

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-118
Table of Allotments,) RM-9549
FM Broadcast Stations.)
(Logandale, Nevada))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 27, 2000

Released: February 1, 2000

By the Chief, Allocations Branch:

1. At the request of Mountain West Broadcasting ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 6308 (1999), proposing the allotment of Channel 291C1 to Logandale, Nevada, as its first local aural service. Comments were filed by the petitioner and by Hodson Broadcasting ("Hodson").¹ No other comments were received.

2. The Notice requested that the petitioner provide specific information to demonstrate that Logandale has the social, economic and governmental indicia to qualify it as a community for allotment purposes. As stated in the Notice:

"Petitioner states that Logandale is located in Clark County and has a population of 500 persons according to the 1999 Rand McNally Road Atlas. However, since Logandale is not listed in the 1990 U.S. Census, petitioner must demonstrate its community status. This may be proven by the testimony of local residents or by objective or subjective evidence indicating the existence of a community. . .Some examples of objective indications of community status include the existence of political, social, economic, commercial, cultural or religious organizations and services in the Commission. . .Petitioner is requested to provide additional information regarding the attributes of Logandale, Nevada, consistent with the above guidelines."

¹ Hodson, at the time it submitted its comments, had before the Commission a petition for rule making seeking the allotment of Channel 291A to Tecopa, California, as the community's first local aural service. See, MM Docket 99-46, 14 FCC Rcd 2829 (1999). It objects to the Logandale allotment, stating that it is short-spaced to the transmitter site which it desires to use if Channel 291A is allotted to Tecopa as well as interfering with its "immediate intentions" to upgrade Tecopa's allocation to a Class B1. In light of the action taken herein, these comments are moot. However, we would like to point out that the coordinates proposed for Channel 291C1 at Logandale do not conflict with the coordinates for the Channel 291A allotment at Tecopa, both as proposed and actually allotted. See, 14 FCC Rcd 11595 (1999).

In response, petitioner states that Logandale has its own post office and zip code, three public schools (elementary, middle and high), a volunteer fire department, two churches, a town market and a gas station. In addition, it states that the town is home to the local area water company.

3. Based on the evidence submitted by the petitioner, we believe that it has failed to establish that Logandale is a community for allotment purposes and therefore would not serve the public interest to allot the requested channel. While the petitioner states that Logandale has a post office, three public schools, volunteer fire department, churches, a town market and gas station, it has not specifically identified these entities with addresses or shown that they are intended to serve the residents of Logandale, as opposed to a surrounding area. This is a critical deficiency since we have previously rejected claims of community status where a nexus has not been shown between the political, social and commercial organizations and the community in question. See, Broadview, Montana, 14 FCC Rcd 14101 (1999), Avon, North Carolina, 14 FCC Rcd 3939 (1999), and Pleasant Dale, Nebraska, 14 FCC Rcd 18893 (1999). We have determined that Logandale has a post office, with no residential delivery service but post box service only. However, as the Commission has previously held, the existence of a post office is insufficient, by itself to demonstrate that a place is a community for allotment purposes. Further, we have been unable to confirm that it has any schools or fire department. Therefore, we find that the record in this proceeding is insufficient to find that Logandale is a "community" for allotment purposes and will not allot the requested channel.

4. Accordingly, IT IS ORDERED, That the petition for rule making filed by Mountain West Broadcasting (RM-9549) IS DENIED.

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

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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