

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-338
Table of Allotments,)	RM-11061
FM Broadcast Stations.)	
)	
(Nevada City, California))	
)	

**REPORT AND ORDER
 (Proceeding Terminated)**

Adopted: December 1, 2004

Released: December 3, 2004

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued in response to a petition for rule making filed by Dana J. Puopolo, (Petitioner²), requesting the allotment of Channel 297A at Nevada City, California, as the community’s first FM commercial service.² Petitioner filed comments, stating its continuing interest in pursuing the allotment, and its intention to apply for a construction permit. No other comments or counterproposals were received.

2. We believe the public interest would be served by allotting Channel 297A at Nevada City, California. Nevada City is a community for allotment purposes,³ deserving of a second local service. Channel 297A can be allotted to Nevada City in compliance with the minimum distance separation requirements of the Commission’s rules with a site restriction of 4.5 kilometers (2.8 miles) north of the community’s reference coordinates at 39-18-00 North Latitude and 121-00-00 West Longitude.

3. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

4. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective January 18, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Nevada City, California	297A

¹ Nevada City, California, 19 FCC Rcd 16608 (MB 2004).

² Noncommercial educational FM station KVMR is licensed to Nevada City, California.

³ Nevada City is incorporated with a 2000 U.S. Census population of 3,001 persons.

4. A filing window period for Channel 297A for Nevada City, California 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 the aforementioned proceeding IS TERMINATED.

6. For further information concerning a specific docket, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau