

FCC 63-765

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

<p>In the Matter of REVISION OF FM BROADCAST RULES, PARTICULARLY AS TO ALLOCATION AND TECHNICAL STANDARDS Petition of FM Unlimited, Inc., for Changes in FM Station Assignment Rules</p>	}	Docket No. 14185
--	---	------------------

SUPPLEMENT TO THIRD REPORT, MEMORANDUM OPINION AND ORDER

BY THE COMMISSION: COMMISSIONER COX DISSENTING.

1. On July 25, 1963, the Commission adopted its "Third Report, Memorandum and Order," (FCC 63-735), finalizing a Table of FM Assignments. The Table, as adopted July 25, contained an assignment of Channel 243 to Battle Creek, Michigan, representing a construction permit under which authority Station WELL-FM began operating June 14, 1963.

2. On July 23, 1963, Southern Michigan Broadcasting Corporation, permittee of WELL-FM, filed a late pleading in this Docket proposing a series of channel changes in Michigan. As grounds for the requested changes, Southern Michigan states that the operation of WELL-FM on Channel 243 has been found to cause extensive problems with the reception of television Stations WILX-TV and WMSB, sharing time on Channel 10 at Onandaga, Michigan, owing to inadequate selectivity on the part of many television receivers in the area where WELL-FM is located. In order to resolve this problem by shifting WELL-FM to some other frequency, the licensees of WELL-FM and WILX-TV have worked out a plan with the licensee of WSTR-FM, Sturgis, Michigan, involving frequency changes for both FM stations and for one other proposed assignment.<sup>1</sup> The licensee of Station WSTR-FM would be reimbursed by the other two parties for the expenses involved in making the change, in an amount not to exceed \$3960.00.

3. The type of "interference" mentioned herein to television reception from FM stations is essentially a problem of receiver design and can usually be corrected by the installation of wave traps at the receiver. For this reason, "interference" to television service is not a

<sup>1</sup> Because the final Table as adopted on July 25, 1963 was modified in many particulars from the Table proposed last December, the other modification in the plan submitted by WELL-FM is no longer necessary. However, two further modifications of unoccupied assignments in the Table adopted July 25 would be necessary.

factor ordinarily taken into account in the assignment of FM channels. In this particular case, however, where the parties have agreed upon a relatively simple solution which will eliminate the necessity of installing wave traps on many thousands of home television receivers, we believe that the channel changes suggested would serve the public interest. Although the change of WELL-FM from Channel 243 to Channel 277 involves a "short-spacing" of approximately 5 miles to an adjacent channel station in Detroit, the spacing situation for WELL-FM on Channel 277 is actually better than on Channel 243, where WELL-FM was somewhat under minimum spacings to both a co-channel and an adjacent channel station. The changes adopted herein are subject, of course, to coordination with Canadian authorities.

4. In view of the foregoing, and pursuant to the authority contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *It is ordered*, That the Third Report, Memorandum Opinion and Order adopted July 25, 1963 (FCC 63-735), *Is modified* to the extent that the Table of Assignments contained in Appendix A, Section 3.202(b), is changed with regard to the cities named below (only), to read as follows:

<i>City</i>	<i>Channel No.</i>
Battle Creek, Michigan.....	277
Cadillac, Michigan.....	225, 278
Sturgis, Michigan.....	257A
Columbia City, Indiana.....	292A

5. *It is further ordered*, That, pursuant to Sections 303(f) and 316 of the Communications Act of 1934, as amended, the following modifications of license or permit are effected with the consent of the licensees involved:

(a) The permit of Southern Michigan Broadcasting Corporation for Station WELL-FM on Channel 243 at Battle Creek, Michigan, is modified to specify operation on Channel 277, subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WELL-FM on Channel 277 at Battle Creek.

(b) The license of Water Wonderland Broadcasting Company, Inc. for Station WSTR on Channel 276 at Sturgis, Michigan, is modified to specify operation on Channel 257 A subject to the condition that the licensee submit to the Commission by September 11, 1963, all information necessary to comply with the applicable technical rules, executed in triplicate, for the preparation of the modified authorization to cover the operation of Station WSTR on Channel 257 A at Sturgis.

6. *It is further ordered*, That, the above-named licensee and permittee may continue to operate with their present authorization until they are ready to commence operation on the new frequencies in accordance with the orders of modification herein; and that, upon

completion of construction of their new facilities in accordance with the terms of the modified authorizations, each licensee or permittee shall submit, in triplicate, proof of performance measurement data necessary to demonstrate compliance with the applicable technical performance requirements of the rules of the type normally required to be furnished in an application for an FM license, at least ten days prior to the date on which it is desired to begin program operations on the new frequency, with the proviso that program operations are not to be commenced until specifically authorized by the Commission after its evaluation and acceptance of such data.

FEDERAL COMMUNICATIONS COMMISSION,

BEN F. WAPLE, *Secretary*.

40 F.C.C.