

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

In the Matter of )
)
Amendment of section 73.202(b), Table of ) MB Docket No. 21-502
Allotments, FM Broadcast Stations (Snowflake, )
Arizona; Millerton, Oklahoma; Powers, Oregon; )
Mount Enterprise and Paint Rock, Texas; )
Hardwick, Vermont; and Meeteetse, Wyoming) )

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 11, 2022

Released: May 13, 2022

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rule Making<sup>1</sup> proposing the deletion of seven vacant allotments in various communities in Arizona, Oklahoma, Oregon, Texas, Vermont and Wyoming. Estrella Broadcasting LLC (EB) filed comments. No other comments were received. For the reasons discussed below, we are deleting six of the vacant allotments from the FM Table of Allotments.

2. Background. The Audio Division, on its own motion, proposed the deletion of Channel 259C2 at Snowflake, Arizona; Channel 265C2 at Millerton, Oklahoma; Channel 293C2 at Powers, Oregon; Channel 279A at Mount Enterprise, Texas; Channel 296C3 at Paint Rock, Texas; Channel 290A at Hardwick, Vermont; and Channel 259C at Meeteetse, Wyoming. All of these allotments were offered in previous FM auctions and received no bids.

3. The Notice stated that interested parties must file comments expressing an interest in these vacant allotments to prevent their removal, and provide an explanation as to why they did not participate in our competitive bidding process. EB filed comments stating that it has great interest in Channel 259C2 at Snowflake, Arizona (MM-FM1183-C2), and has full intentions to bid on it in a future FCC auction. EB states that it participated in Auction 109 and was the only bidder for Channel 234C1 at Overgaard, Arizona (MM-FM1180-C1), and would have placed a bid for the Snowflake, Arizona, allotment but its minimum opening bid deposit was only sufficient for one of the FM auction channels. EB claims that it is currently financially prepared to bid at least the amount that had been established as the minimum opening bid in Auction 109 for a permit on Channel 259C2 at Snowflake, Arizona, in a future auction and has access to existing facilities with approval from the National Forest Service to promptly build the Snowflake allotment. No other comments were received in response to the Notice.

4. Discussion. The Commission's policy is not to delete an FM allotment where a bona fide expression of interest exists, absent a compelling reason to do so.<sup>2</sup> Accordingly, we will not delete Channel

<sup>1</sup> Snowflake, Arizona, et al., Notice of Proposed Rule Making, DA 21-1635 (MB 2021) (Notice).

<sup>2</sup> See, e.g., Montrose and Scranton Pennsylvania, Memorandum Opinion and Order, 5 FCC Rcd 6305, 6306 (1990) (denying request to delete an allotment because interest had been expressed in its retention); Enfield, New Hampshire; Hartford and White River Junction, Vermont; and Keeseville and Morrisonville, New York, Memorandum Opinion and Order, 26 FCC Rcd 798 (2011).

259C2 at Snowflake, Arizona, since EB filed a *bona fide* expression of interest. However, we will delete the other six vacant allotments, listed in Paragraph 5, because no *bona fide* expressions of interest were filed. Deletion of these allotments may create other opportunities in nearby communities for new FM allotments or upgrades of existing stations. Therefore, we conclude that the deletion of these vacant allotments could promote a more effective and efficient use of the FM broadcast spectrum.

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 CFR sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective June 27, 2022, the FM Table of Allotments, 47 CFR Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<b>FM Auction 109</b>		
<b><u>Construction Permit No.</u></b>	<b><u>Community</u></b>	<b><u>Channel</u></b>
MM-FM1093-C2	Millerton, Oklahoma	-----
MM-FM1099-C2	Powers, Oregon	-----
MM-FM1138-A	Mount Enterprise, Texas	-----
MM-FM1143-C3	Paint Rock, Texas	-----
MM-FM325-A	Hardwick, Vermont	-----
MM-FM1171-C	Meeteetse, Wyoming	-----

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

6. For further information regarding a proceeding listed above, contact Rolanda F. Smith (202) 418-2700.

7. Accordingly, IT IS ORDERED, that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez  
Assistant Chief Audio Division  
Media Bureau