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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. 98-23
Table of Allotments,) RM-9226
FM Broadcast Stations.)
(Bozeman, Montana)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: May 6, 1998

Released: May 15, 1998

By the Chief, Allocations Branch:

1. In response to a petition filed by Bozeman Educational Access Radio ("B.E.A.R."), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 4327 (1998), seeking the allotment of Channel 240C3 at Bozeman, Montana, and reservation of the channel for noncommercial educational use. B.E.A.R. filed comments reiterating its intention to apply for Channel *240C3 at Bozeman.¹ No other comments were received at the Commission in response to this proposal.
2. As stated in the *Notice*, noncommercial educational stations generally operate within the reserved portion of the FM band (Channels 201-220). Exceptions have been made in cases where the channels in the noncommercial educational band are not available because of foreign allocations (Canadian or Mexican) or potential interference to operations on VHF Television Channel 6. In this case, Channels 219 and 220 could potentially be allotted to Bozeman but they are precluded by domestic FM Station KGLT, Bozeman, Montana. The majority of the remaining channels in the noncommercial band are precluded by two Channel 6 stations, KTVM, Butte, Montana, and KSVI, Billings, Montana.
3. After a review of the comments, we conclude that the reservation of a commercial channel is justified. No party has expressed an interest in the use of the channel as a commercial facility. Channel *240C3 can be allotted to Bozeman, Montana, in compliance with the Commission's minimum distance separation requirements.²

¹ As stated in the *Notice*, although B.E.A.R.'s request was signed and its address given, it failed to verify the statements contained in the petition, as required by section 1.52 of the Commission's Rules. B.E.A.R. was requested to correct the deficiency in its responsive comments, and has done so.

² The coordinates for Channel *240C3 at Bozeman are 45-40-48 and 111-02-18.

4. We believe the public interest would be served by the allotment of Channel *240C3 to Bozeman, Montana, since it would provide the community with additional noncommercial educational service. 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 for the community listed below, as follows:

Community	Channel Number
Bozeman, Montana	229C1, 236C1, *240C3, 260C1, *271C2, 278C1

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

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel *240C3 at Bozeman, Montana, 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