

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

MM Docket No. 91-233

In the Matter of

Amendment of Section 73.202(b), RM-7743
Table of Allotments,
FM Broadcast Stations.
(Armijo, New Mexico)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 21, 1992; Released: January 28, 1992

By the Assistant Chief, Allocations Branch:

1. The Commission has before it the *Notice of Proposed Rule Making*, 6 FCC Rcd 4806 (1991), proposing the substitution of Channel 296C for Channel 296C2 at Armijo, New Mexico, and the modification of the license of Station KUCU(FM) (formerly KMYI) to specify operation on the higher class channel. KCST, Inc., licensee of Station KUCU(FM), timely filed supporting comments.¹ No other comments were received.

2. We believe the public interest would be served by allotting Channel 296C at Armijo, New Mexico, because it would enable Station KMYI(FM) to provide an expanded coverage area FM service to the community. Channel 296C can be allotted to Armijo with a site restriction of 47.3 kilometers (29.4 miles) southeast of Armijo, at petitioner's specified site.² As stated in the *Notice*, the site restriction is necessary to avoid short-spacings to Stations KBOM(FM), Channel 294C1, Los Alamos, New Mexico, and KHFM(FM), Channel 242C, Albuquerque, New Mexico.

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

City	Channel No.
Armijo, New Mexico	296C

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

KUCU(FM), Channel 296C2, IS MODIFIED to specify operation on Channel 296C, 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, KCST, Inc., licensee of Station KUCU(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 Commission records show that consummation of the assignment of license of Station KUCU(FM) (BALH-910426EE) from Matteucci Broadcasting, Company, Inc. (the party who initiated this proceeding), to KCST, Inc. took place on July 3, 1991.

KCST, Inc. properly filed a continuing expression of interest as requested in the *Notice*. See 6 FCC Rcd 4806 n. 1.

² Coordinates at petitioner's suggested site for Channel 296C are 34-41-46 and 106-24-17.