

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-128
Table of Allotments,) RM-9308
FM Broadcast Stations.) RM-9385
(Crystal Falls and)
Republic, Michigan)¹)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 31, 2000

Released: June 9, 2000

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Results Broadcasting of Iron Mountain, Inc. (“Results”), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 13332 (1998), requesting the allotment of Channel 244A at Crystal Falls, Michigan, as that community’s second FM broadcast service. Results filed supporting comments. Crystal Radio Company (“Crystal Radio”) filed a counterproposal² and an Errata to its counterproposal.³

2. As stated in the Notice, Results proposed the allotment of Channel 244A at Crystal Falls, Michigan, as that community’s second FM broadcast station. Crystal Falls is incorporated and listed in the 1990 U.S. Census with a population of 1,922 people.

3. Crystal Radio submitted a counterproposal requesting the allotment of Channel 244A at Republic, Michigan, as a first local service. Crystal Radio believes that providing a first local service at Republic would better serve the public interest than granting Results’ proposal for a second FM service at Crystal Falls. Crystal Radio states that Republic clearly qualifies as a community for allotment purposes. According to Crystal Radio, Republic has a population of 1,100 people, is governed by a five-person Board of Directors, has its own town hall and community center, police, fire and water departments, post office, library, school, as well as numerous local businesses and churches. Crystal Radio requests that the Commission allot Channel 244A at Republic, Michigan, dismissing the proposal filed by Results for an allotment at Crystal Falls.

¹ The community of Republic, Michigan, has been added to the caption.

² The counterproposal filed by Crystal Radio was put on public notice on November 3, 1998, Report No. 2304 (RM-9383).

³ Crystal Radio filed an Errata to its counterproposal stating that it intended to propose the allotment of Channel 244C3 rather than Channel 244A at Republic. Inasmuch as Crystal Radio submitted its Channel 244C3 proposal after the comment date in this proceeding, it is untimely and will not be considered.

4. Conflicting proposals, such as have been filed in this proceeding, are generally considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d (1982).⁴ However, in this instance, since an additional channel is available, there is no need to compare the two communities. Therefore, after consideration of the information filed in this proceeding, we believe the public interest would be served by the allotment of FM channels at Crystal Falls and Republic, Michigan, providing a new service at both communities. Channel 235A can be allotted to Crystal Falls, Michigan, in compliance with the Commission's spacing requirements with a site restriction 7.4 kilometers (4.6 miles) north of the community.⁵ Channel 244A can be allotted to Republic, Michigan, in compliance with the spacing requirements with a site restriction 11.5 kilometers (7.2 miles) west of the community.⁶ Since the communities of Crystal Falls and Republic are located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government has been obtained for both allotments.⁷

5. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective July 24, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Crystal Falls, Michigan	235A, 264C1
Republic, Michigan	244A

6. A filing window for Channel 235A at Crystal Falls and Channel 244A at Republic, Michigan, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

⁴ The priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight given to priorities (2) and (3).]

⁵ The coordinates for Channel 235A at Crystal Falls are 46-09-05 and 88-22-01.

⁶ The coordinates for Channel 244A at Republic are 46-26-09 and 88-07-12.

⁷ Concurrence has been received for Channel 244A at Republic. Although concurrence has been requested for Channel 235A at Crystal Falls, notification has not been received. Therefore, operation with the facilities specified for Crystal Falls herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement or if specifically objected to by Canada.

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

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 235A at Crystal Falls and Channel 244A at Republic, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau