

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

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|--|---|---------------------|
| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | |
| FM Table of Allotments, |) | MM Docket No. 00-15 |
| FM Broadcast Stations. |) | RM-9804 |
| (Susquehanna and Hallstead, Pennsylvania) ¹ |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 29, 2000;

Released: December 8, 2000

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a Notice of Proposed Rule Making, 15 FCC Rcd 2020 (2000), filed by Tammy M. Celenza (“petitioner”) proposing the allotment of Channel 227A at Susquehanna, Pennsylvania, as the community’s second local FM transmission service. Petitioner filed comments in support of the proposal reaffirming her intention to apply for the channel, if allotted. Comments and a counterproposal were filed by Montrose Broadcasting Corporation (“Montrose”) requesting the allotment of Channel 227A at Hallstead, Pennsylvania, as the community’s first local aural transmission service.² Petitioner and Montrose filed reply comments. Montrose also filed a supplement to its counterproposal.

2. In its reply comments, Montrose contends that the proposed allotment of Channel 227A at Susquehanna is technically defective because of a major obstruction which would preclude line-of-sight coverage to all of the community as required by Section 73.315(b) of the Commission’s Rules. Because of this obstruction, Montrose further contends that since the obstruction cannot be remedied by construction of a realistic tower, the petitioner’s proposal should be denied, citing Jefferson City, Tennessee, et al., 13 FCC Rcd 2303 (1998). Similarly, in its reply comments, petitioner contends that Montrose’s proposed site for the allotment of Channel 227A at Hallstead, would not provide a 70 dBu (city-grade) signal over the entire community because of the rough terrain. Therefore, petitioner requests that the Hallstead proposal be denied, and that the Commission allot Channel 227A at Susquehanna, Pennsylvania.

3. Based on the information before us, we believe that the public interest would be served by

¹ The community of Hallstead, Pennsylvania, has been added to the caption.

² Montrose’s counterproposal is technically defective and was not placed on Public Notice. Counterproposals are required to be “technically correct and substantially complete” at the time they are filed. See e.g., Fort Bragg, California, 6 FCC Rcd 5817 (1991); Provincetown, et al., Massachusetts, 8 FCC Rcd 19 (1992); and Sanford and Robbins, North Carolina, 12 FCC Rcd (1997). The proposed coordinates for Hallstead (41-55-30 NL and 75-30-14 WL) do not provide the required 70 dBu (city-grade) signal over the community. See Section 73.315(a), (b) of the Commission’s Rules.

allotting Channel 227A at Susquehanna, Pennsylvania, as the community's second local FM transmission service.

Technical Summary

4. An engineering analysis has determined that Channel 227A can be allotted to Susquehanna in compliance with the Commission's minimum distance separation requirements with a site restriction of 6.3 kilometers (3.9 miles) east to avoid a short-spacing to the licensed sites of WBZD-FM, Channel 227B1, Muncy, Pennsylvania, and Station WKXZ(FM), Channel 230B, Norwich, New York.³ In regard to Montrose's contention that there is a line-of-sight problem with the site proposed in the Notice, an engineering study has determined that there is no major obstruction that precludes city grade (70 dBu) coverage to the community. Since Susquehanna is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence for the allotment of Channel 227A at Susquehanna has been requested, but not yet received. Therefore, if a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian FM Broadcast Agreement."

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, with respect to the community listed below, as follows:

| <u>Community</u> | <u>Channel No.</u> |
|---------------------------|-------------------------|
| Susquehanna, Pennsylvania | 227A, 263A ⁴ |

6. Filing window for Channel 227A at Susquehanna, Pennsylvania, will not be opened at this time. Instead, the issue of opening filing window for this channel will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the counterproposal filed by Montrose Broadcasting Corporation requesting the allotment of Channel 227A at Hallstead, Pennsylvania, IS DISMISSED.

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

³ The coordinates for Channel 227A at Susquehanna are 41-55-44 North Latitude and 75-31-50 West Longitude.

⁴ On September 20, 2000, a Report and Order was adopted in MM Docket No. 99-278, reallocating Channel 263A from Conklin, New York to Susquehanna, Pennsylvania. See 15 FCC Rcd 19151 (2000).

8. For further information concerning this proceeding, contact Sharon P. McDonald, 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
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau