

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MM Docket No. 98-214
FM Broadcast Stations.)	RM-9353
(Rantoul and Gilman, Illinois) ¹)	RM-9568

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 4, 2000

Released: October 13, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making*, 14 FCC Rcd 458 (1998) (“*Notice*”), issued at the request of L. Topaz Enterprises, Inc. (“petitioner”), proposing the allotment of Channel 277A to Rantoul, Illinois, as the community’s third local FM service. In response to the *Notice*, Saga Communications of Illinois, Inc. (“Saga”), filed a counterproposal requesting the allotment of Channel 277A at Gilman, Illinois, as the community’s first local aural transmission service.² Petitioner filed comments in support of its proposal, and filed reply comments in response to the counterproposal. Saga responded to petitioner’s reply comments in a document styled “Statement for the Record.”

2. In support of its proposal, petitioner states that Rantoul, Illinois, is an incorporated community with a 1990 U.S. Census population of 17,212. Currently, three radio stations are licensed to the community, one AM and two FM stations.

3. In support of its counterproposal, Saga states that the community of Gilman fulfills the criteria of a community for allotment purposes because it is an incorporated city with a 1990 U.S. Census population of 1,816 persons. In addition, Gilman has its own U.S. Post Office, zip code, city hall and police department. It also has an area branch library, numerous churches and restaurants, two banks, medical services, drug store, nursing home, and other businesses.

4. In its reply comments, petitioner suggests that as an alternative, Channel 240A be allotted at Gilman. Petitioner includes engineering data purporting to show that Channel 240A is available for allotment. Saga responds that if Channel 240A is allotted at Gilman it will not file an application for the channel. Contrary to petitioner’s representations, a Commission engineering analysis shows that Channel 240A is not available for allotment at Gilman and therefore we will do a comparative analysis of Rantoul and Gilman, Illinois.

¹ The community of Gilman has been added to the caption.

² This counterproposal was accepted and placed on Public Notice. *See* Report No. 2324, April 13, 1999.

5. We believe that Gilman has satisfied the criteria of community status for allotment purposes. As stated above, the allotment of Channel 277A at Rantoul would provide the community with its third FM channel and fourth local aural transmission service, and the allotment of Channel 277A at Gilman would provide the community with its first local aural transmission service. Accordingly, following the FM allotment priorities,³ Gilman would have preference.

6. Channel 277A can be allotted at Gilman consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules with a site restriction of 10 kilometers (6.2 miles) south of the community.⁴

7. 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 November 27, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Rantoul, Illinois	237A, 241A
Gilman, Illinois	277A

8. A filing window for Channel 277A at Gilman, Illinois, will not be opened at this time. Instead, the issue of opening a filing window for that channel will be addressed by the Commission in a subsequent *Order*.

9. IT IS FURTHER ORDERED That the petition for rule making filed by L. Topaz Enterprises, Inc., IS DENIED.

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

³ The FM allotment priorities are (1) First full-time aural service; (2) second full-time aural service; (3) first local service; (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).] *Revision of FM Policies and Procedures*, 90 FCC 2d 88, 51 RR 2d 448 (1984), *recon. den.* 56 RR 2d 448 (1984).

⁴ Channel 277A can be allotted at Gilman, Illinois, at coordinates 40-40-59 and 88-01-53.

11. For further information concerning the above, contact Victoria McCauley, Mass Media Bureau (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, Mass Media Bureau (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Policy and Rules Division
Mass Media Bureau