

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

MM Docket No. 92-314 ✓

In the Matter of

Amendment of Section 73.202(b), RM-8142  
 Table of Allotments,  
 FM Broadcast Stations.  
 (Oliver, Pennsylvania)

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: June 18, 1993;

Released: July 7, 1993

By the Chief, Allocations Branch:

1. At the request of Humes Broadcasting Corporation (formerly Humes Broadcasters) ("petitioner"), the Commission has before it the *Notice of Proposed Rule Making*, 8 FCC Rcd 367 (1993), proposing the substitution of Channel 235B1 for Channel 235A at Oliver, Pennsylvania, and the modification of Station WASP-FM's (formerly Station WXAK) construction permit to specify the higher class channel. Petitioner filed comments reiterating 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 235B1 for Channel 235A at Oliver since it could provide the community with a wide coverage area FM service and enable Station WASP-FM to expand its service area. Channel 235B1 can be allotted to Oliver in compliance with the Commission's minimum distance separation requirements with a site restriction of 12.6 kilometers (7.8 miles) east to accommodate petitioner's desired transmitter site.<sup>1</sup> Canadian concurrence in the allotment has been received since Oliver is located within 320 kilometers (200 miles) of the U.S.-Canadian border. As proposed, we will also modify Station WASP-FM's construction permit to specify operation on Channel 235B1 in lieu of Channel 235A.

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 August 23, 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.
Oliver, Pennsylvania	235B1

4. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Humes Broadcasting Corporation, for Station WASP-FM, Oliver, Pennsylvania, IS MODIFIED to specify operation on Channel 235B1, in lieu of Channel 235A, 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, Humes Broadcasting Corporation, permittee of Station WASP-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

<sup>1</sup> The coordinates for Channel 235B1 at Oliver are North Latitude

39-55-15 and West Longitude 79-34-12.