

FCC MAIL SECTION

ORIGINAL

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

MM Docket No. 92-257 BY

City  
Fort Bragg, California

Channel No.  
237B1, 244B<sup>3</sup>  
253B1<sup>4</sup>

In the Matter of

Amendment of Section 73.202(b), RM-7905  
Table of Allotments,  
FM Broadcast Stations.  
(Fort Bragg, California)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: May 21, 1992;

Released: June 16, 1992

By the Acting Chief, Allocations Branch:

1. The Commission considers herein the *Notice of Proposed Rule Making*, 7 FCC Rcd 1413 (1992), issued in response to a petition for rule making filed by California Radio Partners ("petitioner"), licensee of Station KOZT(FM), Channel 237A, Fort Bragg, California, proposing the substitution of Channel 237B1 for Channel 237A and modification of its license accordingly to specify the higher powered channel. Petitioner filed supporting comments stating its intention to apply for Channel 237B1 if allotted to Fort Bragg, as requested.<sup>1</sup> No other comments were received.

2. We believe the public interest would be served by substituting Channel 237B1 for Channel 237A at Fort Bragg since it could provide an enhanced FM service to the community. Therefore, pursuant to the provisions of Section 1.420(g) of the Commission's Rules, we are modifying herein the license of California Radio Partners for Station KOZT(FM), as requested. As stated in the *Notice*, Channel 237B1 can be allotted to Fort Bragg at the petitioner's currently authorized site<sup>2</sup> in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules.

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 July 31, 1992, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below, as follows:

4. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of California Radio Partners (BLH-811223A1) for Station KOZT(FM), IS MODIFIED to specify operation on Channel 237B1 in lieu of Channel 237A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

5. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, California Radio Partners, licensee of Station KOZT(FM), is required to submit a rule making fee in addition to the fee required for the applications to effectuate the upgrade at Fort Bragg, California.

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

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger  
Acting Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

<sup>1</sup> As stated in the *Notice*, petitioner's request, although signed, failed to include an affidavit verifying statements contained in its petition, as required by Section 1.52 of the Commission's Rules. Petitioner was requested to correct the deficiency in its responsive comments, and has done so.

<sup>2</sup> Coordinates used for Channel 237B1 at Fort Bragg are

39-24-24 and 123-44-04.

<sup>3</sup> A proposal to substitute Channel 228B for Channel 244B at Fort Bragg is pending in MM Docket No. 92-86. See 7 FCC Rcd 2408 (1992).

<sup>4</sup> Channel 253B1 was substituted for Channel 253A at Fort Bragg in MM Docket No. 91-310. See 7 FCC Rcd 1998 (1992).