

**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. 00-250
FM Broadcast Stations.)	RM-10025
(Sauk Centre and Alexandria, Minnesota))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 25, 2001

Released: May 4, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rulemaking*¹ issued at the request of joint petitioners Main Street Broadcasting, Inc., licensee of Station KMSR(FM), Sauk Centre, Minnesota, and BDI Broadcasting, Inc., licensee of Station KIKV-FM, Alexandria, Minnesota (“joint petitioners”). Joint petitioners request the (1) substitution of Channel 232C3 for 232A at Sauk Centre, the reallocation of Channel 232C3 from Sauk Centre to Alexandria, and the modification of Station KMSR(FM)’s license accordingly; and (2) the reallocation of Channel 264C1 from Alexandria to Sauk Centre, and the modification of Station KIKV-FM’s license accordingly. Joint petitioners filed comments reiterating that they will immediately file the necessary applications to implement the changes, if allotted. We received no other comments.

2. Joint petitioners filed their proposals for the reallocations in accordance with the provisions of Section 1.420(i) of the Commission’s Rules, which permits the modification of a station’s license to specify a new community of license while not affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment.² In support of the proposals, joint petitioners state that this swap would allow Station KMSR(FM) to upgrade from Class A to Class C3 which would expand its service area and provide greater and more reliable broadcast service to the residents of Alexandria. Their engineering analysis shows that Station KMSR(FM) currently serves 15,352 persons within 1,527.7 square kilometers (954.8 square miles), and the facility on Channel 232C3 will serve 46,004 people within 4,656.6 square kilometers (2,910.4 square miles).

3. We grant the request to modify the license of Station KMSR(FM) to specify operation on Channel 232C3 at Alexandria and to modify the license of Station KIKV-FM to specify operation on Channel 264C1 at Sauk Centre, Minnesota. We believe a grant of these proposals is in the public interest because they will allow Station KMSR(FM) to operate with an expanded coverage area which will include areas in which persons will be receiving their second, third and fourth aural services. In addition all

¹ 15 FCC Rcd 24820 (2000).

² See *Report and Order* in MM Docket No. 88-526 (“*Change of Community R&O*”), 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (“*Change of Community MO&O*”).

of the loss area will continue to receive at least five services. Since Station KIKV-FM is not changing site, its reallocation involves no loss or gain in service.

4. An engineering analysis has determined that Channel 232C3 can be allotted at Alexandria, Minnesota, 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 Rules at petitioner's requested site 8.8 kilometers (5.5 miles) northwest of the community.³ Additionally, Channel 264C1 can be reallocated from Alexandria to Sauk Centre 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 Rules at Station KIKV-FM's current site 15.6 kilometers (9.7 miles) west of the community.⁴

5. Our action in approving the reallocation and change of community of Station KMSR(FM), Channel 232C3, from Sauk Centre to Alexandria, Minnesota, is premised on the activation of Station KIKV-FM, Channel 264C1 at Sauk Centre to prevent the removal of the community's sole local aural service. Accordingly, consistent with precedent, we will condition the grant of an authorization to operate Station KMSR(FM) on Channel 232C3 at Alexandria upon the activation of Station KIKV-FM, Channel 264C1 at Sauk Centre and the grant of program test authority.

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 18, 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>
Alexandria, Minnesota	232C3
Sauk Centre, Minnesota	264C1

7. 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:

John Wells King, Esq.
 Garvey, Schubert and Barer
 1000 Potomac Street, NW
 Fifth Floor
 Washington, DC 20007
 (Counsel to joint petitioners)

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of Station KMSR(FM) IS MODIFIED to specify operation on Channel 232C3 at Alexandria, Minnesota, and the authorization of Station KIKV-FM IS MODIFIED to specify operation on Channel 264C1 at Sauk Centre, Minnesota subject to the following conditions:

³ The coordinates for Channel 232C3 at Alexandria, Minnesota, are 45-55-57 and 95-28-21.

⁴ The coordinates for Channel 264C1 at Sauk Centre, Minnesota are 45-41-03 and 95-08-14.

(a) Within 90 days of the effective date of this *Order*, the licensee/permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

9. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Main Street Broadcasting, Inc., licensee of Station KMSR(FM), Sauk Centre, Minnesota, and BDI Broadcasting, Inc., licensee of Station KIKV-FM, Alexandria, Minnesota, are required to submit a rule making fee in addition to the fee required for the application to effectuate the change of community/upgrade.

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

11. For further information concerning this proceeding, contact Victoria M. McCauley, Mass Media Bureau, (202) 418-2180. For questions regarding the application filing process, contact the Audio Services Division, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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