

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-192
Table of Allotments,)	RM-10507
FM Broadcast Stations.)	
(Albany, Vermont))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: November 6, 2002

Released: November 15, 2002

By the Assistant Chief, Audio Division:

1. In response to a petition filed by Lutterloh Community Broadcasters (“Lutterloh”), the Commission has before it for consideration the *Notice of Proposed Rule Making*¹ seeking the allotment of Channel 233A at Albany, Vermont. Lutterloh filed comments in which it reaffirmed its support in the allotment of Channel 233A at Albany. No other comments were received at the Commission in response to the *Notice*.
2. We believe that the public interest would be served by the allotment of Channel 233A at Albany, Vermont, as it will provide the community with an its first local FM broadcast service. Channel 233A can be allotted to Albany in compliance with the Commission's minimum distance separation requirements with a site restriction 4.6 kilometers (2.8 miles) northeast of the community.² Although concurrence of the Canadian Government has been requested for the allotment of Channel 233A at Albany as a specially negotiated short-spaced allotment, concurrence has not been received. Therefore, operation with the facilities specified for the allotment of Channel 233A at Albany 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 USA-Canadian FM Broadcast Agreement or if specifically objected to by Canada.
3. Accordingly, pursuant to of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) Commission's Rules, IT IS ORDERED, That effective December 30, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

¹ *Albany, Vermont*, 17 FCC Rcd 13799 (MB 2002).

² The coordinates for Channel 233A at Albany are 44-45-26 and 72-20-09.

Community	Channel Number
Albany, Vermont	233A

4. A filing window for Channel 233A at Albany, Vermont, 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.
5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
6. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau