

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-78
Table of Allotments,) RM-9487
FM Broadcast Stations.) RM-9646
(Blackduck and)
Kelliher, Minnesota)¹)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 16, 2000

Released: August 25, 2000

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Community Religious Broadcasters (“Community”), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 4077 (1999), proposing the allotment of Channels 221A and 283A at Blackduck, Minnesota. Community filed supporting comments. De La Hunt Broadcasting (“Hunt”) filed a counterproposal.² Reply comments were filed by Community and Hunt.

2. As stated in the Notice, Community proposed the allotment of Channels 221A and 283A at Blackduck, Minnesota. The allotments would provide a second and third local service to the community of Blackduck. In response to the Notice, Hunt submitted a counterproposal requesting the allotment of Channel 221A at Kelliher, Minnesota. Hunt argues that its counterproposal is superior to the proposal advanced in the Notice as it will bring a first local transmission service to Kelliher whereas grant of Community’s proposal would result in three frequencies being allotted to the same community. Hunt points out that Kelliher has neither an AM nor an FM station licensed to it while Blackduck already has an existing FM allotment. Therefore, allotment of a channel at Kelliher falls under a higher priority, priority 3), first local service, while the allotment of additional channels at Blackduck falls under priority 4), other public interest matters.

3. 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 2d 88 (1982).³ However, in this instance, since an additional channel is available, there is no need to

¹ The community of Kelliher, Minnesota, has been added to the caption.

² The counterproposal filed by De La Hunt Broadcasting was put on public notice on June 8, 1999, Report No. 2331 (RM-9646).

³ 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).]

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 Blackduck and Kelliher, Minnesota, providing additional service at Blackduck and a first local service at Kelliher. Channels 221A and 283A can be allotted to Blackduck, Minnesota, in compliance with the Commission’s spacing requirements without site restrictions.⁴ Although Hunt raised concerns that the allotment of Channel 221A at Blackduck would disrupt the integrity of service provided by Station KXXX, Park Rapids, Minnesota, Hunt failed to provide a technical showing demonstrating interference. Therefore, we see no reason to withhold the allotment of Channel 221A at Blackduck since a commitment has been made to file an application for the channel. Further, since an alternate channel is available for allotment at Kelliher, the allotment of Channel 221A at Blackduck will not deprive Kelliher of a first local service. Channel 273A can be allotted to Kelliher, Minnesota, in compliance with the Commission’s spacing requirements without a site restriction.⁵ Since the communities of Blackduck and Kelliher are located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government has been obtained for both allotments.

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 October 10, 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
Blackduck, Minnesota	221A, 252C2, 283A
Kelliher, Minnesota	273A

5. A filing window for Channels 221A and 283A at Blackduck, Minnesota, and Channel 273A at Kelliher, Minnesota, 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.

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

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media

⁴ The coordinates for Channel 221A at Blackduck are 47-43-48 and 94-32-54. The coordinates for Channel 283A at Blackduck are 47-43-48 and 94-32-54.

⁵ The coordinates for Channel 273A at Kelliher are 47-56-30 and 94-26-53.

Bureau, (202) 418-2180. Questions related to the application filing process for Channels 221A and 283A, Blackduck and Channel 273A, Kelliher, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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