

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 96-257
Table of Allotments,	)	RM-8966
FM Broadcast Stations.	)	
(Cloudcroft, New Mexico)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: August 6, 1997**

**Released: August 15, 1997**

By the Chief, Allocations Branch:

1. At the request of Robert J. Flotte ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 22106 (1996), proposing the allotment of Channel 250C1 to Cloudcroft, New Mexico, as the community's second local aural transmission service.<sup>1</sup> Petitioner filed comments reiterating his intention to apply for the channel, if allotted. No other comments were received.

2. We believe the public interest would be served by allotting Channel 250C1 to Cloudcroft since an interest has been expressed in providing the community with its second local and first competitive FM service. Channel 250C1 can be allotted to Cloudcroft in compliance with the Commission's minimum distance separation requirements with a site restriction of 15.9 kilometers (9.9 miles) east to avoid a short-spacing to Station KXKK, Channel 250C, Lordsburg, New Mexico.<sup>2</sup> Cloudcroft is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Mexican concurrence in these allotments was requested in January, 1997, but has not yet been received. In light of the prolonged pendency of this proceeding, yet in an effort to introduce a new FM service to Cloudcroft, we shall grant the proposal with the following interim condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to a hearing, if found by the Commission to be necessary in order

<sup>1</sup> As stated in the Notice, if an earlier proposal to allot Channel 268C to Cloudcroft was adopted prior to the resolution of this proceeding, Channel 250C1 would constitute a second local service instead of a first such service. Channel 244C was allotted to Cloudcroft by Report and Order, MM Docket 96-54, 12 FCC Rcd \_\_\_ (1997), 62 FR 27701, May 21, 1997.

<sup>2</sup> The coordinates for Channel 250C1 at Cloudcroft are 33-00-49 North Latitude; 105-35-15 West Longitude. The Notice proposed the allotment without the imposition of a site restriction. However, because of the need to protect the earlier filed application of Station KXKK, the reference coordinates have been changed.

to conform to the 1992 USA-Mexico FM Broadcast Agreement."<sup>3</sup>

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 September 29, 1997, 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:

<u>City</u>	<u>Channel No.</u>
Cloudcroft, New Mexico	244C, 250C1

4. The window period for filing applications will open on September 29, 1997, and close on October 30, 1997.

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

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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

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<sup>3</sup> The announced condition is a temporary measure as our engineering analysis has determined that proposed Channel 250C1 at Cloudcroft complies with the Agreement. Therefore, once an official response from the Mexican Government has been received, the referenced condition may be removed.