

Federal Communications Commission

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Nov 19 3:53 PM '92 Before the
Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

MM Docket No. 92-143

In the Matter of

Amendment of Section 73.202(b), RM-8010
Table of Allotments,
FM Broadcast Stations.
(Eagle, Idaho)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 8, 1992; Released: November 19, 1992

By the Chief, Allocations Branch:

1. The Commission has before it the *Notice of Proposed Rule Making*, 7 FCC Rcd 4391 (1992), issued in response to a petition for rule making filed by Eagle Broadcasting, Inc. ("petitioner"), proposing the substitution of Channel 300C for Channel 300C2 at Eagle, and the modification of its construction permit to specify operation on the higher powered channel. Petitioner filed comments restating its intention to apply for the channel, if allotted. No other comments were received.

2. We believe the public interest would be served by substituting Channel 300C for Channel 300C2 at Eagle, Idaho, in order to provide the area with greater reception service. As indicated in the *Notice*, Channel 300C can be allotted to Eagle in compliance with the Commission's minimum distance separation requirements at the site specified in the construction permit, without the imposition of a site restriction.¹ As proposed we will modify petitioner's construction permit for Station KRVG(FM) to specify operation on Channel 300C at Eagle, Idaho, in accordance with Section 1.420(g) of the Commission's Rules.

3. Accordingly, pursuant to the authority found 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 January 4, 1993, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

City	Channel No.
Eagle, Idaho	300C

4. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit of Station KRVG(FM), Eagle,

Idaho, IS MODIFIED, to specify operation on Channel 300C in lieu of Channel 300C2, 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, Eagle Broadcasting, Inc., permittee of Station KRVG(FM), is required to submit a rule making fee in addition to the fee required for the application to effect the upgrade.

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

7. For further information concerning this proceeding, contact Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ The coordinates for Channel 300C at Eagle are North Latitude

43-45-18 and West Longitude 116-05-52.