

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

MM Docket No. 91-234

In the Matter of

Amendment of Section 73.202(b), RM-7745
Table of Allotments,
FM Broadcast Stations.
(Hastings, Nebraska)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 13, 1992; Released: January 23, 1992

By the Assistant Chief, Allocations Branch:

1. At the request of Heartland Radio, Inc. ("petitioner"), licensee of Station KEZH(FM), Hastings, Nebraska, the Commission has before it the *Notice of Proposed Rule Making*, 6 FCC Red 4808 (1991), proposing the substitution of Channel 268C for Channel 268C2 at Hastings, Nebraska, and the modification of the license of Station KEZH(FM) to specify operation on the higher class channel. Petitioner filed supporting comments. No other comments were received.

2. We believe the public interest would be served by allotting Channel 268C at Hastings, Nebraska, because it would enable Station KEZH(FM) to provide an expanded coverage area FM service to the community. Channel 268C can be allotted to Hastings at the site specified by petitioner, which is located 41.5 kilometers (25.8 miles) west of Hastings.¹ As stated in the *Notice*, the proposal for Hastings must conform with the technical requirements of Section 73.1030(c)(1)-(5) of the Commission's Rules regarding the Commission's monitoring station at Grand Island, Nebraska.

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 March 9, 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.
Hastings, Nebraska	251C, 268C

4. IT IS FURTHER ORDERED, That, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Heartland Radio, Inc. for Station

KEZH(FM), Channel 268C2, IS MODIFIED to specify operation on Channel 268C, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission an application for a 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; and

(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. 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, Heartland Radio, Inc., licensee of Station KEZH(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

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

7. For further information concerning this proceeding, contact Victoria M. McCauley, Mass Media Bureau (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ Coordinates at the petitioner's suggested site for Channel 268C are 40-39-28 and 98-52-04.