

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-12
Table of Allotments,)	RM-10039
FM Broadcast Stations.)	
(Arthur, North Dakota))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 7, 2001 ; Released: November 16, 2001

By the Chief, Allocations Branch:

1. At the request of Vision Media, Incorporated (“petitioner”), licensee of Station KVMI(FM), Channel 244A, Arthur, North Dakota, the Allocations Branch has before it the Notice of Proposed Rule Making, 16 FCC Rcd 2159 (2001), proposing the substitution of Channel 280A for Channel 240A at Arthur, North Dakota, and the modification of Station KVMI(FM)’s license according. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. No other comments were received.

2. In support of its proposal, petitioner states that Station KVMI(FM) is short-spaced by 1.37 kilometers to co-channel Station KQZZ(FM), Channel 244C2, Devils Lake, North Dakota, a Section 73.215 short-spaced allotment. Petitioner further states that Station KQZZ(FM), as well as two other stations, consistently cause interference with Station KVMI(FM)’s normally protected 60 dBu contour. This interference apparently is caused by a terrain anomaly beyond the normal 3-to-16 kilometer range employed by the Commission in calculating contour distances. Petitioner seeks relief to alleviate interference from these adjacent stations.

3. We believe the public interest would be served by substituting Channel 280A for Channel 244A at Arthur, North Dakota, to eliminate interference with adjacent stations. An engineering analysis has determined that Channel 280A can be allotted to Arthur in compliance with the Commission's minimum distance with a site restriction of 6.35 kilometers (3.94 miles) west of petitioner’s requested site.¹ Since Arthur is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

¹The coordinates for Channel 280A at Arthur are 47-05-42 North Latitude and 97-18-01 West Longitude.

4. Accordingly, pursuant to the authority found 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 31, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Arthur, North Dakota	280A

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Vision Media, Incorporated for Station KVMI(FM) at Arthur, North Dakota, IS MODIFIED to specify operation on Channel 280A in lieu of Channel 244A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station license, BLH-19940426KW, except the channel as specified above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-19940426KW, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

6. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to petitioner, as follows:

Vision Media, Incorporated
4243 Ninth Avenue Circle SW, #211
Fargo, North Dakota 58103

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

8. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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