

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

Community
Marshall, Minnesota

Channel No.
259C1, 298C3

MM Docket No. 91-317

In the Matter of

Amendment of Section 73.202(b), RM-7854
Table of Allotments,
FM Broadcast Stations.
(Marshall, Minnesota)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 15, 1992; Released: January 28, 1992

By the Assistant Chief, Allocations Branch:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 6 FCC Rcd 6513 (1991), proposing the substitution of Channel 298C3 for Channel 296A at Marshall, Minnesota, and modification of the license for Station KBJJ(FM) to specify operation on the higher class channel. The *Notice* was issued in response to a petition filed by Paradis Broadcasting of Marshall, Inc. ("petitioner"). Petitioner filed comments reiterating its interest in Channel 298C3 at Marshall. No other comments were received.

2. We believe the public interest would be served by substituting Channel 298C3 for Channel 296A at Marshall, Minnesota, in order to provide the community with a second wide coverage area station. As indicated in the *Notice*, Channel 298C3 can be allotted to Marshall, Minnesota, consistent with the Commission's spacing requirements at petitioner's specified site 7.2 kilometers (4.5 miles) southwest of the community.¹ Although Channel 298C3 at Marshall is short spaced to the applications for Channel 297A, Sleepy Eye, Minnesota, it is fully spaced to the allotment site at Sleepy Eye. The applicants for Channel 297A, Sleepy Eye, will be permitted to amend their applications to specify new sites and will retain cut-off protection.² We will authorize a modification of petitioner's license for Station KBJJ(FM), Marshall, Minnesota, to specify operation on Channel 298C3 in accordance with Section 1.420(g) of the Commission's Rules.

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 13, 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:

4. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KBJJ(FM), Marshall, Minnesota, IS MODIFIED to specify operation on Channel 298C3, subject to the following conditions:

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

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, Paradis Broadcasting of Marshall, Inc., licensee of Station KBJJ(FM), is required to submit a rule making fee in addition to the fee required for the applications to effect the upgrade.

6. 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 applicants for Channel 297A at Sleepy Eye, Minnesota.

Brown County
Broadcasting, Inc.
P.O. Box 368
New Ulm, Minnesota 56073
(BPH-911003MC)

Lynn Ketelsen
1440 Grace Avenue
Willmar, Minnesota 56201
(BPH-911003MD)

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

8. 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 The coordinates for Channel 298C3 are 44-24-37 and 95-51-43.

² Brown County Broadcasting, Inc. (BPH-911003MC) and Lynn

Ketelsen (BPH-911003MD) will be served with a copy of this *Report and Order*.