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Federal Communications Commission  
Washington, D.C. 20554

DISPATCHED BY  
MM Docket No. 93-183

In the Matter of

Amendment of Section 73.202(b),	RM-8276
Table of Allotments,	RM-8337
FM Broadcast Stations.	RM-8338
(Shelley and Sun Valley, Idaho) <sup>1</sup>	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: November 1, 1994; Released: November 8, 1994

By the Acting Chief, Allocations Branch:

1. At the request of Sun Valley Fine Arts Broadcasting ("SVFAB"), the Commission has before it for consideration the *Notice of Proposed Rule Making*, 8 FCC Rcd 4492 (1993), proposing the allotment of Channel 298C to Sun Valley, Idaho, as that community's third local FM service. In response to the *Notice*, SVFAB filed comments restating its intention to apply for Channel 298C, if allotted to Sun Valley. In addition, Native Broadcasters of Idaho ("NBI") filed a counterproposal requesting the allotment of Channel 298C to Shelley, Idaho, as that community's first local transmission service (RM-8337) and SVFAB filed a counterproposal requesting the allotment of Channel 296C to Shelley, Idaho (RM-8338).<sup>2</sup> NBI filed reply comments. The proposals for Channel 298C at Shelley and Sun Valley are mutually exclusive.

2. NBI in its counterproposal and reply comments urges the Commission to allot Channel 298C to Shelley, Idaho. NBI states that Shelley is an incorporated community with a population of 3,300 persons,<sup>3</sup> which is six times larger than Sun Valley's population (545 persons). NBI argues that the Commission must compare the relative needs of Shelley for a first local service and Sun Valley for a third local service, citing *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). NBI states that Sun Valley has three FM stations licensed to it (KECH-FM, KSKI-FM), and KWRV-FM a noncommercial educational service, whereas Shelley does not have any local FM service.

3. SVFAB in its comments and counterproposal urges the Commission to allot Channel 296C, 298A or 296A to Shelley, Idaho, which would not be mutually exclusive with the allotment of Channel 298C to Sun Valley.

4. After reviewing the pleadings before us, we believe the public interest would be served by providing Shelley with its first local FM transmission service and Sun Valley with

its third local FM service. An engineering study shows that both communities can be accommodated since channels are available for each community. However, we find that the public interest would be better served by allotting Channel 298C to Sun Valley, Idaho and allotting Channel 300C to Shelley, Idaho. The allotment of Channel 300C to Shelley requires only one Class D translator Station to shutdown, whereas the allotment of Channel 296C or 298C to Shelley would require at least three Class D translator stations to shutdown, and the allotment of Channel 298C to Sun Valley does not require the shutdown of any translator station. Even though translators are considered to be secondary services and are not protected against the initiation of full service facility, the allotment of Channel 300C to Shelley better serves the public interest.

**TECHNICAL SUMMARY**

5. Channel 298C can be allotted to Sun Valley in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at coordinates 43-41-48 and 114-21-00. Channel 300C can be allotted to Shelley in compliance with the Commission's minimum distance separation requirements with a site restriction of 53 kilometers (32.9 miles) north at coordinates 43-51-09 and 112-03-09.

6. 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 **December 23, 1994**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

City	Channel No.
Shelley, Idaho	300C
Sun Valley, Idaho	237C3, 279C, 298C

7. The window period for filing applications for Shelley and Sun Valley, Idaho, will open on **December 23, 1994**, and close on **January 23, 1995**.

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

9. For further information concerning this proceeding, contact Nancy J. Walls, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, Mass Media Bureau (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Acting Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

<sup>1</sup> The community of Shelley, Idaho, has been added to the caption.

<sup>2</sup> Public Notice of the counterproposals was given on September

23, 1993, Report No. 1970.

<sup>3</sup> Population figures are taken from the 1990 U.S. Census.