

FCC MAIL SECTION

Federal Communications Commission

DA 98-812

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

In the Matter of)
Amendment of Section 73.202(b),) MM Docket No. 97-188
Table of Allotments,) RM-9137
FM Broadcast Stations.)
(Macon, Mississippi))

REPORT AND ORDER (Proceeding Terminated)

Adopted: April 22, 1998

Released: May 1, 1998

By the Chief, Allocations Branch:

1. At the request of Team Broadcasting Company, Inc. ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 12 FCC Rcd 23 (1997), proposing the allotment of Channel 244A to Macon, Mississippi. Metro Radio, Inc. filed supporting comments. Colon Johnston ("Johnston") filed a counterproposal.1 Petitioner filed comments requesting the dismissal of its petition for rule making.

2. As an initial matter, our follow up technical review indicates that the proposed allotment of Channel 244A at Macon is short-spaced to a one-step upgrade application filed by Station WKXK(FM) for Channel 244C2 at Pine Hill, Alabama. However, a staff engineering study indicates that the mutual exclusivity between petitioner's proposal and Station WKXK's application can be resolved by the allotment of alternate channel to Macon.

3. Based upon the above, we believe the public interest will be served by the allotment of a first local FM service to Macon. In view of the interest expressed by Metro Radio in providing Macon with this service, we will allot Channel 263A in lieu of Channel 244A to avoid the short-spacing conflict with the pending one-step application filed by Station WKXK. Channel 263A can be allotted to Macon in compliance with the Commission's minimum distance

1 Johnston's counterproposal was found to be unacceptable and not placed on public notice. Johnston requested the allotment of Channel 244C2 to Walnut Grove, Mississippi. Our engineering analysis found that the proposed allotment of Channel 244C2 to Walnut Grove was short-spaced to the reference coordinates, as well as to the pending application of Station WKXK for Channel 244C3 (BPH-950608MF) at Pine Hill, Alabama, and to a new one-step upgrade application (BMPH-970625IE) for Channel 244C2 also at Pine Hill. Counterproposals must be technically and procedurally correct at the time of filing. See Broken Arrow and Bixby, Oklahoma, and Coffeerville, Kansas, 3 FCC Rcd 6507 (1988), recon denied, 4 FCC Rcd 6981 (1989). Therefore, Johnston's counterproposal will not be considered herein.

separation requirements with a site restriction of 9.8 kilometers (6.1 miles) west of the community.²

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 June 15, 1998, 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:

<u>City</u>	<u>Channel No.</u>
Macon, Mississippi	263A

5. A filing window for Channel 263A at Macon, Mississippi, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

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

7. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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

² The coordinates for Channel 263A at Macon, Mississippi, are 33-06-37 NL and 88-39-59 WL.