that they will reimburse the affected permittees and licensees consistent with the *Circleville* policy.¹¹

9. A staff engineering analysis determines that Channel 289C1 can be allotted to Edgemont in compliance with the Commission's rules provided there is a site restriction of 33.3 kilometers (20.7 miles) northwest of Edgemont at coordinates 43-32-32 NL and 104-04-12 WL. Moreover, Channel 283C1 and Channel 228A can both be allotted to Upton in compliance with the Commission's rules provided there is a site restriction of 8.5 kilometers (5.3 miles) northwest of Upton at coordinates 44-08-58 NL and 104-42-28 WL. Channel 291A can be allotted to Moorcroft at the New Station current authorized site in compliance with the Commission's rules at coordinates 44-16-15 NL and 104-56-00 WL, which requires a site restriction of 1.6 kilometers (1.0 miles) northeast of Moorcroft. Channel 260C2 can be allotted to Gillette at the current licensed site of FM Station KXXL in compliance with the Commission's rules at coordinates 44-13-50 NL and 105-27-45 WL, which requires a site restriction of 7.4 kilometers (4.6 miles) southeast of Gillette. Channel 256A can be allotted to Pine Haven in compliance with the Commission's rules at city reference coordinates 44-21-28 NL and 104-48-36 WL. Channel 299C can be allotted to Wall in compliance with the Commission's rules provided there is a site restriction of 1.9 kilometers (1.2 miles) east of Wall at coordinates 43-59-47 NL and 102-13-07 WL. Channel 298A can be allotted to Wheatland in compliance with the Commission's rules at city reference coordinates 42-03-16 NL and 104-57-08 WL. Additionally, Channel 285C can be allotted to Ellsworth AFB at the current licensed site of Station KAWK(FM) in compliance with the Commission's rules at coordinates 43-44-41 NL and 103-28-52 WL, which requires a site restriction of 55 kilometers (34.2 miles) southwest of Ellsworth AFB. Lastly, Channel 283A can be allotted to Murdo at the New Station current authorized site in compliance with the Commission's rules at coordinates 43-53-24 NL and 100-43-06 WL, which requires a site restriction of 0.5 kilometers (0.3 miles) west of Murdo.

(...continued from previous page)

God), municipal airport and a number of businesses, containing Edgemont in their title, such as, Edgemont Community Grocery, Edgemont City Shop, Ranchers Fee-Edgemont and Edgemont Memorial Clinic.

⁹ We note that the FM Table of Allotments reflects Channel 282A at Gillette, Wyoming. In this regard, in MM Docket No. 00-186, Channel 282A was substituted for vacant Channel 249A at Gillette. See *Rapid City, South Dakota and Gillette, Wyoming*, 16 FCC Rcd 825 (MMB 2001). During the pendency of this proceeding, Station KXXL was granted a construction permit for Channel 249A at Gillette contingent on the outcome of MM Docket No. 00-186. See File No. BPH-19970911M7. On October 6, 2004, Station KXXL was granted a license to specify operation on Channel 280C2 at Gillette, Wyoming. See File No. BLH-20031024AAL. Accordingly, we

¹⁰ College Creek Broadcasting, Inc. currently has a pending application requesting to upgrade to C0 facilities on Channel 283 at Murdo. See File No. BNPH-20041230ACQ. In the event that this application is granted, the applicant is required to specify operation on Channel 285C0 at Murdo.

¹¹ *Circleville, Ohio*, 8 FCC 2d 159 (1967).

10. We modify the Station KAWK(FM) license to specify Ellsworth AFB as the community of license pursuant to Section 1.420(i) of the Commission's rules, which permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest in the proposed allotment.¹² In this instance, the reallocation of Channel 285C at Ellsworth AFB, South Dakota is mutually exclusive with the licensed site of Station KAWK(FM), Channel 286C1, Custer, South Dakota.

11. When considering a reallocation proposal, a comparison is made between the existing allotment and the proposed allotment using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.¹³ In this instance, the reallocation will provide Ellsworth AFB with a first local service, priority (3). Custer will continue to receive local operational service from AM Station KFCR, priority (4). Moreover, the reallocation for Station KAWK(FM) results in a net gain of service to 26,870 persons. In this regard, the reallocation will provide a new service to eleven persons currently receiving one service; 117 persons currently receiving two services; 294 persons currently receiving three services; and 253 persons currently receiving four services, while the loss area contains an unpopulated area of 62 kilometers receiving two services; 178 persons receiving three services; and 1,419 persons receiving four services. In this instance, these loss area populations do not preclude favorable action on this proposal.¹⁴ Based on the foregoing, the Ellsworth AFB reallocation results in a preferential arrangement of allotments under priority (3) consideration.

12. The Ellsworth AFB reallocation requires no change in transmitter site for Station KAWK(FM). As such, the 70 dbu contour will continue to cover a hundred percent of the Rapid City, South Dakota Urbanized Area. Generally, we consider the extent the station will provide service to the entire Urbanized Area, the relative populations of the suburban and central city, and, most importantly, independence of the suburban community. In making this determination, we apply existing precedent.¹⁵ In this instance, a *Tuck* showing is unwarranted because Station KAWK(FM) currently covers hundred percent of the Rapid City, South Dakota Urbanized Area.¹⁶ However, the Joint Parties submitted a *Tuck* showing. As such, we concluded that this *Tuck* submission sufficiently demonstrates that Ellsworth AFB is independent of the Rapid City, South Dakota Urbanized Area. Thus, warranting consideration as a first local preference under the provisions of *Tuck*.

13. In this *Report and Order* we are substituting several vacant channels that appear in FM Auction No. 62, currently scheduled for January 12, 2006. Accordingly, the auction winner for each of these several modified allotments must file a construction permit application specifying the following channels: Channel 283C1 instead of vacant Channel 290C1 at Upton, Wyoming (Construction Permit FM166); Channel 228A instead of vacant Channel 283A at Upton Wyoming (Construction Permit FM165); Channel 256A instead of vacant Channel 260A at Pine Haven, Wyoming (Construction Permit FM161); and Channel 298A instead of vacant Channel 289A at Wheatland, Wyoming (Construction Permit FM169).

¹² See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989) ("Change of Community R&O"), recon. granted in part, 5 FCC Rcd 7394 (1990).

¹³ *Id.* note 14.

¹⁴ See *Earle, Pocohantas and Wilson, Arkansas, Como and New Albany, Mississippi*, 10 FCC Rcd 8270 (MMB 1995); *Huntsville and Willis, Texas*, 10 FCC Rcd 3329 (MMB 1995); see also *Seabrook, Huntsville, Bryan, Victoria, Kennedy, and George West, Texas*, 10 FCC Rcd 9360 (MMB 1995).

¹⁵ See *Huntington Broadcasting Co. v. FCC*, 192 F. 2d 33 (D.C. Cir. 1951); *RKO General*, 5 FCC Rcd 3222 (1990); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998) ("*Tuck*").

¹⁶ See *Jackson and Madison, Mississippi*, 20 FCC Rcd 12147 (MB 2005); see also *East Lost Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd 2864 (MMB 1995).

14. 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).

15. 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 February 21, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Custer, South Dakota	-----
Edgemont, South Dakota	289C1
Ellsworth AFB, South Dakota	285C
Gillette, Wyoming	245C1, 260C2, 264C1
Moorcroft, Wyoming	291A
Murdo, South Dakota	283A
Pine Haven, Wyoming	256A
Upton, Wyoming	228A, 283C1
Wall, South Dakota	299C
Wheatland, Wyoming	247A, 269A, 293C1, 298A

19. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the authorization of College Creek Broadcasting, Inc. for New Station, Channel 285A, Murdo, South Dakota, IS MODIFIED to specify operation on Channel 283A at Murdo, South Dakota, subject to the following conditions:

(a) Within 90 days of the effective date of the *Order*, the permittee of New Station shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

20. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the authorization of Family Voice Communications, LLC for New Station, Channel 228A, Moorcroft, Wyoming, IS MODIFIED to specify operation on Channel 291A at Moorcroft, Wyoming, subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the permittee of New Station shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and
- (c) 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

21. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the license of Keyhole Broadcasting, LLC for FM Station KXXL, Channel 280C2, Gillette, Wyoming, IS MODIFIED to specify operation on Channel 260C2 at Gillette, Wyoming subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of FM Station KXXL shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and
- (c) 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

22. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the license of Mt. Rushmore Broadcasting, Inc. for Station KAWK(FM), Channel 286C1, Custer, South Dakota, IS MODIFIED to specify operation on Channel 285C at Ellsworth AFB subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of Station KAWK(FM) shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and
- (c) 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 47 C.F.R. Section 1.1307.

unless the proposed facilities are categorically excluded from environmental processing.

23. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (3)(l) of the Commission's rules, Mt. Rushmore Broadcasting, Inc., licensee of Station KAWK(FM), Channel 286C1, Custer, South Dakota, is required to submit a rulemaking fee in addition to the fee required for the application to effectuate the community of license for Station KAWK(FM) to specify operation on Channel 285C at Ellsworth AFB, South Dakota at the time its Form 301 application is submitted.

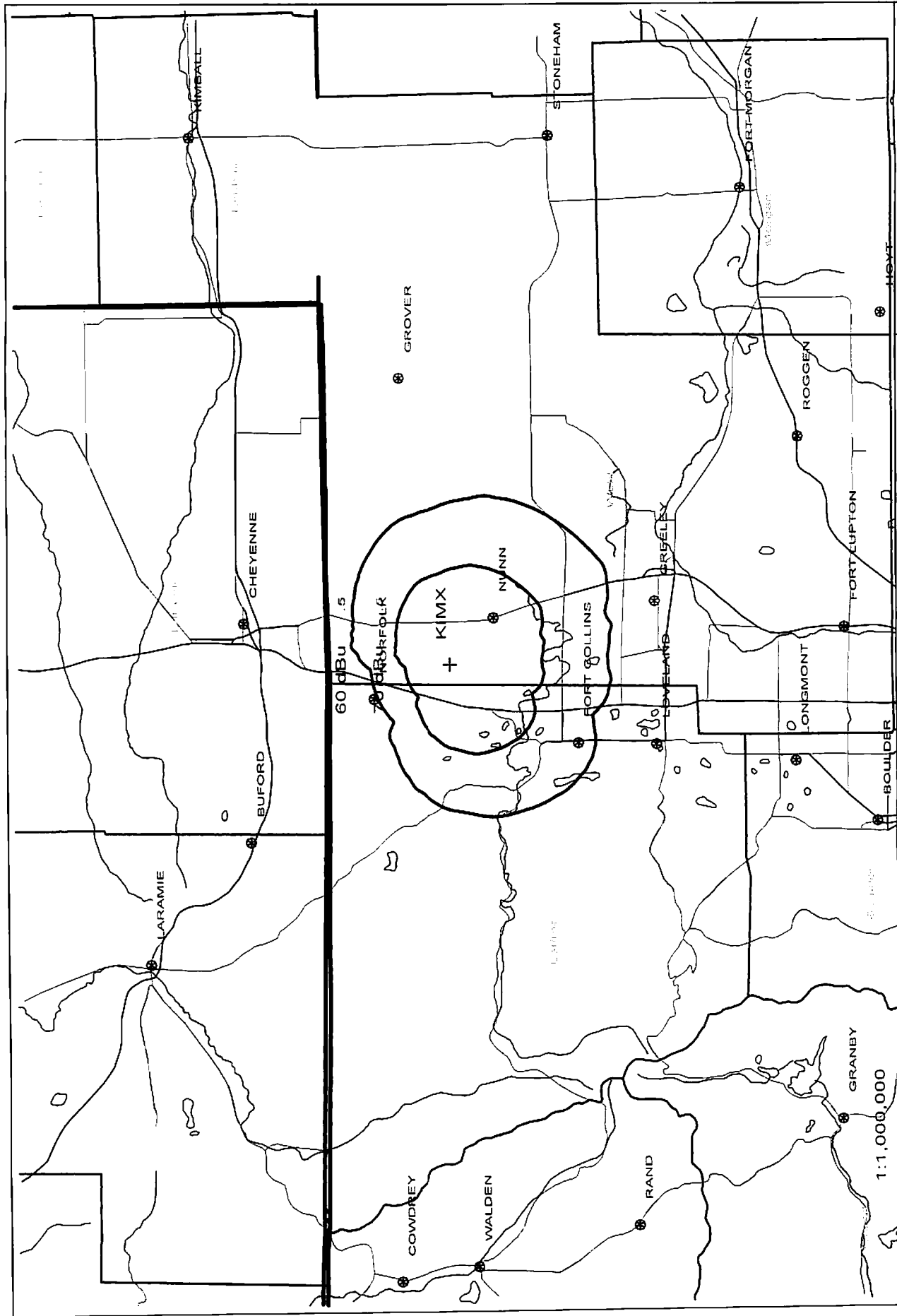
24. The window period for filing applications for Channel 247A at Wheatland, Wyoming and Channel 289C1 at Edgemont, South Dakota will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

25. IS FURTHER ORDERED. That the aforementioned proceeding IS TERMINATED.

26. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau



<p>KIMX EXHIBIT E-1, FIG 5, KIMX Num, CO, Predicted Contours</p> <p>- 01/07</p>	<p>KIMX 245A 6kW 1761M AMSL</p> <p>N. Lat. 40 46 51 W. Lng. 104 53 15</p>	<p>Scale in km</p> <p>0 10 20 30 40 50 60 70</p> <p>1:1,000,000</p>
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