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Federal Communications Commission
Washington, D.C. 20554

DISPATCHED BY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-15
Table of Allotments,)	RM-9142
FM Broadcast Stations.)	
(Brinkley and Colt, Arkansas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 6, 1998

Released: May 15, 1998

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 13 FCC Rcd 2452 (1998), issued in response to a petition for rule making filed on behalf of East Arkansas Broadcasters, Inc. ("petitioner"), permittee of Station KQMC-FM, Channel 272C2,¹ Brinkley, Arkansas, proposing the reallocation of Channel 272C2 to Colt, Arkansas, as that community's first local aural transmission service, and modification of its authorization, as requested. Petitioner filed supporting comments in response to the *Notice*. No other comments were received.

2. Petitioner's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See *Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O")*, 4 FCC Rcd 4870 (1989), *recon. granted in part ("Change of Community MO&O")*, 5 FCC Rcd 7094 (1990). In support of the proposal petitioner stated that the requested reallocation of Channel 272C2 to Colt, an incorporated community of 3,755 persons,² is mutually exclusive with its existing allotment at Brinkley (population 4,234).³

¹The *Notice* herein advised that when this proposal was filed, Station KQMC-FM was authorized to operate on Channel 272A at Brinkley, but had a one-step application pending to modify its facilities to specify Channel 272C2 (File No. BPH-951013ID). As that application was granted prior to the issuance of the *Notice*, we considered petitioner's request herein to reallocate Channel 272C2 to Colt, Arkansas.

²Population figures reported herein were taken from the 1990 U.S. Census.

³Coordinates at the petitioner's specified transmitter site at Colt are also those specified in its construction permit issued for Channel 272C2, Brinkley, at 34-58-10 and 90-51-07.

3. In further support of the proposal petitioner urges that its adoption would enable Station KQMC-FM to increase the degree of theoretical coverage within its projected 60 dBu contour to provide service to 101,838 persons within an area of 8,560 square kilometers, representing an increase in service to 92,740 persons (+1,019%) and an area gain of 7,412 square kilometers (+646%).

4. In light of the above, we believe the public interest would be served by reallocating Channel 272C2 from Brinkley to Colt, Arkansas, and modifying the petitioner's authorization for Station KQMC-FM accordingly, as it will result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. *See Change of Community, supra*. Applying those procedures, we compare the existing arrangement of allotments with the proposal using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1992).⁴

5. In making our comparison, the first two allotment priorities are not applicable here. Colt, which is not within nor adjacent to an urbanized area, will receive its first local aural transmission service (priority 3), and therefore is favored over the retention of Channel 272C2 at Brinkley (priority 4). Additionally, the reallocation will afford the petitioner an opportunity to increase the degree of service within Station KQMC-FM's projected 60 dBu contour. Moreover, Brinkley will continue to receive local transmission service provided by fulltime Station KBRI(AM). Therefore, in accordance with the provisions of Section 1.420(i) of the Commission's Rules, we will modify the authorization of Station KQMC-FM to specify operation on Channel 272C2 at Colt, Arkansas, in lieu of its present use at Brinkley, Arkansas.

6. Channel 272C2 can be allotted to Colt, Arkansas, in conformity with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules at the petitioner's specified site located 18.2 kilometers (11.3 miles) south of the community at coordinates 34-58-10 and 90-51-07.

7. 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 29, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Brinkley, Arkansas	--
Colt, Arkansas	272C2

⁴The 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 afforded priorities (2) and (3).]

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the authorization of East Arkansas Broadcasters, Inc. (File No. BPH-951013ID) for Station KQMC-FM, IS MODIFIED to specify operation on Channel 272C2 at Colt, Arkansas, in lieu of Channel 272C2 at Brinkley, Arkansas, 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.

9. 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, East Arkansas Broadcasters, Inc., permittee of Station KQMC-FM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the change in community of license at Colt, Arkansas.

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

11. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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