

FCC MAIL SECTION

Federal Communications Commission

DA 98-1177

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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. 96-225
Table of Allotments,	)	RM-8894
FM Broadcast Stations.	)	RM-9004
(Canton, Normal, and Heyworth, Illinois) <sup>1</sup>	)	

REPORT AND ORDER  
 (Proceeding Terminated)

Adopted: June 10, 1998;

Released: June 19, 1998

By the Chief, Allocations Branch:

1. At the request of WSHY, Inc. ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 14464 (1996), proposing the allotment of Channel 252A at Canton, Illinois, as the community's third local FM transmission service. Petitioner also requests the allotment of Channel 250A at Normal, Illinois, as the community's second local commercial FM transmission service (RM-8894). Petitioner filed comments in support of the proposals reaffirming its intention to apply for the respective channels, if allotted. A counterproposal and erratum were filed by Atlantis Broadcasting Co., L.L.C. ("Atlantis"), proposing the allotment of Channel 250A at Heyworth, Illinois, as the community's first local aural transmission service (RM-9004).<sup>2</sup>

2. In support of its counterproposal, Atlantis states that Heyworth is an incorporated community located in McLean County (population 129,180),<sup>3</sup> and has a population of 1,620 persons. Heyworth has its own post office and zip code. It also has a grade school, public library, bank, newspaper, fire department and development corporation. Heyworth is served by approximately 30 businesses and professions, three churches and an American Legion Post 624. Moreover, Atlantis asserts that the allotment of Channel 250A at Heyworth in lieu of Normal will

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

<sup>2</sup>The counterproposal was placed on Public Notice on January 16, 1997, Report No. 2173 (RM-9004).

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

better advance the objectives of Section 307(b) of the Communications Act of 1934, as amended, and the Commission's FM allotment priorities. Atlantis contends that although Normal has a significantly larger population than Heyworth, Normal is presently served by two local aural transmission services and the proposed allotment would provide the community with its third local aural transmission service. In contrast, the allotment of Channel 250A at Heyworth would provide the community with its first local aural transmission service, and is, therefore, the preferred allotment, citing Beaufort County Broadcasting Co., 94 FCC 2d 572 (1983), aff'd sub. nom., Beaufort County Broadcasting Co. v. FCC, 59 RR 2d 1642 (D.C. Cir. 1986). Atlantis affirms its intention to apply for Channel 250A, if allotted to Heyworth.

3. Conflicting proposals are comparatively considered under the guidelines set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).<sup>4</sup> However, in this situation, an alternate Class A channel has been found that resolves the conflict between the two proposals for the allotment of Channel 250A at Normal or Heyworth, Illinois. As such, a comparative analysis is not necessary. See Lawton, Oklahoma, 4 FCC Rcd 1807 (1989). Therefore, we believe the public interest would be served by allotting Channels 252A, 264A, and 250A at Canton, Normal, and Heyworth, Illinois, respectively. An engineering analysis has determined that Channel 252A can be allotted to Canton in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.9 kilometers (2.4 miles) west to avoid a short-spacing to the licensed site of Station WEEK-FM, Channel 253A, Eureka, Illinois.<sup>5</sup> Additionally, Channel 264A can be allotted to Normal with a site restriction of 11.1 kilometers (6.9 miles) southwest to avoid short-spacings to the licensed sites of Station WRVY-FM, Channel 263A, Henry, Illinois, and Station WMGI(FM), Channel 264B, Terre Haute, Indiana.<sup>6</sup> Channel 250A can be allotted to Heyworth with a site restriction of 3.8 kilometers (2.4 miles) north to avoid short-spacings to the licensed sites of Station WHMS-FM, Channel 248B, Champaign, Illinois, and Station WLUJ(FM), Channel 249A, Petersburg, Illinois.<sup>7</sup>

4. 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 August 3, 1998, the FM

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<sup>4</sup>The 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).

<sup>5</sup>The coordinates for Channel 252A at Canton are North Latitude 40-32-46 and West Longitude 90-04-59.

<sup>6</sup>The coordinates for Channel 264A at Normal are North Latitude 40-27-38 and West Longitude 89-06-06.

We note that the Commission may allot an alternate channel in order to resolve conflicts between proposals. See Notice, Appendix 3(c); see also Pinewood, South Carolina, 5 FCC Rcd 7609 (1990).

<sup>7</sup>The coordinates for Channel 250A at Heyworth are North Latitude 40-20-55 and West Longitude 88-58-56.

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

<u>City</u>	<u>Channel No.</u>
Canton, Illinois	252A, 266A, <sup>8</sup> 300B1
Normal, Illinois	244A, 264A
Heyworth, Illinois	250A

5. A filing window for Channel 252A at Canton, Illinois, Channel 264A at Normal, Illinois, and Channel 250A at Heyworth, Illinois, will not be opened at this time. Instead, the issue of opening a filing window for these channels 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 Sharon P. McDonald, 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

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<sup>8</sup>On August 13, 1997, a Notice of Proposed Rule Making (RM-9130, MM Docket No. 97-186), was adopted proposing the reallocation of Channel 266A from Canton to Glasford, Illinois. See 12 FCC Rcd 13158 (1997); 62 FR 45784, August 29, 1997.