

**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. 00-216
FM Broadcast Stations.)	RM-9995
(McKinleyville, California))	RM-10066

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 18, 2001

Released: April 27, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making*¹ issued at the request of Four Rivers Broadcasting, Inc. (“petitioner”), requesting the allotment of Channel 236C3 at McKinleyville, California, as that community’s first local aural transmission service. Petitioner filed comments in support of its proposal and restating its intention to file an application for Channel 236C3 at McKinleyville. Christian Country Network, Inc. (“CCN”) filed a counterproposal requesting that the Commission allot Channel 236C3 at McKinleyville and reserve it for noncommercial educational use.² Petitioner filed comments opposing the reservation of Channel 236C3 and again reiterating its intention to file for the allotment.

2. In support of the allotment at McKinleyville, petitioner states that it is a community for allotment purposes. McKinleyville, with a 1990 U.S. Census population of 10,749 persons, is a Census Designated Place and is structured politically as a “community services district.” Petitioner states that McKinleyville functions as an unincorporated, independent, special district. It is governed by a five member elected Board of Directors, which has thirteen full-time and thirty-four part-time employees. McKinleyville has its own chamber of Commerce, public library, schools, police substation, airport, sewer department, water department, fire department substation, senior citizen center, and post office. Petitioner states that the Chamber of Commerce lists over 125 businesses within the community, including banks, grocery stores, a car dealer, electric companies, insurance companies, realtors, various stores, restaurants and hotels. It also states that the community has churches, various medical practitioners, a funeral home, a law firm, and two accountants. According to petitioner, the internationally renowned Cypress Grove Chevre Cheese Factory is located in McKinleyville, and the Azalea State Reserve and Clam Beach County States Park are a popular destinations for visitors.

3. In its counterproposal, CCN requests that Channel 236C3 be reserved for noncommercial use at McKinleyville because there are no channels available in the noncommercial educational FM band due to TV Channel 6 restrictions. CNN argues that there is not need for an additional channel in the

¹ 15 FCC Rcd 25559 (2000)

² See Report No. 2465 (February 13, 2001).

Eureka-Arcata Metropolitan Area and that the Commission should not consider petitioner's request. Petitioner responds that this counterproposal should not be considered because it contains no engineering showings to support its allegations of TV 6 restrictions. Petitioner also states that there are other commercial channels available for allotment at McKinleyville that can be reserved for noncommercial use, and suggests that the Commission allot two channels at McKinleyville and reserve one for noncommercial educational use.

4. We believe that the public interest will be served by allotting two channels at McKinleyville and reserving one channel for noncommercial educational use. These allotments will provide McKinleyville, a community of over 10,000 persons, with its first and second local aural transmission services. Our engineering analysis confirms that TV Channel 6 does restrict use of the reserved FM band at McKinleyville. Since Channel 277C3 is also available for allotment at McKinleyville in addition to Channel 236C3, we will allot both channels. We consider CCN's counterproposal to be an expression of interest in any channel that we allot and reserve for noncommercial use.

5. Channel 236C3 can be allotted at McKinleyville consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's without a site restriction.³ We will allot Channel 277C3 at McKinleyville with a site restriction of 18.1 kilometers (11.2 miles) north of the community and reserve it for noncommercial educational use.⁴

6. 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 11, 2001, 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:

<u>City</u>	<u>Channel No.</u>
McKinleyville, California	236C3, *277C3

7. Filing windows for Channels 236C3 and *277C3 at McKinleyville, California will not be opened at this time. Instead, these issues will be addressed by the Commission in a subsequent *Order*.

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

³ The coordinates for Channel 236C3 at McKinleyville are 40-56-42 NL and 124-05-54 WL.

⁴ The coordinates for Channel 277C3 at McKinleyville are 41-06-11 NL and 124-09-00 WL.

9. For further information on this proceeding contact Victoria M. McCauley (202) 418 2180. For information on the application and auction process contact Audio Services Division (202) 418 2700.

FEDERAL COMMUNICATIONS COMMISSION

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