

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

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

ORDER

Adopted: February 8, 2023

Released: February 9, 2023

By the Assistant Chief, Audio Division, Media Bureau:

1. This Order updates the FM Table of Allotments (FM Table), section 73.202(b) of the Commission’s rules.1 For the reasons discussed below, we amend the FM Table to reinstate certain channels as a vacant FM allotment. The attached Appendix shows the FM Table, as amended, for those communities.

2. Formerly, the FM Table listed all vacant FM allotments as well as FM channels and communities occupied by authorized facilities.2 In 2006, the Commission removed the allotments of authorized and awarded FM facilities from the FM Table in order to accommodate the new application procedures for radio stations to change their communities of license.3 As contemplated by the Changes of Community R&O, when an authorization is cancelled, the vacant FM channel needs to be reinstated in the FM Table in order to be protected for spacing purposes and preserve the opportunity to license a future station in the specified community. We periodically issue Orders to update the FM Table reinstating allotments that have become vacant due to the cancellation of an authorization or license.

3. The FM allotments listed in the attached Appendix were removed from the FM Table because a construction permit and/or license was granted. These FM allotments, however, are now considered vacant because of the cancellation of the associated authorizations or the dismissal of long-form auction applications.

4. Accordingly, we reinstate the vacant FM allotments set forth in the Appendix. A staff engineering analysis confirms that all of the vacant FM allotments listed in the Appendix meet the minimum distance separation requirements of section 73.207 and the city-grade coverage requirements of section 73.315.4 The window period for filing applications for these vacant FM allotments will not be opened at this time. Instead, the issue of opening these allotments for filing will be addressed by the Commission in subsequent order.

5. This action constitutes an editorial change in the FM Table of Allotments because the vacant

1 47 CFR § 73.202(b).

2 See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Report and Order, 21 FCC Rcd 14212, 14221, ¶ 15 (2006), recon. pending (“Changes of Community R&O”).

3 Id.

4 47 CFR §§ 73.207 and 73.315.

FM allotments listed in the Appendix have previously undergone notice and comment rule making. Therefore, further notice and comment proceedings are unnecessary.⁵

6. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,⁶ do not apply to a rulemaking proceeding to amend the FM Table of Allotments in section 73.202(b) of the Rules.⁷ This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995.⁸ In addition, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002.⁹

7. **Ordering Clauses.** Accordingly, IT IS FURTHER ORDERED that, pursuant to authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b) and sections 0.61, 0.204(b), and 0.283 of the Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, upon publication in the Federal Register, the FM Table of Allotments, 47 CFR § 73.202(b), IS AMENDED, in accordance with the changes set forth in the Appendix to this Order.

8. IT IS FURTHER ORDERED, That the Commission will not send a copy of this *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), because these allotments were previously reported.

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2054.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
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Media Bureau

⁵ *See* 5 U.S.C. § 553(b)(B) (stating that agency may forego notice and comment procedures if it provides a brief statement of reasons showing that such procedures are unnecessary).

⁶ *See* 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

⁷ 47 CFR § 73.202(b).

⁸ *See* 44 U.S.C. §§ 3501-3520.

⁹ *See* 44 U.S.C. § 3506(c)(4).

APPENDIX

Community	Channel Deleted	Channel Added
Ajo, Arizona	-----	275A
Peach Springs, Arizona	-----	280A
Fredonia, Arizona	-----	266C1
Lake Village, Arkansas	-----	278C3
Kettleman City, California	-----	299A
Tecopa, California	-----	288A
Wasco, California	-----	224A
Bear Lake, Michigan	-----	264C3
Grand Portage, Minnesota	-----	251A
Bunker, Missouri	-----	292C3
Greenwood, Mississippi	-----	230C3
Clovis, New Mexico	-----	272C3
Owyhee, Nevada	247C3	247C1
Junction, Texas	-----	228C2, 290A
Sonora, Texas	-----	272C3
Barton, Vermont	-----	262A