

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 09-7
Table of Allotments,)	RM-11424
FM Broadcast Stations.)	
(McNary, Arizona))	

**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*”),¹ issued at the request of William S. Konopnicki (“*Petitioner*”), proposing the allotment of Channel 249C1 at McNary, Arizona, as its first local FM transmission service. *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,² by allotting Channel 249C1 at McNary.

2. **Background.** The *Notice* proposed the allotment of Channel 249C1 at McNary, as its first local service. As stated in the *Notice*, McNary is a census designated place (CDP) in Apache County, Arizona, with a 2000 U.S. Census population of 349 persons.

3. **Discussion.** Accordingly, we are allotting Channel 249C1 at McNary, as its first local service. Channel 249C1 at McNary can be allotted, consistent with the minimum distance separation requirements of the Commission’s Rules (the “*Rules*”) with the imposition of a site restriction located 0.3 kilometers (0.2 miles) northeast of the community, using reference coordinates 34-04-30 NL and 109-51-15 WL. The McNary allotment is contingent upon the final outcome of MB Docket No. 05-263³ since the proposed allotment is short-spaced to counter-proposed Channel 251C at St. Johns, Arizona in that proceeding.⁴

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).

¹ *See McNary, Arizona*, Notice of Proposed Rule Making, 24 FCC Rcd 2229 (MB 2009).

² 47 C.F.R. § 73.202(b).

³ *See Grants and Church Rock, New Mexico*, Report and Order, 22 FCC Rcd 9426 (MB 2007); *petition for partial recon. pending*.

⁴ *See Auburn, Alabama, et al.*, Memorandum Opinion and Order, 18 FCC Rcd 10333 (MB 2003) (permitting the filing of petitions for rulemaking based on an effective but not final FM allotment Order in another FM allotment proceeding).

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>
McNary, Arizona	249C1

6. The window period for filing applications for Channel 249C1 at McNary 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
Assistant Chief
Audio Division
Media Bureau