

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 12-261
Table of Allotments,)	RM-11677
FM Broadcast Stations.)	
(Crownpoint, New Mexico))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 1, 2013

Released: March 1, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: a *Notice of Proposed Rule Making* (“*Notice*”)¹ issued in response to a Petition for Rule Making (“*Petition*”) filed by Navajo Technical College (“*Petitioner*”), an entity of the Navajo Nation, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by allotting FM Channel 297A, Crownpoint, New Mexico, as a first local Tribal Allotment and a first local service.² For the reasons discussed below, we grant the *Petition* and add FM Channel 297A to the Table of Allotments as a Tribal Allotment.

2. **Background.** In *Rural Radio*,³ the Commission concluded that the public interest would be served by establishing a Section 307(b) priority in favor of Tribes and Tribal Entities proposing the allotment of FM radio channels to serve Tribal lands.⁴ *Petitioner*, a non-profit vocational technical educational institution of the Navajo Nation government, certifies that its proposal meets the requirements established in *Rural Radio* for a Tribal Priority. Specifically, *Petitioner* provides evidence that: at least 50 percent of the proposed principal community contour would cover Navajo Nation Tribal Land; Crownpoint, the proposed community of license, is located on Navajo Nation Tribal Land; and the proposed facility would be the first local Tribally-owned commercial transmission service at the proposed community of license. *Petitioner* further states that it is eligible for a Tribal Priority at Crownpoint because it is a fully-chartered organization owned and controlled by the Navajo Nation, and its main campus lies within the principal community contour of the proposed facility. *Petitioner* filed comments supporting the allotment change proposed in the *Notice*. No other comments were received.

¹ *Crownpoint, New Mexico*, Notice of Proposed Rule Making, 27 FCC Rcd 11120 (MB 2012).

² *Petitioner* also filed an associated FCC Form 301 application. See FCC File No. BNP-20120828AFK.

³ See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Notice of Proposed Rule Making, 24 FCC Rcd 5239 (2009) (“*NPRM*”); First Report and Order, 25 FCC Rcd 1583 (2010) (“*First R&O*”); Second Report and Order, 26 FCC Rcd 2556 (2011) (“*Second R&O*”); and Third Report and Order, 26 FCC Rcd 17642 (2011) (“*Third R&O*”) (collectively, “*Rural Radio*”).

⁴ *Rural Radio*, First R&O, 25 FCC Rcd at 1596-97. See also *NPRM*, 24 FCC Rcd at 5248, n.29 (defining “*Indian Tribe[s]*” and “*Federally-Recognized Indian Tribes*”), and n.30 (defining “*Tribal Lands*”).

3. **Discussion.** We find that the public interest will be served by the allotment of FM Channel 297A at Crownpoint, New Mexico, as a Tribal Allotment. This Tribal Allotment will serve the public interest by providing vital radio service to Crownpoint and surrounding Navajo Nation Tribal Lands, and by enabling the Petitioner, an Entity of the Navajo Nation, to set its own communications priorities and goals with respect to this new service. Moreover, the allotment will further the public interest by providing a first local transmission service at Crownpoint. This allotment complies with the technical requirements of the Commission's rules.⁵

4. **Conclusion.** Accordingly, IT IS ORDERED, That effective April 15, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Crownpoint, New Mexico	297A ⁶

5. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁷ The Commission will release in the near future a public notice announcing a Threshold Qualifications Window. Any qualifying applicant may file an FCC Form 301 for this channel during the window.⁸

6. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁵ The reference coordinates proposed for Channel 297A at Crownpoint, New Mexico, are: 35-41-07 NL and 108-08-43 WL, at a site 0.9 km (0.58 miles) northeast of Crownpoint.

⁶ This channel is reserved as a Tribal Allotment.

⁷ See 5 U.S.C. § 801 (a)(1)(A).

⁸ See Third R&O, 26 FCC Rcd at 17645-46. See also Second R&O, 26 FCC Rcd at 2588-90. Should no applicant meeting threshold qualifications file FCC Form 301 during the Threshold Qualifications Window (and should the proponent request that its already-filed Form 301 application not be immediately processed), the Tribal Allotment will be included in the inventory for a broadcast auction at a later date. In that event, only threshold qualified applicants, including the original proponent, would be permitted to participate in the auction. Third R&O, 26 FCC Rcd at 17649.