

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	
FM Broadcast Stations.)	MM Docket No. 00-215
(Aspen, Colorado))	RM-9994

REPORT AND ORDER (Proceeding Terminated)

Adopted: February 7, 2001

Released: February 16, 2001

By the Chief, Allocations Branch:

1. Before the Allocations Branch for consideration is a *Notice of Proposed Rule Making*¹ issued at the request of Roaring Forks Broadcasting (“petitioner”) proposing to amend the FM Table of Allotments, Section 73.202(b) of the Rules to allot Channel 228A at Aspen, Colorado, as the community’s third local FM commercial service. Petitioner filed comments reiterating its intention to file an application for construction permit at Aspen and bid at auction if the channel is allotted. We received no other comments or counterproposals.

2. We believe that the community of Aspen, Colorado, is deserving of an additional allotment. A staff engineering analysis of the community shows that Channel 228A can be allotted at Aspen.² Channel 228A can be allotted at Aspen 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 without a site restriction.

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 April 2, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Aspen, Colorado	249C3, 296C3, 228A

4. A window period for filing applications for these allotments 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*.

¹ See *Notice of Proposed Rule Making* in MM Docket 00-215, DA 00-2422, 65 FR 67691 (November 13, 2000) ___FCC Rcd ___ (October 27, 2000).

² The coordinates for Channel 228A at Aspen are 39-11-24 NL and 106-49-06 WL.

5. IT IS FURTHER ORDERED That the above proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180. Questions related to the application filing process 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