

**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Vinton, Louisiana, Crystal Beach, Lumberton and Winnie, Texas), MM Docket No. 02-212.*

In prior statements, I have noted my concerns with the Commission's lax application of the *Tuck* standard for determining when a proposal is entitled to consideration as a first local radio service. See, e.g., *Table of Allotments for FM Stations in Evergreen, Alabama and Shalimar, Florida, released October 31, 2008*. Those concerns remain. The facts before us here, however, are a close call and it is not clear that the outcome would be affected by a more rigorous examination. I am pleased, however, that my colleagues have agreed to examine our radio allotment and assignment criteria, including the application of the *Tuck* standard to city of license modification proposals such as the one here at issue, as part of the recently released Rural Radio Service Notice of Proposed Rulemaking.¹ This case follows current precedent and I therefore concur in the result.

¹ *Policies to Promote Rural Radio Service and Streamline Allotment and Assignment Procedures*, Notice of Proposed Rule Making, FCC 09-30, (rel. Apr. 20, 2009).