

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

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|--------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Amendment of section 73.202(b) |) | MB Docket No. 19-127 |
| FM Table of Allotments, |) | RM-11830 |
| FM Broadcast Stations. |) | |
| (Kahlotus, Washington) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 18, 2019

Released: July 19, 2019

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 Xana HD Solutions, LLC. (“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 283A at Kahlotus, Washington.

2. **Background.** The *Notice* proposed the allotment of Channel 283A at Kahlotus, Washington, as a first local service. Kahlotus is an incorporated city within Franklin County that has a 2010 U.S. Census population of 193 persons. Petitioner filed comments, reiterating its expression of interest in Channel 283A at Kahlotus. Petitioner states that, if the channel is allotted, it will participate in the FM auction for the Kahlotus allotment, and promptly construct the facilities authorized in the event the Commission grants its application.³

3. **Discussion.** We find that the public interest would be served by allotting a first local service at Kahlotus under Priority (3).⁴ A staff engineering analysis indicates that Channel 283A can be allotted to Kahlotus, Washington, consistent with the minimum distance separation requirements of the Commission’s rules with a site restriction of 6.2 kilometers (3.88 miles) southeast of Kahlotus. The reference coordinates are 46-38-00 NL 118-38-10 WL. Channel 283A at Kahlotus, Washington is located within 320 kilometers (199 miles) of the U.S.-Canadian border. Canadian concurrence has been received.

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

¹ See *Kahlotus, Washington*, Notice of Proposed Rule Making, DA 19-377 (MB 2019) (“*Notice*”).

² 47 C.F.R. § 73.202(b).

³ See File No. BNPH-20190201AAR.

⁴ 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).

ORDERED, That effective, September 2, 2019, the FM Table of Allotments, 47 C.F.R. section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

| <u>Community</u> | <u>Channel No.</u> |
|----------------------|--------------------|
| Kahlotus, Washington | 283A |

5. The window period for filing applications for Channel 283A at Kahlotus, Washington will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in subsequent order.

6. 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).

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
Audio Division
Media Bureau