

Federal Communications Commission

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FCC MAIL SECTION

Federal Communications Commission
Washington, D.C. 20554
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DISPATCHED BY

MM Docket No. 92-123 ✓

City
Mexico, New York

Channel No.
280A

4. The window period for filing applications will open on **March 9, 1993**, and close on **May 8, 1993**.

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

6. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

In the Matter of

Amendment of Section 73.202(b), RM-7992
Table of Allotments,
FM Broadcast Stations.
(Mexico, New York)

FEDERAL COMMUNICATIONS COMMISSION

REPORT AND ORDER
(Proceeding Terminated)

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

Adopted: December 21, 1992; Released: January 21, 1993

By the Chief, Allocations Branch:

1. At the request of Renard Communications Corp. ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 7 FCC Rcd 3796 (1992), proposing the allotment of Channel 280A to Mexico, New York, as the community's first local FM service. Petitioner filed comments reiterating its intention to apply for the channel, if allotted.¹ No other comments were received.

2. We believe the public interest would be served by allotting Channel 280A to Mexico, New York, as it could provide the community with its first local FM service. Channel 280A can be allotted to Mexico in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.² We recognize that this allotment would be short-spaced to Station CHXL-FM, Channel 279B, Brockville, Ontario, and Station CBBP-FM, Channel 280B, Peterboro, Ontario, Canada. However, we have determined that a station can limit its power in the direction of these stations and avoid any prohibited interference. Canadian concurrence in the allotment of Channel 280A to Mexico, 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 **March 8, 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:

¹ As requested in the *Notice*, the petitioner also corrected the failure to provide a verification statement in its petition by including such a statement in its comments.

² The coordinates for Channel 280A at Mexico are North Latitude 43-27-34 and West Longitude 76-13-45. Petitioner's comments suggest an alternate site 6.4 kilometers (4 miles) east of Mexico, but it failed to include any engineering study showing that the channel can be allotted at the newly proposed

coordinates in compliance with the Commission's spacing requirements. Therefore, in light of the Commission's policy to allot channels with the least site restriction possible, we will allot the channel at the coordinates proposed in the *Notice*. See *Vacaville, California*, 4 FCC Rcd 8315 (1989). However, petitioner and any other interested party may file an application specifying any transmitter site which meets the spacing requirements set forth in the Commission's Rules.