

Before the  
Federal Communications Commission  
Washington D. C. 20554

MM Docket No. 90-594

In the Matter of

Amendment of Section 73.202(b).	RM-7250
Table of Allotments,	RM-7660
FM Broadcast Stations.	
(Oakdale and Campti, Louisiana) <sup>1</sup>	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: January 31, 1992      Released: February 7, 1992

By the Assistant Chief, Allocations Branch:

1. At the request of Oakdale Limited Partnership ("petitioner"), former licensee of Station KICR-FM, the Commission has before it the *Notice of Proposed Rule Making*, 5 FCC Rcd 7284 (1990), proposing the substitution of Channel 254C1 for Channel 254C2 at Oakdale, and modification of its authorization to specify the higher powered channel. B & D Communications, Inc. ("B & D") successor-in-interest to the petitioner,<sup>2</sup> filed comments stating its intention to apply for Channel 254C1, if allotted. Fred Hannel, d/b/a Campti Broadcasting Company ("Campti Broadcasting"), filed a counterproposal.<sup>3</sup> B & D filed responsive comments to Campti Broadcasting's counterproposal.

2. In its counterproposal, Campti Broadcasting requests the allotment of Channel 253C3 to Campti, Louisiana, as that community's first local transmission aural service. In support of its request, Campti Broadcasting states Campti has a population of 1,078 persons, and is located in Natchitoches Parish, which has a population of 39,863 persons. In addition, Campti Broadcasting notes its proposal would provide an additional aural reception service to approximately 53,000 persons. Campti Broadcasting ar-

gues that its proposal offers a more efficient distribution of the aural services and indicates its intention to apply for Channel 253C3, if allotted to Campti, Louisiana.

3. In response to Campti Broadcasting's counterproposal, B & D states that Campti has a population of less than 1,000 persons.<sup>4</sup> Alternatively B & D suggests the allotment of Channel 288A to Coushatta, with a specific site restriction, arguing that the Class A station could provide a superior signal to Campti than could be provided by a Class C3 facility. B & D states its alternative proposal would allow the Oakdale upgrade while providing a premium signal to Campti.<sup>5</sup>

4. We believe that the public interest would be served by the provision of a first local service at Campti as well as the expansion of service by Station KICR-FM at Oakdale. However, neither the proponents nor the Commission's staff has been able to identify an alternate channel for allotment to either community. Therefore, we must comparatively consider these proposals. Under the Commission's FM allotment priorities, a first local FM service is generally preferred over a proposal to upgrade an existing facility.<sup>6</sup> If the proponent for a channel upgrade is in conflict with a proposal for a new allotment, the upgrade proponent may demonstrate that its proposal should be preferred by providing a showing of need for the proposed increase in existing service. This could take the form of a comparison indicating which new areas are to be covered and the extent to which these areas are currently unserved or underserved. In the absence of such a showing of need for the proposed increase in service, a conflicting new allotment would be favored since it represents a new service.<sup>7</sup> B & D has not made such a showing. Therefore, we find that the provision of a new first service at Campti must be preferred over a proposal to upgrade existing service at Oakdale.

5. In consideration of the above, we believe the public interest would be served by the allotment of Channel 253C3 to Campti, Louisiana, since it would provide the community with its first aural transmission service. Channel 253C3 can be allotted to Campti in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.9 kilometers (12.3 miles) west to accommodate Campti Broadcasting's desired site.<sup>8</sup> While it may be true that a Class A channel could be allotted to Coushatta in order to provide service to both Coushatta and Campti, we note that no interest in the use of such a channel has been expressed. A showing of continuing interest is required before a channel can be

<sup>1</sup> The community of Campti, Louisiana, has been added to the caption.

<sup>2</sup> B & D is now the licensee of Station KICR-FM, pursuant to the Commission's grant of the assignment of petitioner's construction permit on January 26, 1990.

<sup>3</sup> Public Notice of the counterproposal was given on March 6, 1991, Report No. 1839.

<sup>4</sup> According to the 1980 U.S. Census, Campti is an incorporated community and has a population of 929 persons.

<sup>5</sup> B & D argues that "it is not entirely clear" why its proposal was released in a separate *Notice*, rather than treated as a counterproposal in MM Docket No. 89-447. We issued a *Notice of Proposed Rule Making* in MM Docket No. 89-447, 4 FCC Rcd 7481 (1989), proposing the substitution of Channel 235C3 for Channel 222A at Coushatta, Louisiana. Since this was a nonadjacent channel upgrade the proponent noted that Channel 253C3 could be allotted to Coushatta to accommodate any addi-

tional expressions of interest. Petitioner filed comments in that proceeding requesting the substitution of Channel 254C1 for Channel 254C2 at Oakdale, Louisiana, which was mutually exclusive with Channel 253C3 at Coushatta. However, no additional expressions of interest were filed and there was no need to consider the alternate channel. Since there was no technical conflict between the Coushatta proposal and petitioner's, the Commission issued a separate *Notice* to address the proposed Oakdale upgrade. See *Report and Order* in MM Docket No. 89-447, 5 FCC Rcd 5418 (1990). We note that petitioner did not file a petition for reconsideration of the *Report and Order*.

<sup>6</sup> See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982); see also *Benton, Arkansas, et al*; 3 FCC Rcd 4840 (1988), *recon. pend.*

<sup>7</sup> See *Benton, Arkansas, supra*.

<sup>8</sup> The coordinates for Channel 253C3 at Campti are North Latitude 31-55-26 and West Longitude 93-19-25.

allotted, and absent such an expression of interest, it is the Commission's policy to refrain from allotting the channel.<sup>9</sup> Therefore, we will not allot Channel 288A to Coushatta, Louisiana.

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, with respect to the community listed below, to read as follows:

City	Channel No.
Campti, Louisiana	253C3

7. The window period for filing applications for Channel 253C3 at Campti, Louisiana, will open on **March 24, 1992**, and close on **April 23, 1992**.

8. IT IS FURTHER ORDERED, That the petition for Rule Making filed by Oakdale Limited Partnership, (RM-7250) requesting the allotment of Channel 254C1 to Oakdale, Louisiana, IS DENIED.

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

10. For further information concerning this proceeding, contact Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>9</sup> See, e.g., *Murray, Kentucky*, 3 FCC Rcd 1010 (1988).