

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 95-96
Table of Allotments,)	RM-8645
FM Broadcast Stations.)	
(Lakeview, Arkansas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 16, 1996

Released: August 23, 1996

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making, 10 FCC Rcd 7198 (1995), issued in response to a petition filed on behalf of Dale Hendrix ("petitioner") proposing the allotment of FM Channel 228C3 to Lakeview, Arkansas, as that community's first local aural transmission service. Petitioner filed supporting comments in response to the Notice. A counterproposal was filed on behalf of J. Morgan Dowdy¹ ("Dowdy"), to which KRMS-KYLC, Inc, the licensee of Station KYLC(FM), Osage Beach, Missouri, responded. No other comments were received.

2. In view of the petitioner's stated interest in providing a first local aural transmission service to Lakeview, Arkansas, we will allot Channel 228C3 to that community, as requested.

3. As stated in the Notice, Channel 228C3 can be allotted to Lakeview in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules, provided the transmitter is located at least 6.7 kilometers (4.1 miles) north

¹Dowdy who is identified as an individual having ownership interests in Stations KPRM(FM) and KKTZ(FM), Mountain Home, Arkansas, counterproposed the allotment of Channel 228A to Seymour, Missouri. However, Dowdy's proposal was not placed on Public Notice as the allotment request conflicts with a pending allotment proposal to allot Channel 228C3 at Osage Beach, Missouri, to permit an upgrade of Station KYLC(FM) in the context of MM Docket No. 90-66, a proceeding that is cut-off from the filing of competing proposals. Although Dowdy suggests a change in the reference coordinates for Channel 228C3 at Osage to accommodate its proposal, Dowdy's request may have been considered in the context of MM Docket No. 90-66 had it been advanced by the initial comment date in that proceeding. See Section 1.420(d) of the Commission's Rules. See also *Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990). In view of our determination Dowdy's counterproposal will not be considered further, and the responsive comments of KRMS-KYLC, Inc. thereto will not be discussed.

of the community at coordinates 36-25-27 North Latitude and 92-34-25 West Longitude.²

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 October 7, 1996, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include Lakeview, Arkansas, as follows:

<u>City</u>	<u>Channel No.</u>
Lakeview, Arkansas	228C3

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

6. The window period for filing applications for Channel 228C3 at Lakeview, Arkansas, will open on October 7, 1996, and close on November 7, 1996.

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 228C3 at Lakeview, Arkansas, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

²The site restriction is required to avoid a short spacing to the site specified in the construction permit issued to Station KZLE(FM) to operate on Channel 226C at Batesville, Arkansas, specifying coordinates 35-53-27 North Latitude and 91-44-01 West Longitude.