

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

In the Matter of)
)
Amendment of Section 73.202(b))
FM Table of Allotments,)
FM Broadcast Stations.)
(Various Locations))
)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: December 1, 2010

Released: December 3, 2010

By the Assistant Chief, Audio Division, Media Bureau:

1. This *Report and Order* amends 47 C.F.R. Section 73.202(b), the Table of FM Allotments, to unreserve FM allotments that are reserved for noncommercial educational (“NCE”) use for FM channels and classes as allotted to various communities.¹ In this regard, no applications were received for Channel *272A at Homer, Louisiana, and Channel *260A at Fountain Green, Utah, in response to the *Reserved FM Allotments Window Public Notice*.² Therefore, we are unreserving these allotments for NCE use pursuant to *Reexamination of the Comparative Standard for Noncommercial Educational Applicants*.³

2. Accordingly, Channel 272A at Homer, Louisiana, and Channel 260A at Fountain Green, Utah, are subject to the Commission’s competitive bidding procedures. These amendments are necessary to reflect that these allotments are no longer reserved for NCE use.

3. This action constitutes an editorial change in the Table of FM Allotments. Therefore, we find for good cause that a public notice and comment proceeding is unnecessary.⁴

4. **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 upon publication in the Federal Register, the Table of FM Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

¹ See *Homer, Louisiana*, Report and Order, 19 FCC Rcd 13852 (MB 2004) and *Fountain Green, Utah*, Report and Order, 19 FCC Rcd 15418 (MB 2004).

² See *Media Bureau Announces Filing Window For Vacant FM Allotments Reserved For Noncommercial Educational Use*, Public Notice, 24 FCC Rcd 12621 (MB 2009)(“*Reserved FM Allotments Window Public Notice*”).

³ *Reexamination of the Comparative Standard for Noncommercial Educational Applicants*, Second Report and Order, 18 FCC Rcd 6691, 6705 ¶ 38 (2003)(stating that the allotment will become unreserved by operation of law and subject to the Commission’s competitive bidding licensing procedures in the event that all applications for a reserved band allotment fail to propose the requisite level of first or second NCE service).

⁴ See 5 U.S.C. § 553(b)(A) and (B).

<u>Communities</u>	<u>Channel No.</u>
Homer, Louisiana	272A
Fountain Green, Utah	260A

5. The Commission will not send a copy of this *Report and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

6. The window period for filing applications for Channel 272A at Homer, Louisiana, and Channel 260A at Fountain Green, Utah, will not be opened at this time. Instead, these allotments will be scheduled for auction and addressed in a subsequent Commission Order.

7. For further information regarding this proceeding, contact Rolanda F. Smith (202) 418-2180.

8. Accordingly, IT IS ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau