

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

MM Docket No. 91-239

In the Matter of

Amendment of Section 73.202(b), RM-7769
Table of Allotments,
FM Broadcast Stations.
(Antigo, Wisconsin)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 23, 1992; Released: February 4, 1992

By the Assistant Chief, Allocations Branch:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 6 FCC Rcd 4925 (1991), proposing the allotment of Channel 291C3¹ to Antigo, Wisconsin, as that community's second FM broadcast service. The *Notice* was issued in response to a petition filed by Nicolet Broadcasting, Inc. ("petitioner"). Petitioner filed comments reaffirming its interest in the allotment of Channel 291C3 at Antigo. Thorp Broadcasting filed a counterproposal, which has not been accepted.²

2. We believe the public interest would be served by allotting Channel 291C3 to Antigo, Wisconsin, in order to provide the community with a second broadcast service. As indicated in the *Notice*, Channel 291C3 can be allotted to Antigo consistent with the Commission's spacing requirements without a site restriction.³ Since Antigo is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained for this allotment.

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 20, 1992**, 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:

| | |
|-------------------|--------------|
| Community | Channel No. |
| Antigo, Wisconsin | 287C1, 291C3 |

4. The window period for filing applications will open on **March 23, 1992**, and close on **April 22, 1992**.

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

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

¹ Petitioner originally requested the allotment of Channel 242C3 to Antigo. However, to avoid a short spacing to Channel 242A, Station WEZR, Brillion, Wisconsin, we proposed the allotment of Channel 291C3. The construction permit for Station WEZR, Brillion, was amended to specify operation on Channel 298A in lieu of Channel 242A, effective July 1, 1991. See 6 FCC Rcd 2624 (1991). A *Notice* was adopted on July 8, 1991, proposing the substitution of Channel 298C3 for Channel 298A at Brillion and modification of its construction permit accordingly.

² The counterproposal filed by Thorp Broadcasting has not been accepted for consideration as it did not contain the required certificate of service or any indication Nicolet Broadcasting was served with a copy of the counterproposal. See paragraph 4 of the *Appendix* to the *Notice* and Sections 1.420(a), (b) and (c) of the Commission's Rules. In addition, the counterproposal was unsigned, in violation of Section 1.52 of our Rules.

³ The coordinates for Channel 291C3 are 45-08-54 and 89-09-00.