

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-186
Table of Allotments,)	RM-9589
FM Broadcast Stations.)	
(Mettler, California))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 9, 2000

Released: February 18, 2000

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making (“Notice”), 14 FCC Rcd 8225 (1999), issued in response to a petition for rule making filed by Mountain West Broadcasting (“petitioner”) proposing the allotment of Channel 255A to Mettler, California, as that locality’s first local aural transmission service. Petitioner filed supporting comments in response to the Notice. No other comments were received.
2. As Mettler is not incorporated or listed in the U.S. Census, the Notice requested the petitioner to provide specific information such as any political, social, economic, commercial, cultural, or religious organizations and services that may be present in Mettler to qualify it as a community for allotment purposes. In response, petitioner states that Mettler has a population of 200 persons according to the 1998 Rand McNally road map. Further, petitioner reports that Mettler has several retail businesses including a convenience store, as well as its own post office (zip code 96113).
3. Based upon the information submitted by the petitioner as well as our independent research, we believe that Mettler does not qualify as a community for allotment purposes. Petitioner has provided no official documentation to verify the estimated population it attributes to Mettler. Nor did the petitioner identify the several retail businesses it attributes to Mettler or provide street addresses to demonstrate their presence at that locality. Additionally, we have no evidence to establish that Mettler contains any political, social, economic, commercial, cultural or religious organizations and services that identify themselves with that locality, nor any testimony of local residents attesting to Mettler’s community status. Therefore, we find that it would not serve the public interest to allot a channel to Mettler.
4. In view of the above, IT IS ORDERED, That the petition of Mountain West Broadcasting proposing the allotment of Channel 255A to Mettler, California (RM-9589), IS DENIED.
5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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