

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 (Ralston,
Wyoming)
MB Docket No. 22-398
RM-11935

REPORT AND ORDER

Adopted: March 1, 2023

Released: March 1, 2023

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division has before it a Notice of Proposed Rule Making, issued in response to the Petition for Rule Making filed by Skye Media, LLC (Petitioner). Petitioner filed comments in support of its Petition. 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, by allotting Channel 233C at Ralston, Wyoming.

II. BACKGROUND

2. The Notice proposed the allotment of Channel 233C at Ralston, Wyoming, as a first local service. Ralston, Wyoming is listed in the 2020 U.S. Census as a census-designated place having a population of 240 persons. As stated in the Notice, Ralston has its own post office, zip code (82440), and several local businesses and event venues, i.e., Beartooth Health, Heart Mountain Hearing Center, Clean Cut Sharpening Services, Heart Mountain Pub, Robert I Fry Construction, Perk County Coffee Co., MDM Custom Concrete, Bradford Plumbing, Diamond Truss, LLC, Ralston Inn/Clubhouse, Redneck Customs, and Exxon gas station at the Good Go Convenience Store, as well as the Faith Community Church. Ralston has also several area businesses such as Barrows Z3 Retreat, Dawson Blacksmith Shop, Dean's Pest Control, Dog Grooming by Pam, Hand 2 Foot Reflexology, Mobility Plus, Northern Wyoming Equipment, Recycle ATV Repair, Red Eagle Food Store, RVF Limited Tractors & Equipment, TNT Transport, 20th Century Collectables, and Waterworks Irrigation. Ralston hosts yearly in July the weeklong Jake Clark's Mule Days that includes rodeo, barrel racing, shooting competitions, a parade, and mule sale at Wyoming Heritage Grains, a local family farm established in 1946 that sells retail grains and flours.

3. Petitioner filed comments reiterating its expression of interest in Channel 233C at Ralston, Wyoming. Petitioner restates its present intention to apply for the channel, if it is allotted and, if authorized, it will prosecute its application and promptly construct the facilities in the event the Commission grants its application.

1 See Ralston, Wyoming, Notice of Proposed Rule Making, DA-22-1237, rel. December 1, 2022 (MB 2022) ("Notice"); see also 87 FR 77782 (published 12/20/2022).

2 47 C.F.R. § 73.202(b).

3 See FCC File No. 0000202946.

III. DISCUSSION

4. We find that the public interest would be served by allotting a first local service at Ralston, Wyoming, under Priority (3).⁴ A staff engineering analysis indicates that Channel 233C can be allotted to Ralston, Wyoming, consistent with the minimum distance separation requirements of the Commission's rules (Rules), with a site restriction of 32.1 km (19.9 miles) southwest of the community.⁵ The reference coordinates are 44-29-42 NL and 109-09-12 WL.

5. *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, 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, therefore, 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

IV. ORDERING CLAUSES

6. IT IS 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, effective April 17, 2023, the FM Table of Allotments, 47 CFR § 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Ralston, Wyoming	233C

7. The window period for filing applications for Channel 233C at Ralston, Wyoming 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.

8. IT IS FURTHER ORDERED, That 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).

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

⁴ *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982). 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).

⁵ 47 CFR § 73.207.

⁶ 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 44 U.S.C. §§ 3501-3520.

⁹ 44 U.S.C. § 3506(c)(4).

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

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief, Audio Division
Media Bureau