

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

In the Matter of)	
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Amendment of Section 73.202(b),)	MB Docket No. 03-192
Table of Allotments,)	RM-10763
FM Broadcast Stations.)	
(Brazil and Spencer, Indiana))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 10, 2004

Released: March 12, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a *Notice of Proposed Rulemaking* (“*Notice*”)¹ issued at the joint request of Crossroads Investments, Inc., licensee of Station WSDM-FM, Channel 249A, Brazil, Indiana, and Mid-America Radio of Indiana, Inc., licensee of Station WSKT(FM), Channel 224A, Spencer, Indiana (“*Petitioners*”). The *Notice* proposed to substitute Channel 224A for Channel 249A at Brazil and modify the license for Station WSDM-FM accordingly, and to substitute Channel 249A for Channel 224A at Spencer and modify the license of Station WSKT(FM) accordingly. *Petitioners* filed comments reiterating their intention to promptly implement the proposed changes. We received no other comments.²

2. We will grant the proposed channel exchange because it will serve the public interest. First, the substitution of Channel 249A for Channel 224A at Spencer will eliminate grandfathered short-spacings between Station WSKT(FM) and Stations WTTS(FM), Bloomington, Indiana, and WJCP(FM), Austin, Indiana, and thus enable Station WSKT(FM) to expand its coverage area. Second, the channel change at Spencer will also allow Station WSKT(FM) to increase power from 1kW at 146 meters HAAT, to maximum Class A facilities at its current site and operate at 6kW and 100 meters HAAT. This change will increase the population Station WSKT(FM) serves from 35,410 persons to 70,163 persons, and the area will increase from 1,606.31 square kilometers to 2,610.62 square kilometers. The substitution of Channel 224A for Channel 249A at Brazil, Indiana will involve no gain or loss of service because it requires no change of site.

3. An engineering analysis has determined that Channel 249A can be allotted to Spencer in compliance with the Commission's minimum distance separation requirements with a site restriction of

¹ *Brazil and Spencer, Indiana*, 18 FCC Rcd (MB 2003).

² The *Notice* inadvertently characterized this channel exchange as an “incompatible channel swap” and sought comment on this issue. An incompatible channel swap is limited to upgrades in the class of the station and not the substitution of a Class A channel for another. In the instant case, we recognize that the proposed exchange of channels creates a mutually exclusive relationship which precludes competing expressions of interest in either allotment. No comments were received addressing this issue.

9.5 kilometers (5.9 miles) west of the community at Station WSKT(FM)'s requested site.³ Additionally, Channel 224A can be allotted to Brazil with a site restriction of 1.8 kilometers (1.1 miles) southwest of the community at Station WSDM-FM's requested site.⁴ As requested, we shall also modify the licenses of Stations WSKT (FM) and WSDM-FM to specify operation on Channels 249A and 224A, respectively.

4. IT IS ORDERED That effective April 26, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Brazil, Indiana	224A
Spencer, Indiana	249A

5. IT IS ORDERED, That the Secretary SHALL SEND, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a copy of this *Order* to the following:

Crossroads Investments, LLC 1301 Ohio Street Terre Haute, Indiana 47807336 (Licensee of Station WSDM-FM)	Mid-America Radio of Indiana, Inc. P.O. Box 1970 60 N. Wayne Street Martinsville, Indiana (Licensee of Station WSKT(FM))
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6. IT IS FURTHER ORDERED That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Crossroads Investments, LLC. for Station WSDM-FM, Brazil, Indiana, IS MODIFIED to specify operation on Channel 224A in lieu of Channel 249A, and the license of Mid-America Radio of Indiana, Inc. for Station WSKT(FM), Spencer, Indiana, IS MODIFIED to specify operation on Channel 249A in lieu of Channel 224A, subject to the following conditions:

- a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules, unless the proposed facilities are categorically excluded from environmental processing.

³ The coordinates for Channel 249A at Spencer are 39-15-18 NL and 86-51-51 WL.

⁴ The coordinates for Channel 224A at Brazil are 39-30-43 NL and 87-08-19 WL.

7. IT IS FURTHER ORDERED that the Joint Petition for Rule Making filed by Crossroads Investments, LLC and Mid-America Radio of Indiana, Inc., IS GRANTED.
8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.
9. For further information contact Victoria M. McCauley, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau