

FCC MAIL SECTION

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

JUL 24 5 09 PM '92

MM Docket No. 92-821

DISPATCHED BY

In the Matter of

Amendment of Section 73.202(b), RM-7843  
Table of Allotments,  
FM Broadcast Stations.  
(Eatonville, Washington)**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: July 8, 1992;

Released: July 24, 1992

By the Chief, Allocations Branch:

1. At the request of Fatima Crusade Educational Radio Foundation ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 7 FCC Rcd. 2386 (1992), seeking the allotment of Channel 285A at Eatonville, Washington, as the community's first local aural transmission service. Although petitioner requested that the Commission reserve Channel 285A for noncommercial educational FM ("NCE-FM") use, petitioner filed comments stating its intention to apply for Channel 285A if allotted to Eatonville as a commercial channel. Brian J. Lord ("Lord") filed an unacceptable counterproposal requesting the allotment of Channel 285A on a hyphenated basis to the communities of Parkland and Spanaway, Washington, as its first local aural transmission service.<sup>1</sup>

2. In its comments, petitioner reiterates its request that the Commission reserve Channel 285A for NCE-FM use in Eatonville. In response to Commission's reluctance to reserve a commercial channel for NCE-FM use, petitioner asserts that there are no noncommercial educational channels available for use at Eatonville. Petitioner states it has located two transmitter sites for Channel 285A. It claims that any other channel in the reserved band would require a directional antenna and limit effective radiated power to

below 2 kW or the equivalent at plus 100 meters. Thus, petitioner contends that reserving Channel 285A for NCE-FM use at Eatonville would be in that public interest since it could provide superior coverage over the entire service area.

3. We believe the public interest would be served by allotting Channel 285A at Eatonville, Washington, as its first local aural transmission service. However, as stated in the *Notice*, we will not allot Channel 285A at Eatonville as a noncommercial allotment, but rather as a commercial allotment. Petitioner has offered no additional evidence supporting reservation. Petitioner may, of course, apply for a license on Channel 285A as a noncommercial educational station. Channel 285A can be allotted to Eatonville in compliance with the Commission's minimum distance separation requirements at the petitioner's requested site without the imposition of a site restriction.<sup>2</sup> Since Eatonville is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence by the Canadian government has been obtained.

4. 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 **September 8, 1992** the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Eatonville, Washington	285A

5. The window period for filing applications will open on **September 9, 1992**, and close on **October 9, 1992**.

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

7. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau (202) 632-0394.

<sup>1</sup> Both petitioner's proposal and Lord's counterproposal do not comply with Section 1.52 of the Commission's Rules, which requires that a petitioner, unless represented by legal counsel, sign and verify all pleadings submitted to the Commission. Although signed, neither complied with the verification requirement of the Rule. See *Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes*, 5 FCC Rcd 3911 n.41 (1990). Since both proposals fail to comply with the Rule, no prejudice will result from consideration.

Lord's counterproposal seeks the allotment of Channel 285A on a hyphenated basis to the communities of Parkland and Spanaway, Washington. However, hyphenation is an allotment tool which we have used very sparingly. In the past, we have done so only where it appeared that the communities should be treated as one due to the proximity and mutual economic,

cultural and social interdependence. Furthermore, we generally require a showing that neither community standing alone could support a station. See *Gardnerville-Minden, Nevada*, 48 RR 2d 1700 (1981); *Canton, Georgia, et al*, 3 FCC Rcd 737 (1988). While Parkland and Spanaway are located 5.7 kilometers (3.6 miles) apart, each is listed as a separate community in the 1990 U.S. Census. Moreover, we have not been provided with a showing that either community lacks its own services or that the two communities are so intertwined as to have lost their individual characteristics. As a result, Lord's counterproposal is rejected.

<sup>2</sup> The coordinates for Channel 285A at Eatonville are North Latitude 46-52-12 and West Longitude 122-16-06.

FEDERAL COMMUNICATIONS COMMISSION

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