

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

MM Docket No. 89-557

In the Matter of

Amendment of Section 73.202(b), RM-7043
Table of Allotments,
FM Broadcast Stations.
(Lumberton, Mississippi)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 7, 1990; Released: August 23, 1990

By the Deputy Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 4 FCC Rcd 8488 (1989), issued in response to a petition filed by Stone-Lamar Broadcast Services Corporation (petitioner), proposing the substitution of FM Channel 237C2 for Channel 237A at Lumberton, Mississippi, and modification of its license for Station WLUN, to specify the higher class channel. Petitioner filed supporting comments in which it reaffirmed its interest in the channel.

2. We believe the public interest would be served by the substitution of Channel 237C2 for Channel 237A at Lumberton, Mississippi, since it could provide the community with its first wide coverage area FM station. The substitution can be made in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules at petitioner's specified site.¹ In addition, we have authorized a modification of the petitioner's license for Station WLUN, Lumberton, Mississippi, to specify operation on Channel 237C2 in accordance with Section 1.420(g) of the Commission's Rules.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **October 10, 1990**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, to read as follows:

City	Channel No.
Lumberton, Mississippi	237C2

4. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station WLUN, Lumberton, Mississippi, IS MODIFIED to specify operation on Channel 237C2, in lieu of Channel 237A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall file with the Commission a minor change application for construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

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

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Kathleen B. Levitz
Deputy Chief
Policy and Rules Division
Mass Media Bureau

FOOTNOTE

¹ The coordinates for Channel 237C2 are 30-51-30 and 89-11-29. Because the petition for rule making in this proceeding was filed prior to October 2, 1989, the licensee may avail itself of the provisions of Section 73.213(c) of the Commission's Rules. See 47 C.F.R. § 73.213(c).