

**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. 96-242
FM Broadcast Stations.)	RM-8940
(Cheyenne, Wyoming and Grover, Colorado))	RM-9243

REPORT AND ORDER (Proceeding Terminated)

Adopted: April 19, 2000

Released: April 28, 2000

Before the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making*¹ issued at the request of Montgomery Broadcasting Limited Liability Company (“petitioner”) proposing the allotment of Channel 229A at Cheyenne, Wyoming, as the community’s sixth local FM transmission service. Petitioner filed comments reiterating its intention to apply for the channel, if allotted. Magic City Media, Inc. (“MCM”), filed comments and a counterproposal, requesting the allotment of Channel 229C2 at Grover, Colorado, as the community’s first local transmission service. Petitioner filed comments opposing MCM’s counterproposal. Later, MCM withdrew its interest in pursuing the counterproposal for Channel 229C2 at Grover, Colorado.

2. We will dismiss MCM’s counterproposal and grant petitioner’s proposal to allot Channel 229A at Cheyenne, Wyoming. Channel 229A can be allotted in compliance with the Commission’s minimum distance separation requirements with a site restriction of 9.7 kilometers (6.0 miles) northeast to avoid a short spacing to the vacant allotment site for Channel 232C3, Wellington, Colorado.²

3. 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 June 12, 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:

Community	Channel
Cheyenne, Wyoming	229A, 250C1, 260A, 264C1, 280C2, ³ 285A, 292C3

¹ 11 FCC Rcd 20524 (1996).

² The coordinates for Channel 229A at Cheyenne are 41-12-39 and 104-44-54.

³ Channel 280C2 was allotted to Cheyenne, Wyoming, on April 14, 2000. See *Report and Order* in MM Docket 97-106, DA 00-865 (April 14, 2000).

4. IT IS FURTHER ORDERED That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested a copy of this *Order* to the following:

Allan G. Moskowitz,
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(Counsel for MCM)

5. IT IS FURTHER ORDERED That the petition for rule making filed by Montgomery Broadcasting Limited Liability Company IS GRANTED.

6. IT IS FURTHER ORDERED That the counterproposal filed by Magic City Media, Inc., IS DISMISSED.

7. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

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