

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

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 07-221
FM Table of Allotments,)	RM-11402
FM Broadcast Stations.)	
(Susanville, California))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 6, 2008

Released: February 8, 2008

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*¹ issued at the request of Hilltop Church (“Petitioner”), proposing the substitution of Channel 264A for vacant Channel 262A at Susanville, California. Petitioner proposed the channel substitution to accommodate its construction permit application² to modify the allotment of Station KHGQ(FM) (“KHGQ”) from Channel 265A to its original Channel 262A allotment at Quincy, California. Petitioner filed comments reiterating its continuing interest in its rulemaking proposal. No counterproposals or other comments were received in this proceeding.

2. In *Susanville, California*,³ the Commission allotted Channel 262A at Susanville, California. To accommodate the Susanville allotment, the Commission substituted Channel 265A for Channel 262A at Quincy, California, and modified the KHGQ license accordingly. Station KHGQ is presently operating on Channel 262A. The Susanville allotment has not yet been set for auction. The Report and Order in *Susanville, California, supra*, stated that the eventual Susanville permittee would be required to reimburse Station KHGQ for expenses incurred in changing that station’s channel to accommodate the Susanville allotment. Petitioner is a non-profit organization which holds an NCE broadcast license for Station KHGQ. As such, the station has limited resources. If and when Channel 262A at Susanville is auctioned off and a permittee is prepared to commence operations on Channel 262A, Petitioner would need to incur the expenses associated with the required channel change at Quincy and then seek reimbursement from the permittee. Allowing Petitioner to remain on Channel 262A and substituting Channel 264A for the vacant Channel 262A allotment at Susanville would eliminate the channel substitution at Quincy and would allow for continuity of service by Station KHGQ on Channel 262A at Quincy.

3. We find that the public interest would be served by substituting Channel 264A for vacant Channel 262A at Susanville because it would provide a suitable arrangement of channels for both Susanville and Quincy, California. Accordingly, it would serve the public interest pursuant to Priority (4)

¹ See *Susanville, California*, Notice of Proposed Rule Making, 22 FCC Rcd 18524 (MB 2007).

² See File No. BPED-20070619AAJ. Action on this application will be taken separately.

³ Report and Order, 19 FCC Rcd 22022 (MB 2004).

of the FM allotment priorities⁴ by providing continuity of service on Channel 262A at Quincy, California, as well as saving time and money for both the Petitioner and the eventual permittee of Channel 264A at Susanville. A staff engineering analysis indicates that Channel 264A can be allotted to Susanville, consistent with the technical engineering requirements of the Commission's Rules, at the reference coordinates for the current vacant Channel 262A at Susanville.⁵

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 March 24, 2008, 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>
Susanville, California	264A

5. A summary of this Report and Order will be published in the Federal Register because we are amending Section 73.202(b) of the Commission's Rules.

6. A filing window period for Channel 264A at Susanville, 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.

7. 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. Section 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁴ 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). *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982), *recon. denied*, Memorandum Opinion and Order, 56 RR 2d 448 (1983).

⁵ The coordinates for Channel 264A at Susanville are: 40-24-59 NL and 120-39-07 WL.