

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

MM Docket No. 86-144

In the Matter of

Review of Technical Parameters for
FM Allocation Rules of Part 73,
Subpart B, FM Broadcast Stations

ORDER

Adopted: December 22, 1988; Released: January 18, 1989

By the Commission:

1. This action originates in an earlier Commission decision in Docket 86-144,¹ which changed the minimum power requirements for Class A commercial radio broadcast facilities and, accordingly amended Section 73.211 of the Commission's Rules. Correspondingly, Section 73.511 of the noncommercial FM radio rules should have been revised at the same time because the definition of a class A station is the same whether the station is commercial or noncommercial. However, revision of Section 73.511 was inadvertently omitted in the earlier decision. This *Order* corrects that oversight, and pursuant to the Agency's oversight function, Section 73.511 is amended accordingly.

2. This *Order* makes no substantive changes which impose additional burdens or remove provisions relied upon by licensees or the public and, accordingly, we conclude, for the reasons set forth above, that this revision will serve the public interest.

3. Because this amendment does not impose any additional burdens, and raises no issue upon which public comment would serve a meaningful purpose, good cause exists for dispensing with the notice, comment, and effective date provisions contained in the Administrative Procedure Act. See 5 U.S.C. §§ 553 (b) and (d).

4. Because a general notice of proposed rule making is not required, the Regulatory Flexibility Act does not apply.

5. The amendment contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

6. Therefore, IT IS ORDERED, That pursuant to Sections 4 and 303 of the Communications Act of 1934, as amended, (47 U.S.C. §§ 154 and 303) Part 73 of the FCC Rules and Regulations IS HEREBY AMENDED as set forth below, effective upon publication in the *Federal Register*.

FEDERAL COMMUNICATIONS COMMISSION

Donna R. Searcy
Secretary

APPENDIX

47 CFR Part 73 is amended as follows:

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. Sections 154 and 303.

2. Section 73.511 is amended by revising paragraph (a) to read as follows:

§ 73.511 Power and antenna height requirements.

(a) No new noncommercial educational station will be authorized with less power than minimum power requirements for commercial Class A facilities. (See Section 73.211.)

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FOOTNOTE

¹ See *Memorandum Opinion and Order* in MM Docket No. 86-144, FCC 88-152, 3 FCC Rcd 2477 (1988).