

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-61
Table of Allotments,)	RM-9448
FM Broadcast Stations.)	
(Polson, Montana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 15, 2000

Released: March 24, 2000

By the Chief, Allocations Branch:

1. In response to a petition filed by Mountain West Broadcasting ("Mountain West"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 2888 (1999), requesting the allotment of Channel 259C3 at Polson, Montana. Mountain West filed comments restating its interest in the allotment of Channel 259C3 at Polson. No other comments were received in response to the Notice in this proceeding.

2. As stated In the Notice, the proposal for Channel 259C3 at Polson, Montana, complies with the Commission's spacing requirements. We noted that the community of Polson is located on the Flathead Indian Reservation and requested parties to address this issue when filing comments.¹ In response, Mountain West stated that it had identified several potential transmitter sites that are located outside the boundaries of the Flathead Indian Reservation that would provide the required 70 dBu service to Polson. Mountain West indicated that these sites are located in the Mission Mountain Range and at an area just north of the community of Proctor, Montana. However, Mountain West did not provide coordinates or any type of information that would enable Commission staff to review these sites. Further, although not requested, Mountain West failed to provide any documentation indicating that approval for a transmitter site on the Reservation could be obtained. A staff engineering analysis was unable to locate any theoretical sites outside of the Flathead Indian Reservation that provided 70 dBu coverage to Polson without line-of-site problems. At the allotment stage we do not require a detailed analysis demonstrating site availability, but rather a showing that a theoretical site is available for the allotment that complies with all technical requirements. In light of the above, we do not believe that Mountain West has

¹ Polson is located in Lake County at the southern end of Flathead Lake, halfway between Missoula and Kalispell, Montana, on US Highway 93. Polson, incorporated in 1910, is the largest city on the Flathead Indian Reservation. According to the Polson Chamber of Commerce, the amount of land area in Polson is 4.667 square kilometers with a population of 3,283 people.

met its obligation to demonstrate that a theoretical site is available for the allotment of Channel 259C3 at Polson, Montana. See Cusseta, Georgia, 3 FCC Rcd (1991). Therefore, we will deny Mountain West's proposal.

3. In view of the above, IT IS ORDERED, That the Petition for Rule Making filed by Mountain West Broadcasting (RM-9448), requesting the allotment of Channel 259C3 at Polson, Montana, IS DISMISSED.

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

5. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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