

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-349
Table of Allotments,) RM-9766
FM Broadcast Stations.)
(Hemet, California))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 7, 2000

Released: June 16, 2000

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making (“Notice”), (DA 99-2759), released December 10, 1999, issued in response to a petition for rule making filed on behalf of Arana Productions (“petitioner”), proposing the allotment of Channel 273A to Hemet, California, as that community’s second local FM transmission service. Petitioner filed supporting and reply comments in response to the Notice. Supporting comments were also filed by Lazer Broadcasting Corp. (“Lazer”), stating its intention to apply for Channel 273A if it is allotted to Hemet, as proposed. No other comments were received.
2. In light of the interest expressed in providing an additional local FM transmission service to Hemet, California, we will allot Channel 273A to that community, as requested.
3. As stated in the Notice, Channel 273A can be allotted to Hemet consistent with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission’s Rules, provided the transmitter therefor is located at least 1.5 kilometers (.95 miles) west of the community at coordinates 33-44-41 NL and 116-59-13 WL.¹ Additionally, as Hemet is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government in this allotment is required, but has not been received. However, our engineering analysis has determined that proposed Channel 273A at Hemet appears to comply with the terms of the 1992 USA Mexico FM Broadcast Agreement² and therefore we shall grant the proposal with the following interim condition:

“Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing if found by the Commission to be necessary in order to conform to the 1992 USA-

¹ The site restriction is required to avoid a short-spacing to Station KJJZ, Channel 272A, Indio, California, at coordinates 33-52-14 NL and 116-13-39 WL.

² As stated in the Notice, Channel 273A will be limited to 5.4 kW ERP and 100m HAAT, or the equivalent, along the 180.1° azimuth toward Station KHUAN-FM, Channel 273B, Tijuana, Mexico, which is also limited.

Mexico FM Broadcast Agreement.”³

4. 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 31, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Hemet, California, as follows:

<u>City</u>	<u>Channel No.</u>
Hemet, California	273A, 289A

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

6. A filing window for Channel 273A at Hemet, California, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent Order.

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 273A at Hemet, California, 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

³ The announced condition is a temporary stipulation. Once an official response from the Mexican government has been received, the referenced condition may be eliminated.