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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	
FM Broadcast Stations.	)	
(Pacific Junction, Iowa)	)	MM Docket No. 99-50
	)	RM-9425
	)	
(Annville, Kentucky)	)	MM Docket No. 99-51
	)	RM-9454
	)	
(Liberty, Pennsylvania)	)	MM Docket No. 99-52
	)	RM-9455
	)	
(Clarendon, Pennsylvania)	)	MM Docket No. 99-53
	)	RM-9456
	)	
(Ridgeley, West Virginia)	)	MM Docket No. 99-54
	)	RM-9457
	)	
(Thayne, Wyoming)	)	MM Docket No. 99-55
	)	RM-9458
	)	
(Big Piney, Wyoming)	)	MM Docket No. 99-56
	)	RM-9459
	)	
(Upton, Wyoming)	)	MM Docket No. 99-57
	)	RM-9460
	)	
(Strattanville, Pennsylvania)	)	MM Docket No. 99-58
	)	RM-9461

NOTICE OF PROPOSED RULE MAKING

Adopted: February 3, 1999; **Released: February 12, 1999**

Comment Date: April 5, 1999
Reply Comment Date: April 20, 1999

By the Chief, Allocations Branch:

1. Before the Commission for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each petitioner has stated that it will apply for its requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our technical requirements and would serve the public interest.

2. This is a multiple docket Notice of Proposed Rule Making issued in response to a Commission Public Notice released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single Notice of Proposed Rule Making. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the Public Notice, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We request comments and/or counterproposals to the following proposals:

A. MM Docket No. 99-50; RM-9425

Petitioner: Warga Broadcasting L.L.C.

c/o Lawrence Bernstein, Esq.
1818 N Street, N.W.
Suite 700
Washington, D.C. 20036

Proposal: Allot Channel 299A at Pacific Junction, Iowa, as the community's first local aural transmission service.

Community	Present	Proposed
Pacific Junction, Iowa	---	299A

Coordinates: 41-03-25 NL and 95-46-50 WL

Additional Information: This allotment requires a site restriction of 4.5 kilometers (2.8 miles) north to avoid a short-spacing to the licensed site of Station KMAJ-FM, Channel 299C, Topeka, Kansas.

FCC Contact: Sharon P. McDonald (202) 418-2180

B. MM Docket No. 99-51; RM-9454

Petitioner: Vernon R. Baldwin

c/o Dennis F. Begley, Esq.
Reddy, Begley & McCormick
2175 K Street, N.W., Suite 350
Washington, D.C. 20037

Proposal: Allot Channel 244A to Annville, Kentucky, as the community's first local aural transmission service.

Community	Present	Proposed
Annville, Kentucky	---	244A

Coordinates: 37-14-37 NL and 83-53-35 WL

Additional Information: This allotment requires a site restriction of 10.8 kilometers (6.7 miles) southeast to avoid a short-spacing to the licensed site for Station WGKS(FM), Channel 245C2, Paris, Kentucky.

FCC Contact: Sharon P. McDonald (202) 418-2180

C. MM Docket No. 99-52; RM-9455

Petitioner: West Wind Broadcasting

Victor A. Michael, Jr., President
West Wind Broadcasting.
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 298A to Liberty, Pennsylvania, as the community's first local aural transmission service.

Community	Present	Proposed
Liberty, Pennsylvania	---	298A

Coordinates: 41-29-28 NL and 77-12-22 WL

Additional Information: This allotment requires a site restriction of 11.2 kilometers (6.9 miles) southwest to avoid a short-spacing to the licensed site of Station WBYN(FM), Channel 298B, Boyertown, Pennsylvania. Since Liberty is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

D. MM Docket No. 99-53; RM-9456

Petitioner: West Wind Broadcasting

Victor A.Michael, Jr., President
West Wind Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 274A to Clarendon, Pennsylvania, as the community's second local FM transmission service.

Community	Present	Proposed
Clarendon, Pennsylvania	282A	274A, 282A

Coordinates: 41-41-30 NL and 79-03-43 WL

Additional Information: This allotment requires a site restriction of 10.1 kilometers (6.3 miles) south to avoid a short-spacing to the licensed site of Station WRLP(FM), Channel 276A, Russell, Pennsylvania. Since Clarendon is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested. .

FCC Contact: Sharon P. McDonald (202) 418-2180

E. MM Docket No. 99-54; RM-9457

Petitioner: West Wind Broadcasting

Victor A. Michael, Jr., President
West Wind Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 263A to Ridgeley, West Virginia, as the community's first local aural transmission service.

Community	Present	Proposed
Ridgeley, West Virginia	---	263A

Coordinates: 39-42-08 NL and 78-43-49 WL

Additional Information: This allotment requires a site restriction of 7.8 kilometers (4.8 miles) northeast to avoid a short-spacing to the licensed and construction permit site of Station WDZN(FM), Channel 261A, Romney, West Virginia, and to the licensed site of Station WOMP-FM, Channel 263B, Bellaire, Ohio.

FCC Contact: Sharon P. McDonald (202) 418-2180

F. MM Docket No. 99-55; RM-9458

Petitioner: Mountain West Broadcasting

Victor A. Michael, Jr., President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 294C1 to Thayne, Wyoming, as the community's first local aural transmission service.

Community	Present	Proposed
Thayne, Wyoming	---	294C1

Coordinates: 42-57-48 NL and 110-55-53 WL

Additional Information: This allotment requires a site restriction of 7.4 kilometers (4.6 miles) northeast to avoid a short-spacing to the proposed allotment site for Channel 293C, Superior, Wyoming.

FCC Contact: Sharon P. McDonald (202) 418-2180

G. MM Docket No. 99-56; RM-9459

Petitioner: Mountain West Broadcasting.

Victor A. Michael, Jr., President
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 259C1 to Big Piney, Wyoming, as the community's first local aural transmission service.

Community	Present	Proposed
Big Piney, Wyoming	---	259C1

Coordinates: 42-32-24 NL and 110-06-42 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

H. MM Docket No. 99-57; RM-9460

Petitioner: Windy Valley Broadcasting

Victor A. Michael, Jr., President
Windy Valley Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 290C1 to Upton, Wyoming, as the community's first local aural transmission service.

Community	Present	Proposed
Upton, Wyoming	---	290C1

Coordinates: 44-05-54 NL and 104-37-36 WL

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

I. MM Docket No. 99-58; RM-9461

Petitioner: West Wind Broadcasting

Victor A. Michael, Jr., President
West Wind Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Proposal: Allot Channel 267A to Strattanville, Pennsylvania, as the community's first local FM transmission service.

Community	Present	Proposed
Strattanville, Pennsylvania	---	267A

Coordinates: 41-18-36 NL and 79-13-05 WL

Additional Information: This allotment requires a site restriction of 15.1 kilometers (9.4 miles) northeast to avoid a short-spacing to the licensed site of Station WORD-FM, Channel 268B, Pittsburgh, Pennsylvania. Since Strattanville is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket Notice of Proposed Rule Making should reference **only** the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before April 5, 1999, and reply comments on or before April 20, 1999, and are advised to read the Appendix for the proper procedure. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules. 46 FR 11549 (February 9, 1981).

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in particular docket unless the Commission specifically waives this service requirement. Any comment which has not been served on

the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

1. Pursuant to 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 PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall

be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W.; TW-A325, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room 239) at its headquarters, 1919 M Street, N.W., Washington, D.C.