

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

MM Docket No. 91-110

In the Matter of

Amendment of Section 73.202(b), RM-7678
Table of Allotments,
FM Broadcast Stations.
(Milford and Hastings, Nebraska)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 13, 1992; Released: January 22, 1992

By the Assistant Chief, Allocations Branch:

1. At the request of Bott Communications, Inc. ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 6 FCC Rcd 2053 (1991), proposing the reallocation of Channel 251C from Hastings to Milford, Nebraska, and the modification of Station KUHG(FM)'s construction permit to specify Milford as its community of license. Petitioner filed comments reiterating its intention to apply for the channel, if allotted to Milford. No other comments were received.

2. We believe the public interest would be served by reallocating Channel 251C from Hastings to Milford. Milford is a community of 2,108 persons and presently has no local aural service. Further, while Hastings is larger in population with 23,045 persons, the community would continue to receive local aural commercial transmission service from one FM and two AM stations as well as noncommercial educational service from two FM stations. Finally, neither Hastings nor Milford is located in an Urbanized Area.

3. Channel 251C can be allotted to Milford in compliance with the Commission's minimum distance separation requirements with a site restriction of 46.5 kilometers (28.9 miles) west to accommodate petitioner's desired transmitter site.¹ In addition, use of the channel must conform with the technical requirements of Section 73.1030(c)(1)-(5) of the Commission's Rules regarding protection to the Commission's monitoring station at Grand Island, Nebraska. As proposed, and in accordance with Section 1.420(i) of the Commission's Rules, we will modify petitioner's construction permit for Station KUHG(FM) to specify operation on Channel 251C at Milford in lieu of its presently licensed community of Hastings.

4. 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	268C2
Milford, Nebraska	251C

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Bott Communications, Inc., for Station KUHG(FM), Channel 251C, Hastings, Nebraska, IS MODIFIED to specify Milford, Nebraska, as its community of license, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(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.

6. 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, Bott Communications, Inc., permittee of Station KUHG(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.

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

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ The coordinates for Channel 251C at Milford are North Latitude 40-48-00 and West Longitude 97-36-00.