

Channel 237C2. Custer County Broadcasting Co., Inc. the owner of Station KBBN-FM, has consented to the channel change at Broken Bow. Channel 253C1 can be allotted to Maxwell in compliance with the Commission's minimum distance separation requirements at center city coordinates with no site restriction. The coordinates for Channel 253C1 at Maxwell are 41-04-44 North Latitude and 100-31-28 West Longitude. The coordinates for Channel 237C2 at Broken Bow are 41-23-49 North Latitude and 99-37-02 West Longitude, with a site restriction of 1.91 km (1.2 miles) east of Broken Bow. See **SUPPLEMENTARY INFORMATION** *infra*.

**DATES:** Comments must be filed on or before September 7, 2004, and reply comments on or before September 21, 2004.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve counsel for the petitioner and counsel for Custer County Broadcasting Co., Inc., the owner of Station KBBN-FM, Broken Bow, Nebraska, as follows: Jason Roberts, Esq., Irwin, Campbell, & Tannenwald, P.C., 1730 Rhode Island Avenue, NW—Suite 200, Washington, DC 20036-3101; Peter Gutmann, Esq., Womble, Carlyle, Sandridge, & Rice, PLLC, 1401 Eye Street, NW., Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Deborah A. Dupont, Media Bureau (202) 418-7072.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Further Notice of Proposed Rule Making, MB Docket No. 04-203, adopted July 14, 2004 and released July 16, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, (800) 378-3160, or via the company's Web site, <http://www.bcpweb.com>.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings,

such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

##### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 252C3 and adding Channel 237C2 at Broken Bow, by adding Maxwell, Channel 253C1, and by removing Channel 253C1 at McCook.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 04-2129; MB Docket No. 04-258; RM-11000]

##### Radio Broadcasting Services; Levan and Richfield, UT

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by Micro Communications, Inc., licensee of Station KCFM (FM), Levan, Utah, proposing the substitution of Channel 229C for Channel 244C at Levan and the substitution of Channel 244C for Channel 229C at Richfield, Utah, and the modification of the license for Stations KCFM (FM) and KCYQ (FM) to reflect the changes. Mid-Utah Radio, Inc., licensee of KCYQ (FM), Richfield, Utah, is ordered to show cause why its license should not be modified to reflect Channel 244C in lieu of Channel 229C. The coordinates for Channel 229C at Levan are 39-33-31 NL and 111-51-40 WL. The

coordinates for Channel 244C at Richfield are 39-19-17NL and 111-46-11 WL.

**DATES:** Comments must be filed on or before September 13, 2004, and reply comments on or before September 28, 2004.

**ADDRESSES:** Secretary, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the Petitioner as follows: Peter Gutmann, Esq., Womble, Carlyle, Sandridge, & Rice, PLLC, 1401 I Street, NW., Seventh Floor, Washington, DC 20005.

**FOR FURTHER INFORMATION CONTACT:** Victoria McCauley, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 04-258, adopted July 14, 2004, and released July 20, 2004. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 1-800-378-3160 or <http://www.BCPIWEB.com>.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Utah, is amended by removing Channel 244C and adding

Channel 229C at Levan and by removing Channel 229C and adding Channel 244C at Richfield.

Federal Communications Commission.

**John A. Karousos,**

*Assistant Chief, Audio Division, Media Bureau.*

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