

Federal Communications Commission

DA 99-216

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

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In the Matter of)

Amendment of Section 73.202(b),)

Table of Allotments,)

FM Broadcast Stations.)

(Tipton, Mangum and Eldorado, Oklahoma))

MM Docket No. 99-23

RM-9423

NOTICE OF PROPOSED RULE MAKING
AND
ORDER TO SHOW CAUSE

Adopted: January 13, 1999

Released: January 22, 1999

Comment Date: March 15, 1999

Reply Comment Date: March 30, 1999

By the Chief, Allocations Branch:

1. The Commission has before it the petition for rule making filed by Good Government Radio ("petitioner") requesting the allotment of Channel 249C2 to Tipton, Oklahoma, as the community's first local aural service. Petitioner states that it will apply for the channel, if allotted.

2. Petitioner states that Tipton is an incorporated community with a 1990 U.S. Census population of 1,043 persons. To accommodate the allotment at Tipton, petitioner also requests the substitution of Channel 282A for Channel 249A at Mangum, Oklahoma, the modification of Station KHIM's license accordingly, and the substitution of Channel 245A for unoccupied and unapplied for Channel 246A at Eldorado, Oklahoma. Petitioner states that Channel 282A can be allotted to Mangum at Station KHIM's presently licensed transmitter site and commits to reimburse the licensee for the costs associated with its channel change if it is the successful applicant for the Tipton allotment. It also states that Channel 245A can be allotted to Eldorado at the reference coordinates specified for Channel 246A.

3. We believe petitioner's proposal warrants consideration since the allotment of Channel 249C2 at Tipton could provide the community with its first local aural service. Channel 249C2 can be allotted to Tipton in compliance with the Commission's minimum distance separation requirements with a site restriction of 23.8 kilometers (14.8 miles) west to avoid short-spacings to Channel 248C2 at Archer City, Texas, which is reserved for Station KRZB,¹ to Station

¹ By Report and Order, Station KRZB's construction permit was modified to specify Archer City instead of Olney, Texas, as its community of license. See 13 FCC Rcd 18920 (1998).

KGOK-FM, Channel 249C3, Pauls Valley, Oklahoma, and its proposed reallocation to Healdton, Oklahoma,² and to Station KJMZ, Channel 251C1, Lawton, Oklahoma. Channel 282A can be allotted to Mangum, at Station KHIM's licensed transmitter site. Channel 245A can be allotted to Eldorado without the imposition of a site restriction.³

4. Whenever an existing licensee or permittee is ordered to change frequencies in order to accommodate a new channel allotment, Commission policy requires the benefitting party to reimburse the affected station for the costs incurred. In this case, petitioner has stated its willingness to reimburse the licensee of Station KHIM for its reasonable costs incurred in moving to Channel 282A.

5. Accordingly, we seek comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the communities listed below, to read as follows:

| <u>City</u> | <u>Channel No.</u> | |
|--------------------|--------------------|-----------------|
| | <u>Present</u> | <u>Proposed</u> |
| Eldorado, Oklahoma | 246A | 245A |
| Mangum, Oklahoma | 249A | 282A |
| Tipton, Oklahoma | -- | 249C2 |

6. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Altus Educational Broadcasting Foundation, licensee of Station KHIM, Mangum, Oklahoma, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 282A as proposed herein instead of the present Channel 249A.

7. Pursuant to Section 1.87 of the Commission's Rules, Altus Educational Broadcasting Foundation may, not later than March 15, 1999, file a written statement showing with particularity why its license should not be modified as proposed in the Order to Show Cause. The Commission may call on Altus Educational Broadcasting Foundation to furnish additional information. If Altus Educational Broadcasting Foundation raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, Altus Educational Broadcasting Foundation will be deemed to have consented to the modification as proposed in the Order to

² See Notice of Proposed Rule Making, MM Docket No. 98-75, 13 FCC Rcd 11896 (1998).

³ The coordinates for Channel 249C2 at Tipton are 34-34-53 North Latitude and 99-22-55 West Longitude. The coordinates for Channel 282A at Mangum are 34-52-27; 99-30-04. The coordinates for Channel 245A at Eldorado are 34-28-24; 99-38-54.