

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
)	
(Sawpit, Colorado))	MM Docket No. 99-108
)	RM-9511
)	
(Thermal, California))	MM Docket No. 99-112
)	RM-9540
)	
(Congress, Arizona))	MM Docket No. 99-147
)	RM-9555

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 27, 2000

Released: February 4, 2000

By the Chief, Allocations Branch:

1. The Commission has before it multiple docket Notice of Proposed Rule Makings setting forth separate proposals to allot FM channels to specific communities. Each proposal received a separate docket and rule making number. In regard to these proposals, we received supporting and/or opposing comments. Although consolidated, these dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition. For the reasons set forth below, we believe that each proposal set forth below would not serve the public interest and accordingly deny each, as follows:

(1) MM Docket No. 99-108; RM-9511; 14 FCC Rcd 4567 (1999)

Action: Mountain West Broadcasting requested the allotment of Channel 256C3 to Sawpit, Colorado, (pop. 36), as that locality's first local aural transmission service. As Sawpit is not incorporated or listed in the U.S. Census as a Census Designated Place ("CDP"), petitioner was requested to demonstrate its community status, using guidelines set forth in the Notice. See Beacon

Broadcasting, 2 FCC Rcd 3469 (1987); aff'd, 2 FCC Rcd 7562 (1987). See also, Kenansville,

Florida, 5 FCC Rcd 2663 (Policy and Rules Div. 1990), aff'd, 10 FCC Rcd 9831 (1995). In response, petitioner advises that Sawpit is incorporated, and has a mayor and town clerk, as well as a local restaurant and market. However, as it receives its mail and fire service from Placerville, Colorado, petitioner requested to change its allotment request to Placerville or as a hyphenated allotment to Placerville-Sawpit.

Petitioner's comments are not responsive to our request in the Notice with regard to Sawpit to demonstrate that it is a bona fide community for allotment purposes. No evidence was provided to support the claim of Sawpit's community indicia. Nor has petitioner provided community indicators or a technical study demonstrating compliance with § 73.207(b) of the Commission's Rules surrounding the alternate allotment to Placerville. Therefore, we need not address the petitioner's alternate request. Based upon the foregoing, we find that it would not serve the public interest to allot Channel 256C3 to Sawpit, Colorado. Therefore, IT IS ORDERED, That the petition of Mountain West Broadcasting proposing the allotment of Channel 256C3 to Sawpit, Colorado (RM-9511) IS DENIED.

FCC Contact: Nancy Joyner (202) 418-2180.

(2) MM Docket No. 99-112; RM-9540; 14 FCC Rcd 4567 (1999)

Action: Mountain West Broadcasting requested the allotment of Channel 278A to Thermal, California, as that locality's first local aural transmission service. Thermal is not incorporated or listed in the U.S. Census as a Census Designated Place ("CDP"). Therefore, petitioner was requested to demonstrate its community status, using guidelines set forth in the Notice. See Beacon Broadcasting, 2 FCC Rcd 3469 (1987); aff'd, 2 FCC Rcd 7562 (1987). See also, Kenansville, Florida, 5 FCC Rcd 2663 (Policy and Rules Div. 1990), aff'd, 10 FCC Rcd 9831 (1995). In response, petitioner advises that Thermal has its own post office and zip code, several churches, two elementary schools, several vineyards and other retail businesses. Further, petitioner reports that Thermal has a town market and a tavern, and is a growing community with a population of 800 persons according to the Rand McNally Road Atlas. Petitioner concludes that while Thermal is not incorporated it is an organized community worthy of an FM allotment.

Petitioner's comments are not responsive to our request in the Notice, to demonstrate that Thermal is a bona fide community for allotment purposes. The Commission has previously found that the presence of a post office is not sufficient to establish community status. See Crestview and Westbay, Florida, 7 FCC Rcd 3059 (1992). Thermal's listing in the Rand McNally Atlas indicates nothing more than its geographical location. See Vimville, Mississippi, 48 FR 5974 (1983) and Hannibal, Ohio, 6 FCC Rcd 2144 (1991). Nor did the petitioner identify those entities attributed to Thermal with a street address or demonstrated that they are intended to serve Thermal as opposed to other areas. We have previously rejected claims of community status where a nexus between the

political, social and commercial organizations and the community in question has not been shown.

See Pike Road and Ramer, Alabama, 10 FCC Rcd 10347 (1995). Nor has petitioner shown other indicia of community status such as a city hall, local government, newspaper, banks, or civic and social organizations. Based upon the foregoing, we find that it would not serve the public interest to allot Channel 278A to Thermal, California. Therefore, IT IS ORDERED, That the petition of Mountain West Broadcasting proposing the allotment of Channel 278A to Thermal, California (RM-9540) IS DENIED.

FCC Contact: Nancy Joyner, (202) 418-2180.

(3) MM Docket No. 99-152; RM-9560; 14 FCC Rcd 7184 (1999)

Action: Mountain West Broadcasting requested the allotment of Channel 242A to Congress, Arizona (pop. 90), as that locality's first local aural transmission service. As Congress is not incorporated or listed in the U.S. Census, petitioner was directed to demonstrate its community status, using guidelines set forth in the Notice. See Beacon Broadcasting, 2 FCC Rcd 3469 (1987); aff'd, 2 FCC Rcd 7562 (1987). See also, Kenansville, Florida, 5 FCC Rcd 2663 (Policy and Rules Div. 1990), aff'd, 10 FCC Rcd 9831 (1995). In response, petitioner advises that Congress has a population of 750 persons according to the Rand McNally Atlas, as well as its own post office, volunteer fire department, library, church, several retail businesses, and a water improvement district. Petitioner states that from the inclusion of the foregoing factors in the community, it can be concluded that Congress has the political, social, economic, commercial, cultural and religious entities to establish community status. REC Networks ("REC") filed opposing comments.

The Commission has previously found that the presence of a post office is not sufficient to establish community status. See Crestview and Westbay, Florida, 7 FCC Rcd 3059 (1992). Congress' listing in the Rand McNally Atlas indicates nothing more than its geographical location. See Vimville, Mississippi, 48 FR 5974 (1983) and Hannibal, Ohio, 6 FCC Rcd 2144 (1991). Nor did the petitioner identify those entities attributed to Congress with a street address or demonstrated that they are intended to serve Congress as opposed to other areas. We have previously rejected claims of community status where a nexus between the political, social and commercial organizations and the community in question has not been shown. See Pike Road and Ramer, Alabama, 10 FCC Rcd 10347 (1995). Nor has petitioner shown other indicia of community status such as a city hall, local government, newspaper, banks, or civic and social organizations. Based upon the foregoing, we find that it would not serve the public interest to allot Channel 242A to Congress, Arizona. Therefore, IT IS ORDERED, That the petition of Mountain West Broadcasting proposing the allotment of Channel 242A to Congress, Arizona (RM-9555) IS DENIED.

FCC Contact: Nancy Joyner (202) 418-2180.

4. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

5. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

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