

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

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MB Docket No. 08-62  
Table of Allotments, )  
FM Broadcast Stations. )  
(Crandon, Wisconsin) )

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> proposing the substitution of Channel 276A for vacant Channel 276C3 at Crandon, Wisconsin to accommodate a pending application for Station WGLX-FM, Channel 277C1, Wisconsin Rapids, Wisconsin.<sup>2</sup> 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>3</sup> by substituting Channel 276A for vacant Channel 276C3 at Crandon, Wisconsin.

2. **Background.** The *Notice* proposed the downgrade of vacant Channel 276C3 to Channel 276A at Crandon to enable Station WGLX-FM to increase its current service area. As stated in the *Notice*, the proposed downgrade of this vacant allotment does not violate our new policy concerning downgrading a vacant allotment that has not yet been subject to auction.<sup>4</sup> To this end, the vacant Crandon allotment has been previously subject to a window for the filing of applications, and a construction permit was issued for a new station at Crandon, Facility ID 76121.<sup>5</sup> Thereafter, Channel 276C3 was substituted for Channel 276A at Crandon, and the construction permit for the new station was modified to reflect this change. The Channel 276C3 allotment became vacant because the construction permit for the new station was cancelled. However, the Channel 276C3 allotment at Crandon became effective in the Federal Register after the filing of the Station WGLX-FM application.<sup>6</sup>

<sup>1</sup> See *Crandon, Wisconsin*, Notice of Proposed Rule Making, 23 FCC Rcd 14856 (MB 2008).

<sup>2</sup> See File No. BPH-20050406ACK.

<sup>3</sup> 47 C.F.R. § 73.202(b).

<sup>4</sup> See *Grants and Church Rock, New Mexico*, Report and Order, 22 FCC Rcd 9426 (MB 2007), *recon. pending* (announcing that, in most instances, we will not downgrade a vacant allotment that has not yet been subject to our competitive bidding procedures).

<sup>5</sup> See File No. BPH-19950427MB.

<sup>6</sup> See *Various Locations*, Report and Order, 20 FCC Rcd 17931(MB 2005); see also *Various Locations*, 70 FR 70743, published November 23, 2005.

3. **Discussion.** In response to the *Notice*, no continuing expressions of interest were filed for vacant Channel 276C3 at Crandon.<sup>7</sup> Therefore, we find that grant of this proposal results in the public interest under priority (4)<sup>8</sup> because it will enable Station WGLX-FM to improve its service area and eliminate the substandard spacing to the Crandon, Wisconsin allotment.<sup>9</sup> Accordingly, we are substituting Channel 276A for vacant Channel 276C3 at Crandon, Wisconsin. A staff engineering analysis indicates that Channel 276A can be allotted to Crandon consistent with the minimum distance separation requirements of the Commission's rules at reference coordinates 45-34-18 NL and 88-53-54 WL.

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).

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>
Crandon, Wisconsin	276A

6. The window period for filing applications for Channel 276A at Crandon 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

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<sup>7</sup> *Bethel Springs, Tennessee et al.*, Memorandum Opinion and Order, 17 FCC Rcd 14472 (MB 2002) (approving the downgrade of the Tiptonville vacant allotment, absence of an expression of continuing interest, where a construction permit for the vacant allotment had been previously issued and the permittee allowed the permit to expire).

<sup>8</sup> The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (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, 91 (1988).

<sup>9</sup> In this instance, the required minimum distance separation between these two allotments is 144 kilometers. The reference site for vacant Channel 276C3 at Crandon is located 122.5 kilometers from the proposed site specified in this application. As such, the proposed site for the Station WGLX-FM application is short-spaced to the vacant Crandon allotment by 11.5 kilometers.