

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

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 01-176  
Table of Allotments, ) RM-10191  
FM Broadcast Stations. )  
(Sykesville, Pennsylvania) )

REPORT AND ORDER  
(Proceeding Terminated)

Adopted: October 31, 2001

Released: November 9, 2001

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making (“Notice”), 16 FCC Rcd 14730, issued in response to a petition filed on behalf of Sykesville Broadcasting (“petitioner”) proposing the allotment of FM Channel 240A to Sykesville, Pennsylvania, as that community’s first local aural transmission service. Petitioner filed comments reiterating his intention to apply for Channel 240A if it is allotted to Sykesville, as requested. No other comments were received.

2. In view of the interest expressed in providing a first local aural transmission service to Sykesville, Pennsylvania, we will allot Channel 240A to that community, as requested.

3. As stated in the Notice, Channel 240A can be allotted to Sykesville, in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission’s Rules at city reference coordinates 41-03-01 NL and 78-49-21 WL. Additionally, as Sykesville is located within 320 kilometers of the U.S.-Canadian border, Canadian concurrence has been requested, but not yet received, for Channel 240A at Sykesville. Rather than delay the opportunity to file an application for this allotment, we will allot Channel 240A at Sykesville at this time. However, if a construction permit is granted prior to the receipt of formal concurrence by the Canadian government, the construction permit will include the following condition: “Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement, or if specifically objected to by Industry Canada.”

4. 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 December 24, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include Sykesville, Pennsylvania, as follows:

City

Channel No.

Sykesville, Pennsylvania 240A

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

6. A filing window for Channel 240A at Sykesville, Pennsylvania, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 240A at Sykesville, Pennsylvania, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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