

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 09-50
Table of Allotments,	)	RM-11515
FM Broadcast Stations.	)	
(Cut Bank, Montana)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: October 21, 2009**

**Released: October 23, 2009**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* (“*Notice*”),<sup>1</sup> issued at the request of College Creek Media, LLC (“*Petitioner*”), permittee of Station KEAU(FM), Channel 274C1, Fairfield, Montana. *Petitioner* filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we are amending the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,<sup>2</sup> by granting the substitution of Channel 265C1 at Cut Bank, Montana.

2. **Background.** The *Notice* proposed the substitution of Channel 265C1 for Channel 274C1 at Cut Bank to eliminate the short-spacing between Station KEAU’s authorized transmitter site and the vacant Channel 274C1 at Cut Bank.<sup>3</sup> The proposed Channel 265C1 substitution would prevent potential interference problems, and permit the future auction application for the Cut Bank allotment to comply with Section 73.207 of the Commission’s Rules.

3. **Discussion.** Accordingly, we are substituting Channel 265C1 for Channel 274C1 at Cut Bank. Channel 265C1 can be allotted to Cut Bank consistent with the minimum distance separation requirements of the Commission’s Rules, with the imposition of a site restriction located 39.4 kilometers (24.5 miles) east of Cut Bank. The reference coordinates are 48-39-28 NL and 111-47-29 WL. The allotment of Channel 265C1 at Cut Bank is located 320 kilometers (199 miles) from the Canadian border. Therefore, Canadian concurrence has been requested and approved by the Canadian government.

4. 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).

<sup>1</sup> *See Cut Bank, Montana*, Notice of Proposed Rule Making, 24 FCC Rcd 4581 (MB 2009).

<sup>2</sup> 47 C.F.R. § 73.202(b).

<sup>3</sup> *See* File No. BMPH-20080225AHE. In this instance, the required minimum distance separation between these two allotments is 245 kilometers. The reference site for vacant Channel 274C1 at Cut Bank is located 135 kilometers from the authorized site of Station KEAU. Thus, Channel 274C1 at Cut Bank is short-spaced to the authorized site for Station KEAU by 110 kilometers.

5. **Ordering clauses.** 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 December 7, 2009, 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>Communities</u>	<u>Channel No.</u>
Cut Bank, Montana	265C1

6. The window period for filing applications for Channel 265C1 at Cut Bank 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. IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
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