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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

JUN 19 1992

Dockets  
Rm 222

ORIGINAL  
FILE

IN REPLY REFER TO:

Mr. Robert W. Larson  
FM Broadcasters of Douglas County  
P.O. Box 1924  
Myrtle Creek, Oregon 97457

Dear Mr. Larson:

This is in response to the petition for rule making which you submitted on June 15, 1992, requesting the allotment of Channel 239C2 to Diamond Lake, Oregon, as the community's first local FM service.

An initial engineering review shows that Channel 239C2 cannot be allotted to Diamond Lake in compliance with the Commission's minimum distance separation requirements. The channel would be short-spaced to Station KBOY-FM, Channel 239C1, Medford, Oregon, by approximately 95 kilometers. The Commission's Rules stipulate a minimum distance separation of 224 kilometers between co-channel Class C1 and Class C2 channels, whereas Diamond Lake and Medford are only 129 kilometers apart.

As an additional matter, we note that Diamond Lake is not listed in the 1990 U.S. Census. As discussed in my letter to you of May 28, 1992, concerning your Spruce Creek, Oregon, petition for rule making, the Communications Act of 1934, as amended, requires that allotments be made to "communities" which have been defined as geographically identifiable population groupings. You state that Diamond Lake is an unincorporated area of more than 7,000 people. However, according to the 1992 Rand McNally Commercial Atlas, Diamond Lake has a permanent population of 100 persons and a summer population of 400 persons. You further state that Diamond Lake has a post office, lodge, coffee shop, motel, and various other businesses. However, with the exception of Diamond Lake Resort, you do not show that any of the businesses identify themselves with the community of Diamond Lake. You have also failed to demonstrate that Diamond Lake has any civic or governmental entities normally associated with a community. Therefore, any new petition for Diamond Lake should give the source for your population figure and explain the difference in population between your petition and the Rand McNally Commercial Atlas. The petition should also include a more complete description of the demographics of Diamond Lake to show that it is a community for allotment purposes.

As the Commission has previously stated, geographical location and the existence of a post office and zip code, by itself, are not sufficient to establish community status, without other indicia demonstrating that the place has the social, economic or cultural components that the Commission generally

associates with a community. See Vimville, Mississippi, 48 Fed. Reg. 6974 (1983); Hannibal, Ohio, 6 FCC Rcd 2144 (1991); and Columbia, California, 6 FCC Rcd 3292 (1991).

Therefore, we are returning your petition for rule making.

Sincerely,

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

bcc: Dockets Branch via Secretary's Office (Room 222)

LKShapiro:AB:PRD:MM  
shapiro, larson