

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

In the Matter of)	
)	
Reclassification of License of)	RM-10567
Station KJEL(FM))	
Lebanon, Missouri)	

ORDER TO SHOW CAUSE

Adopted: September 4, 2002

Released: September 20, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a petition for rule making filed by Four Him Enterprises, L.L.C. ("Four Him"), licensee of Station KHCR(FM), Channel 249C3, Potosi, Missouri, seeking to amend the FM Table of Allotments by substituting Channel 249C2 for Channel 249C3 in Potosi, Missouri. Four Him also requests other channel substitutions to accommodate the upgrade of Station KHCR from Channel 249C3 to Channel 249C2. Since the upgrade will cause a short spacing to Channel 248A at Station KDAA(FM), Rolla, Missouri, Four Him requests the substitution of Channel 276A for Channel 248A at Rolla. The foregoing change will result in short spacings to two other facilities: a vacant allotment on Channel 276A in Linn, Missouri, and Station KJEL(FM), Channel 279C, Lebanon, Missouri. Four Him requests that the short spacing to Channel 276A in Linn be eliminated by substituting Channel 248A for Channel 276A in Linn, noting that this substitution may be made at the present reference coordinates for the Channel 276A allotment. Four Him claims that, in order to meet spacing requirements to Station KJEL(FM), that station must be reclassified as a Class CO facility. Four Him notes that Station KJEL presently operates on Channel 279C with an effective radiated power of 100 kilowatts at 300 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of 451 meters HAAT. It asserts that because Station KJEL is operating below minimum Class C standards, it is subject to reclassification as a Class CO facility pursuant to the triggering procedures adopted recently by the Commission¹ and outlined in note 2 to Section 1.420(g) and note 4 to Section 73.3573 of the Commission's Rules. Four Him states that if KJEL operates as a Class CO facility, any short-spacing between Station KJEL and the proposed use of Channel 276A at the present Station KDAA site would be eliminated. For the reasons discussed below, we are issuing this *Order To Show Cause* directed to Ozark Broadcasting, Inc., the licensee of Station KJEL(FM), Lebanon, Missouri.

2. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, the reclassification of a Class C FM station to a Class CO station may be initiated through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a notice of proposed rule making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this *Order to Show Cause*

¹ See *Second and Report and Order in 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 15 FCC Rcd 21649 (2000).

directed to Ozark Broadcasting, Inc. to show cause why its Station KJEL(FM) license should not be modified to specify operation on Channel 279CO in lieu of Channel 279C at Lebanon, Missouri. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.² In this instance, the reclassification of Station KJEL(FM) as a Class C0 station at Lebanon, Missouri, will accommodate the channel substitutions proposed by Four Him to allow the upgrade of Station KHCR(FM) from Channel 249C3 to 249C2.. We consider these changes in channels proposed by Four Him to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station KJEL(FM) license at Lebanon can be modified to allow the reclassification of Channel 279C to Channel 279CO at its currently authorized transmitter site.³

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Ozark Broadcasting, Inc., licensee of Station KJEL(FM), Lebanon, Missouri, SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 279C0, Lebanon, Missouri.

5. Pursuant to Section 1.87 of the Commission's Rules, Ozark Broadcasting, Inc. may, no later than October 21, 2002, file a written statement showing with particularity why its construction permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. 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, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Ozark Broadcasting, Inc.
P.O. Box 430
Moberly, Missouri 65270

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

³ The reference coordinates for Channel 279C0 at Lebanon are 37-41-06 NL and 92-41-40 WL.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Media Bureau