

FCC MAIL SECTION

Federal Communications Commission

DA 98-1723

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DISPATCHED BY

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

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MM Docket No. 97-186 |
| Table of Allotments, |) | RM-9130 |
| FM Broadcast Stations. |) | |
| (Canton and Glasford, Illinois) |) | |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 26, 1998;

Released: September 4, 1998

By the Chief, Allocations Branch:

1. At the request of Neil A. Roness and Luann C. Dahl ("petitioners"), permittees of Station WBDM(FM),¹ Channel 266A, Canton, Illinois, the Commission has before it the Notice of Proposed Rule Making, 12 FCC Rcd 13158 (1997), proposing the reallocation of Channel 266A from Canton to Glasford, Illinois, and the modification of Station WBDM(FM)'s construction permit accordingly. Petitioners filed comments in support of the proposal reaffirming their intention to apply for Channel 266A, if reallocated to Glasford. No other comments were received.

2. The proposed reallocation of Channel 266A from Canton to Glasford, Illinois, was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permit the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990) ("Change of Community"). As stated in the Notice, Glasford is an incorporated community with a population of 1,115² persons. The community has its own local government with a mayor and a city council. Glasford also has a post office and its own zip code. Petitioners further state that Glasford maintains both water and sewer plants to serve the municipality. Telephone service is provided to the citizens by the Glasford Telephone Company. Glasford has a public library, public municipal park, and provides public safety through a volunteer fire department and a

¹Call letters were assigned on June 15, 1998.

²All population figures are taken from the 1990 U.S. Census.

police department. Education of the citizens of Glasford is provided by an elementary school, a middle school, and a high school. Glasford has numerous businesses, banks, churches, civic organizations, and all the attributes normally associated with a midwestern city.

3. Petitioners assert that the reallocation of Channel 266A from Canton to Glasford, Illinois, would result in a preferential arrangement of allotments under the Commission's FM allotment priorities, since it would provide a first local aural transmission service to Glasford without removing the sole local service from Canton. While Glasford currently has no local aural transmission service, Stations WBYS(AM) and WBYS-FM would remain licensed to Canton.

4. The reallocation is consistent with the requirements set forth in Change of Community, supra. Station WBDM(FM) is an unbuilt station, thus, the reallocation would not result in the loss of "existing service." See Woodville Mississippi, et al., 11 FCC Rcd 4712 (1996). Glasford is an independent community not located within any urbanized area. Although Glasford is located 23 kilometers (14.3 miles) southwest of the Peoria, an engineering analysis has determined that a 60 dBu would encompass 59% of the Peoria Urbanized Area, and a 70 dBu signal would encompass only 12.2% of the Urbanized Area. See Greenfield and Del Ray Oaks, California, 11 FCC Rcd 12681 (1996); and Headland, Alabama, et al., 10 FCC Rcd 10352 (1995). Therefore, a Tuck analysis is not necessary.³

5. We believe the public interest would be served by reallocating Channel 266A from Canton to Glasford, Illinois, since it would provide the community with its first local aural transmission service. Specifically, the reallocation would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. See Change of Community, supra. Under those procedures, we compare the existing arrangement of allotments with the proposed arrangement of allotments using our FM allotment priorities.⁴ See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

6. In making this analysis, we note that Glasford would receive a first local service which triggers priority (3). On the other hand, the reallocation to Glasford would not deprive Canton (population 13,907) of its sole local service since Station WBDM(FM) is an unbuilt station, and Stations WBYS-AM and WBYS-FM would remain licensed to the community.⁵ Both Canton and Glasford receive at least five reception services and are considered to be well-served.

³ See also Huntington Broadcasting Co., v. FCC, 192 F.2d 33 (D.C. Cir. 1951), RKO General, Inc. 5 FCC Rcd 3222 (1990), and Faye and Richard Tuck, 3 FCC Rcd 5374 (1988)

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 given to priorities (2) and (3).]

⁵We note that a Report and Order was recently adopted allotting Channel 252A at Canton, Illinois. See 13 FCC Rcd 12073 (1998).

7. Moreover, the reallocation of Channel 266A to Glasford would result in an increase in service to an area of 628.2 kilometers (242.6 miles) containing 89,778 persons, while theoretically only 8,754 would lose reception service encompassing an area of 642.7 kilometers (248.3 miles).⁶ Thus, the reallocation of Channel 266A to Glasford would result in a net gain in population of 81,024 persons. Both the gain and loss areas receive at least five full-time reception services.

Technical Summary

8. An engineering analysis has determined that Channel 266A can be allotted to Glasford in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioners' requested site.⁷ In accordance with Section 1.420(i) of the Commission's Rules, we also modify Station WBDM(FM)'s construction permit to specify operation on Channel 266A at Glasford, Illinois, as its new community of license.

9. 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 October 19, 1998, the FM 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, 300B1 |
| Glasford, Illinois | 266A |

10. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Neil A Ronen and Luann C. Dahl, for Station WBDM(FM), Canton, Illinois, IS MODIFIED to specify operation on Channel 266A at Glasford, Illinois, subject to the following conditions:

- (a) Nothing contained herein shall be construed as authorizing any change in Station WBDM(FM)'s construction permit, BPH-951011MB, except the channel as specified above. Any other changes,

⁶The de minimis difference in area is due to slight differences in terrain elevation when analyzed over 360 equally-spaced radials.

⁷The coordinates for Channel 266A at Glasford are North Latitude 40-34-20 and West Longitude 89-48-47.

except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

- (b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with construction permit BPH-951011MB, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

11. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of 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, Neil A. Rones and Luann C. Dahl, permittees of Station WBDM(FM), are required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license.

12. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the following:

Neil A. Rones and Luann C. Dahl
35 Fifth Street
Petaluma, California 94952
(Permittees of Station WBDM(FM))

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

14. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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