

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 02-13
Table of Allotments,)	RM-10357
FM Broadcast Stations.)	RM-10493*
(Bunnell and Palm Coast, Florida))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 7, 2003

Released: May 9, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“Notice”)¹ proposing the allotment of Channel 254A to Bunnell, Florida,² as that Community’s first local aural transmission service. Charles E. Harder filed a timely counterproposal seeking to allot Channel 254A to Palm Coast, Florida, as Palm Coast’s first local aural transmission service.³ Mr. Harder has expressed his intent to apply for Channel 254A if it is allotted to Palm Coast and, if authorized, to build a station there.

2. Both Bunnell and Palm Coast are incorporated communities listed in the 2000 U.S. Census and qualify as communities to which an FM broadcast channel can be allotted pursuant to Section 307(b) of the Communications Act of 1934, as amended. Each community would be entitled to receive a preference under priority (3) of the Commission’s *FM Priorities*,⁴ because each community would receive its first local broadcast radio service if Channel 254A were allotted to that community. According to the 2000 U.S. Census, Bunnell has a population of 2,122 persons, while Palm Coast has a population of 32,732 persons. Given the difference in population of the two communities, we conclude that the public interest is served by providing first local aural transmission service to the larger community.⁵ Therefore, we are allotting Channel 254A to Palm Coast, Florida.

¹ *Bunnell, Florida*, 17 FCC Rcd 1660 (M.M.B. 2002).

² This proposal has rulemaking number RM-10357.

³ This proposal has rulemaking number 10493*.

⁴ The FM priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters [co-equal treatment is given to (2) and (3)]. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) (“*FM Priorities*”).

⁵ See *Blanchard, Louisiana et al.*, 10 FCC Rcd 9828 (1995) and *Rose Hill, North Carolina et al.*, 15 FCC Rcd 10739 (M.M.B. 2000), *application for review denied*, 16 FCC Rcd 15610 (2001).

3. We believe that the public interest would be served best by the allotment of Channel 254A at Palm Coast, Florida, since it will provide a first local aural transmission service to that community. Channel 254A can be allotted to Palm Coast, Florida, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission's Rules,⁶ with a site restriction of 11 kilometers (6.8 miles) southeast of Palm Coast.

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 June 23, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Palm Coast, Florida	254A

5. A filing window for Channel 254A, Palm Coast, 227A, 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.

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

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 254A at Palm Coast, Florida, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁶ The coordinates for Channel 254A at Palm Coast are 29-29-38 NL and 81-09-45 WL.