

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
)	
(Huachuca City, Arizona))	MM Docket No. 00-208
)	RM-9977
)	
(Rio Rico, Arizona))	MM Docket No. 00-209
)	RM-9978
)	
(Pine Level, Alabama))	MM Docket No. 00-211
)	RM-9993

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 7, 2001

Released: March 16, 2001

By the Chief, Allocations Branch:

1. The Commission has before it the multiple docket Notice of Proposed Rule Making (“Notice”) setting forth separate proposals to allot a FM channel to a specific community. See 15 FCC Rcd 25540 (2000). Each proposal received a separate docket and rule making number. In regard to these proposals, we received no opposition comments and/or counterproposals. Although consolidated, these dockets are still separate for finality purposes. In the event a reconsideration petition is directed to an action in a particular docket, a separate Memorandum Opinion and Order will resolve that reconsideration petition. Each petitioner filed comments in support of its proposal, reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

(1) MM Docket No. 00-208; RM-9977

Action: Santa Cruz Broadcasting requested the allotment of Channel 232A to Huachuca City, Arizona (pop. 1,782),¹ as a first local aural transmission service. The Notice directed the

¹ Population figures reported herein were taken from 1990 U.S. Census data.

petitioner to provide additional information regarding the attributes of Huachuca City to determine whether it is a *bona fide* community for allotment purposes. In response, petitioner supplied sufficient information to satisfy our concerns. Therefore, we are allotting Channel 232A to Huachuca City, Arizona, as that community's first local aural transmission service.

Coordinates: 31-32-30 NL and 110-23-20 WL.

Additional Information: Channel 232A is allotted to Huachuca City with a site restriction 10.9 kilometers (6.8 miles) southwest of the community to avoid a short-spacing to Station KXKQ, Channel 231C1, Safford, Arizona, at coordinates 32-39-01 NL; 109-50-53 WL. As Huachuca City is located within 320 kilometers (199 miles) of the U.S.-Mexico border, Mexican concurrence to the allotment of Channel 232A to that community has been requested as a specially negotiated restricted allotment, but has not been received. However, rather than delay the opportunity to file applications, we will allot Channel 232A to Huachuca City at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the USA-Mexico FM Broadcast Agreement."

(2) MM Docket No. 00-209; RM-9978

Action: Santa Cruz Broadcasting requested the allotment of Channel 300A to Rio Rico, Arizona (pop. 1,407), as a first local aural transmission service. The Notice directed the petitioner to provide additional information regarding the attributes of Rio Rico to determine whether it is a *bona fide* community for allotment purposes. In response, petitioner supplied sufficient information to satisfy our concerns. Therefore, we are allotting Channel 300A to Rio Rico, Arizona, as that community's first local aural transmission service.

Coordinates: 31-24-00 NL and 110-57-30 WL.

Additional Information: No site restriction is required for this allotment. As Rio Rico is located within 320 kilometers (199 miles) of the U.S.-Mexico border, Mexican concurrence to the allotment of Channel 300A to that community has been requested as a specially negotiated restricted allotment, but has not been received. However, rather than delay the opportunity to file applications, we will allot Channel 300A to Rio Rico at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension or termination without right to a hearing, if found by the Commission to be necessary in order to conform to the USA-Mexico FM Broadcast Agreement."

(3) MM Docket No. 00-211; RM-9993

Action: Susannah Lane Hodges requested the allotment of Channel 248A to Pine Level, Alabama (pop. 300),² as a first local aural transmission service. The Notice directed the petitioner to provide additional information regarding the attributes of Pine Level to determine whether it is a *bona fide* community for allotment purposes. In response, petitioner supplied sufficient information to satisfy our concerns. Therefore, we are allotting Channel 248A to Pine Level, Alabama, as that community's first local aural transmission service.

Coordinates: 32-04-04 NL and 86-03-35 WL.

Additional Information: Channel 248A is allotted to Pine Level, Alabama, without a site restriction.

2. 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 April 30, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Huachuca City, Arizona	232A
Rio Rico, Arizona	300A
Pine Level, Alabama	248A

3. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

4. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

² Population figure was taken from the Rand McNally Commercial Atlas and Marketing Guide (2000 Ed.).

5. For further information concerning the above dockets, contact Nancy Joyner, Mass Media Bureau, (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