

FEDERAL COMMUNICATIONS COMMISSION

ACTING CHIEF OF BUREAU

DEC 8 11 00 AM '97

Federal Communications Commission

DA 97-2472

0118

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 97-114
Table of Allotments,	)	RM-9059
FM Broadcast Stations.	)	
(Dassel and Hutchinson,	)	
Minnesota)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: November 19, 1997**

**Released: December 5, 1997**

By the Chief, Allocations Branch:

1. The Commission has before it for consideration the Notice of Proposed Rule Making, released April 11, 1997, DA 97-667, issued in response to a petition filed by North American Broadcasting Co., Inc. ("North American"), proposing the substitution of Channel 295C3 for Channel 296A at Hutchinson, Minnesota, and modification of the license for Station KKJR accordingly. North American also requested reallocation of Channel 295C3 from Hutchinson to Dassel, Minnesota, in accordance with Section 1.420(i) of the Commission's Rules. North American filed comments supporting its proposal.<sup>1</sup> No other comments were received at the Commission in response to the Notice.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by substituting Channel 295C3 for Channel 296A at Hutchinson, Minnesota, reallocation Channel 295C3 from Hutchinson, Minnesota, to Dassel, Minnesota, and modifying the license for Station KKJR accordingly since it would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recond. granted in part, 5 FCC Rcd 7094 (1990). Dassel is located in Meeker County. It is an incorporated community with its own post office and zip code and is listed in the 1990 Census. As stated in the Notice, Dassel has its own library, several churches, recreational facilities, lodging and meeting facilities and a number of professional health care providers. Dassel is governed by a mayor and city council and has its own sheriff, police and fire

<sup>1</sup> Although North American's comments were not timely filed, in conformance with the Commission's general policy of accepting late-filed comments where the proceeding is uncontested, we have accepted North American's comments for the purpose of allowing it to reaffirm its interest in applying for Channel 295C3 at Dassel, Minnesota. See Santa Isabel, Puerto Rico, 3 FCC Rcd 2336 (1988).

departments. According to the Minnesota Department of Trade and Economic Development, the following businesses are located in Dassel: Nortronic-Dassel Div., American Time & Siganl Co., Crest Electronics, Miller Manufacturing Co., and Jay-Dee Industries, Inc. Therefore, we believe Dassel is an independent community deserving of its first local transmission service. Dassel (population 1,082 people)<sup>2</sup> would receive its first local service, thus triggering allotment priority (3).<sup>3</sup> This action will not deprive Hutchinson (population 11,500 people) of local service as Station KDUZ(AM) is licensed to the community. Since Dassel is not located within an urbanized area, the reallocation will not result in the transfer of a station from a rural to a larger urban area. The closest urbanized area is Minneapolis, Minnesota, which is approximately 50 miles from Dassel or Hutchinson. A staff engineering analysis indicates that although North American is moving its transmitter site which creates a small loss area, that area is adequately served. Further, the community of Hutchinson is served by five or more full-time reception services and is therefore considered to be well served. The substitution of Channel 295C3 for Channel 296A will permit Station KKJR to increase its power to 25 kilowatts from 3 kilowatts.<sup>4</sup> The entire gain area for Station KKJR contains 63,075 people and covers approximately 3,403 square kilometers (1,314 square miles).

3. By way of contrast, retaining Channel 296A at Hutchinson triggers priority (4) - Other Public Interest Matters. While under priority (4), retention of the channel at Hutchinson would be a second local service, this does not outweigh a first local service under priority (3). Therefore, in accordance with Section 1.420(g) and (i) of the Commission's Rules, we will modify the license for Station KKJR to specify operation on Channel 295C3 at Dassel, Minnesota.

4. Channel 295C3 can be allotted to Dassel, Minnesota, in compliance with the Commission's minimum distance separation requirements. North American has specified a site 11.9 kilometers (7.4 miles) northwest of the community.<sup>5</sup>

5. 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 January 20, 1998, the

---

<sup>2</sup> The population figures are taken from the 1990 U.S. Census.

<sup>3</sup> The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

<sup>4</sup> North American stated that its current channel is short spaced to two other stations which precludes it from achieving six kilowatts on its existing channel and that it currently operates a Class A station with 4.4 kilowatts at 61 meters HAAT which means that the existing facilities of Station KKJR are equivalent to three kilowatts at 100 meters HAAT.

<sup>5</sup> The coordinates for Channel 295C3 at Dassel are 45-08-30 and 94-26-00.

FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Dassel, Minnesota	295C3
Hutchinson, Minnesota	-----

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of North American Broadcasting Co., Inc., for Station KKJR, Hutchinson, Minnesota, IS MODIFIED to specify operation on Channel 295C3 in lieu of Channel 296A at Dassel, Minnesota, 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.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in 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, North American Broadcasting Co., licensee of Station KKJR, 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 upgrade at Dassel, Minnesota.

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

9. For further information concerning the above, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

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