

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 00-150
Table of Allotments,) RM-9944
FM Broadcast Stations.)
(Lewistown, Montana)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 29, 2000

Released: December 8, 2000

By the Chief, Allocations Branch:

1. In response to a petition filed by Lewistown Radio (“Petitioner”), the Commission has before it for consideration the Notice of Proposed Rule Making, 15 FCC Rcd 15892 (2000), requesting the allotment of Channel 300C1 at Lewistown, Montana, as that community's second FM broadcast service. Petitioner filed comments supporting the allotment of Channel 300C1 at Lewistown. Opposition comments were filed by Fred Lark (“Lark”) and Luann T. Fortenbery (“Fortenbery”). Petitioner filed reply comments.

2. Lark filed comments objecting to the allotment of Channel 300C1 at Lewistown, requesting that the proposal be denied. Lark states that Lewistown is served by two full service radio stations and two FM translator stations and does not have a need for an additional FM allotment in the community. Fortenbery also provided comments objecting to the proposed allotment, stating that radio stations KXLO-AM and KLCM-FM provide full service to Lewistown. Fortenbery argues that Lewistown, a community of approximately 6,500 people, does not need another signal in the area.

3. In response to the opposition comments, Petitioner states that the allotment of Channel 300C1 at Lewistown is in the best interests of the public as it would provide a new service and programming diversity for the community. Further, Petitioner points out that if Channel 300C1 is allotted to Lewistown, it could provide service to an area more than 600% larger than that currently served by Station KLCM, Lewistown. According to Petitioner, the new allotment could serve people in surrounding areas that are not currently served by Station KLCM. Petitioner requests that its proposal be adopted as it will fulfil the public interest requirement by providing a new service to Lewistown as well as additional service for the surrounding area and program diversity for the communitiy.

4 We believe the public interest would be served by allotting Channel 300C1 to Lewistown, Montana, as it will provide the community with additional local broadcast service. Channel 300C1

can be allotted to Lewistown in compliance with the minimum distance separation requirements of the Commission's Rules without a site restriction.¹ Since the community of Lewistown is located within 320 kilometers of the U.S.-Canadian border, concurrence of the Canadian Government has been requested for the allotment of Channel 300C1.² In response to comments filed by Lark and Fortenbery which appear to address economic issues, we do not address the potential economic impact of new allotments on existing stations. See FM Channel Assignments; Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations, 3 FCC Rcd 638 (1988), affirmed, 4 FCC Rcd 2276 (1989).³ Therefore, no consideration will be given to the comments submitted by Lark and Fortenbery.

5. 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 January 22, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Lewistown, Montana	240A, 300C1

6. A filing window for Channel 300C1 at Lewistown, Montana, 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. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

¹ The coordinates for Channel 300C1 at Lewistown are 47-03-45 and 109-25-39.

² Although concurrence has been requested for the allotment of Channel 300C1 at Lewistown, notification has not been received. Therefore, operation with the facilities specified for Lewistown herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1991 Canada-USA FM Broadcast Agreement or if specifically objected to by Canada.

³ See also Cheyene, Wyoming, 8 FCC Rcd 4473 (1993).

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 300C1 at Lewistown, Montana, 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