

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

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MB Docket No. 05-291 |
| Table of Allotments, |) | RM-11270 |
| FM Broadcast Stations. |) | |
| (Franklin, Addis, and Eunice, Louisiana) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 29, 2006

Released: March 31, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*¹ proposing changes in the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. In response to a petition filed by Radio and Investments, Inc. ("R&I"), licensee of Station KDDK(FM), Channel 288A, Franklin, Louisiana, the *Notice* proposes to change the community of license for Station KDDK(FM) from Franklin to Addis, Louisiana. R&I's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment. In order to accommodate the proposed allotment, R&I further requested a change in reference coordinates for Station KEUN-FM, Channel 288A, Eunice, Louisiana. Tri-Parish Broadcasting Incorporated ("Tri-Parish"), licensee of Station KEUN-FM, consented to the proposed change, and R&I has agreed to reimburse Tri-Parish for its reasonable expenses in making changes to its facilities. R&I represents that if its request is granted, it will file an application to modify the facilities of Station KDDK(FM) to specify operation on Channel 288A at Addis, Louisiana. R&I filed comments supporting the changes proposed in the *Notice*.

2. In determining whether to approve a change of community, we compare the existing and the proposed arrangements of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.² Retention of Channel 288A at Franklin would satisfy only the fourth allotment priority, "other public interest matters," whereas the proposed reallocation of Channel 288A at Addis would satisfy the third allotment priority, "first local service."³

¹ *Franklin, Addis, and Eunice, Louisiana*, MB Docket No. 05-291, DA 05-2717 (released October 17, 2005) ("*Notice*").

² 90 FCC 2d 88 (1982), *recon. denied*, 56 RR 2d 448 (1983). The FM allotment 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 weight is given to priorities (2) and (3).

³ Franklin will continue to be served by Station KFRA(AM).

3. Addis is not located within any urbanized area, but its 70 dBu signal would encompass approximately 13.4 percent of the Baton Rouge, Louisiana, Urbanized Area. In the *Notice*, we tentatively concluded that no *Tuck* analysis would be necessary.⁴ We nonetheless reserved the right to require a *Tuck* showing upon the receipt of information from interested parties demonstrating the feasibility of locating the Station KDDK transmitter at a site that would enable the station to provide a 70 dBu signal to more than 50 percent of the urbanized area. Having received no such showing, we now conclude that a *Tuck* analysis is not necessary for us to proceed with the requested change of community.

9. Addis is a town of 2,238 persons, as reported in the 2000 Census. Addis has its own government and elected officials, including a Mayor, Town Council, Police Department, Volunteer Fire Department, Town Clerk, and Public Works Supervisor. Addis supplies its residents with numerous municipal services, such as police, fire, waste water treatment, code enforcement, building permits and inspections, zoning, and street maintenance. Addis has its own ZIP code (70710) and post office. Numerous retail and commercial establishments are located in Addis, including many which include “Addis” in their business name. Addis also is home to several churches, as well as community and civic organizations.

10. For all of the foregoing reasons, we conclude that the public interest would be served by reallocating Channel 288A at Addis, Louisiana. With the consensual change in reference coordinates for Station KEUN-FM, Channel 288A, Eunice, Louisiana,⁵ Channel 288A can be allotted at Addis in compliance with the minimum distance separation requirements of the Commission’s Rules with a site restriction of 4.4 kilometers (2.7 miles) southwest of Addis at reference coordinates of: 30-19-03 NL and 91-17-05 WL.

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

12. 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), 0.283, and 1.420(i), IT IS ORDERED, That effective May 15, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

| <u>Community</u> | <u>Channel Number</u> |
|---------------------|-----------------------|
| Addis, Louisiana | 288A |
| Franklin, Louisiana | 295C3 ⁶ |

13. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Radio

⁴ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998) (“*Tuck*”).

⁵ Tri-Parish Broadcasting Incorporated (“Tri-Parish”), licensee of Station KEUN-FM, Channel 288A, Eunice, Louisiana, has consented to the proposed change, and R&I has agreed to reimburse Tri-Parish for its reasonable expenses in making changes to its facilities. The proposed new coordinates are: 30-23-25 NL and 92-29-00 WL, at a site 12.9 km (8 miles) southwest of Eunice.

⁶ Channel 295C3 at Franklin, Louisiana, is a vacant allotment.

and Investments, Inc., for Station KDDK(FM), Channel 288A, Franklin, Louisiana, IS MODIFIED to specify operation on Channel 288A at Addis, Louisiana, 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 47 C.F.R. 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 47 C.F.R. Section 1.1307 , unless the proposed facilities are categorically excluded from environmental processing.

14. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (2)(k), Radio and Investments, Inc., licensee of Station KDDK(FM), is required to submit a rule making fee in addition to the fee required for the applications to effectuate the changes specified above.

15. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this Order to the following counsel of record:

Lee J. Peltzman, Esq.
Shainis & Peltzman, Chartered
1850 M Street, N.W.
Suite 240
Washington, D.C. 20036

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

17. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau