

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

MM Docket No. 91-229

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments, RM-7761
FM Broadcast Stations.
(Potosi and Waynesville,
Missouri)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 29, 1992; Released: February 7, 1992

By the Assistant Chief, Allocations Branch:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making and Order to Show Cause*, 6 FCC Rcd 4752 (1991), proposing the substitution of Channel 249C3 for Channel 249A at Potosi, Missouri. The *Notice* was issued in response to a petition filed by Prime Time Radio ("petitioner"). Petitioner also requested modification of its construction permit (BPH-891222MF) for Station KWVB to specify operation on the higher class channel. Petitioner filed comments restating its interest in the allotment of Channel 249C3. B-D, Inc., filed comments in response to the *Order to Show Cause*.

2. As stated in the *Notice*, Channel 249C3 can be allotted to Potosi in compliance with the Commission's spacing requirements provided Channel 249A at Waynesville, Missouri, is deleted. B-D, Inc., is the licensee of Station KFBD-FM, Channel 249A, Waynesville. Petitioner proposed the substitution of Channel 250A for Channel 249A at Waynesville, which can be used at the current site of Station KFBD-FM.

3. B-D, Inc., states that it has no objection to the proposed frequency change provided the petitioner reimburse B-D, Inc., for its costs in connection with the substitution at Waynesville. B-D, Inc., further states that it has obtained the agreement of Prime Time Radio to such reimbursement and notes that the proposed frequency change appears to be in the public interest.

4. After careful consideration of the proposal, we conclude that the public interest would be served by the channel substitution at Potosi, Missouri, as a wide coverage area FM service. In order to accomplish the substitution at Potosi, Channel 250A must be substituted for Channel 249A at Waynesville, Missouri. Both substitutions can be made in compliance with the Commission's minimum distance spacing requirements.¹ In accordance with Section 1.420(g) of the Commission's Rules, we are

herein modifying the construction permit for Station KWVB at Potosi, Missouri, to specify operation on Channel 249C3. We shall also modify the license for Station KFBD-FM, Waynesville, Missouri, to specify operation on Channel 250A in lieu of Channel 249A in accordance with the Commission's Rules.

5. Commission policy requires that Station KFBD-FM be reimbursed for the reasonable cost of changing frequencies from one class A channel to another. Prime Time Radio has acknowledged its responsibility to reimburse Station KFBD-FM, Waynesville, for the reasonable costs in changing frequency.

6. 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 **March 23, 1992**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, to read as follows:

Community	Channel No.
Potosi, Missouri	249C3
Waynesville, Missouri	250A, 272A

7. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the construction permit for Station KWVB, Potosi, Missouri, IS MODIFIED to specify operation on Channel 249C3 in lieu of Channel 249A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee 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.

8. IT IS FURTHER ORDERED, That pursuant to the authority contained in Section 316(a) of the Communications Act of 1934, as amended, that the license of Station KFBD-FM, Waynesville, Missouri, IS MODIFIED, to specify operation on Channel 250A in lieu of Channel 249A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in License BLH-780828AK except for the channel as specified above. Any

¹ The coordinates for Channel 249C3 at Potosi are 37-52-51 and 90-47-01. The coordinates for Channel 250A at Waynesville are 37-49-42 and 92-10-27.

changes, except those specified require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with License BLH-780828AK, except for the channel as specified above, and a license application (Form 302) is filed within 10 days of commencement of program tests.

9. IT IS FURTHER ORDERED, That the Secretary of the Commission, Shall Send by Certified Mail, Return Receipt Requested, a copy of this *Order* to the following:

B-D, Inc.
Station KFBD-FM
Box 58
Linn Creek, Missouri 65052

10. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Prime Time Radio, permittee of Station KWVB, is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger
Assistant Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau