

FCC MAIL SECTION
Before the
Federal Communications Commission
Washington, D.C. 20554

JAN 13 4 34 PM '93

MM Docket No. 92-131

DISPATCHED BY
In the Matter of

Amendment of Section 73.202(b), RM-8005
Table of Allotments,
FM Broadcast Stations.
(Copenhagen, New York)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: December 22, 1992; Released: January 13, 1993

By the Chief, Allocations Branch:

1. At the request of Tia A. Soliday ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 7 FCC Rcd 3912 (1992), proposing the substitution of Channel 294C3 for Channel 294A at Copenhagen, New York, and the modification of Station WWLF-FM's construction permit to specify the higher class channel. Petitioner filed comments reiterating her 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 294C3 for Channel 294A at Copenhagen since it could provide the community with a wide coverage area FM service and enable Station WWLF-FM to expand its service area. Channel 294C3 can be allotted to Copenhagen in compliance with the Commission's minimum distance separation requirements with a site restriction of 11.3 kilometers (7 miles) northeast to avoid a short-spacing to Station WPCX, Channel 295B, Auburn, New York.¹ While the allotment would be short-spaced to Station CKO-1, Channel 295C1, Ottawa, Ontario, and vacant Channel 293A at Brockville, Ontario, Canada, we have determined that the allotment will not result in any prohibited interference. Canadian concurrence in the allotment at Copenhagen as a specially negotiated allotment has been received since the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

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 **February 26, 1993**, 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.
Copenhagen, New York	294C3

4. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Tia A. Soliday for Station WWLF-FM, Copenhagen, New York, IS MODIFIED to specify operation on Channel 294C3, in lieu of Channel 294A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301).

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

(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, Tia A. Soliday, permittee of Station WWLF-FM, is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

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

7. For further information concerning this proceeding, contact Leslie K. Shapiro, 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 294C3 at Copenhagen are North

Latitude 43-56-30 and West Longitude 75-33-00.