

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 14-53
Table of Allotments,)	RM-11714
FM Broadcast Stations.)	
(Dayton, Washington))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 17, 2014

Released: July 18, 2014

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making filed by Brett E. Miller (“Petitioner”). Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,² by allotting Channel 272A at Dayton, Washington.

2. **Background.** The *Notice* proposed the allotment of Channel 272A at Dayton, Washington, as the community’s second local transmission service. Dayton is a city with a 2010 U.S. Census population of 2,526 persons. Petitioner filed comments reiterating his interest in Channel 272A at Dayton. Petitioner states that, if allotted, he will participate in an auction for the Dayton allotment, and if the successful winning bidder, he will construct the facilities as authorized after the construction permit is granted.

3. **Discussion.** We find that the public interest would be served by allotting a second local transmission service at Dayton, Washington under Priority (4).³ A staff engineering analysis confirms that Channel 272A can be allotted to Dayton consistent with the minimum distance separation requirements of the Commission’s Rules with a site restriction 3.1 kilometers (1.9 miles) southwest of the community. The reference coordinates are 46-18-20 NL and 118-00-03 WL.

4. 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, *see* 5 U.S.C. § 801(a)(1)(A).

¹ *See Dayton, Washington*, Notice of Proposed Rule Making, 29 FCC Rcd 3666 (MB 2014) (“*Notice*”).

² 47 C.F.R. § 73.202(b).

³ The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (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 (1982).

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, September 2, 2014, 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>
Dayton, Washington	272A

6. The window period for filing applications for Channel 272A at Dayton, Washington will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
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Media Bureau