

DOCKET FILE COPY
ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
 MAR 20 3 05 PM '93
 DISSEMINATION

City
Dardanelle, Arkansas

Channel No.
272C3

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

MM Docket No. 92-224

In the Matter of

Amendment of Section 73.202(b), RM-8074
Table of Allotments,
FM Broadcast Stations.
(Dardanelle, Arkansas)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 2, 1993; Released: March 23, 1993

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 7 FCC Rcd 6478 (1992), issued in response to a petition filed on behalf of Ramsey Communications, Inc. ("petitioner"), licensee of Station KWKK(FM), Channel 272A, Dardanelle, Arkansas, proposing the substitution of Channel 272C3 for Channel 272A at Dardanelle, and modification of its license to specify operation on the higher powered channel. Petitioner filed comments in support of the proposal. No other comments were received.

2. As stated in the *Notice*, Channel 272C3 can be allotted to Dardanelle, Arkansas, at the petitioner's present site,¹ in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules.²

3. We believe the public interest would be served by substituting Channel 272C3 for Channel 272A at Dardanelle since it would provide the opportunity for an enhanced service to the community. Therefore, in accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying herein the license of Ramsey Communications, Inc. for Station KWKK(FM) to specify operation on Channel 272C3 at Dardanelle, Arkansas, as requested.

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 **May 6, 1993**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Dardanelle, Arkansas, as follows:

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license issued to Ramsey Communications, Inc. for Station KWKK(FM), IS MODIFIED to specify operation on Channel 272C3 in lieu of Channel 272A, 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.

6. 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, Ramsey Communications, Inc., licensee of Station KWKK(FM), is required to submit a rule making fee in addition to the fee required for the applications to effectuate the upgrade.

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

8. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ Coordinates at the authorized site of Station KWKK(FM) at Dardanelle are 35-13-41 and 93-15-20.

² The *Notice* stated that the Dardanelle proposal conflicts with the presently licensed operation of Station KLSZ-FM on Channel 272A at Van Buren, Arkansas. Pursuant to MM Docket No. 90-460, 56 Fed. Reg. 3786, January 31, 1991, the FM Table of

Allotments was amended effective March 11, 1991, to reflect Channel 274C3 in lieu of Channel 272A at Van Buren. On February 18, 1993, LKR Communications, Inc., the licensee of Station KLSZ-FM was issued a license on Channel 274C3 (see File No. BLH-920720KA).