



FCC MAIL Federal Communications Commission
Washington, D.C. 20554

Office of the Secretary of the Commission
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DEC 22 2 30 PM '99

December 21, 1999

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DISPATCHED BY

Linda A. Davidson
2134 Oak St., Unit C
Santa Monica, CA 90405

Dear Ms. Davidson:

This is in response to the petition for rule making which you submitted on November 17, 1999, requesting the allotment of Channel 247A to Arvin, California, as that community's second local FM transmission service.

A staff engineering review of the proposal reveals that based upon the use of city reference coordinates at 35-12-33 NL and 118-49-38 WL, Channel 247A cannot be allotted to Arvin consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, as it is 45.7 kilometers (28.3 miles) short spaced to vacant Channel 247A, McFarland, California.

Channel 247A was allotted to McFarland, California, in the context of MM Docket No. 97-204, and was effective June 15, 1998. A window filing period for vacant allotments had been suspended as announced in the Commission's Public Notice (FCC 94-41), pending the outcome of the United States Court of Appeals' holding in Bechtel v. FCC, 10 F.3d 875 (D.C. Cir. 1993). As the Commission ultimately decided not to appeal Bechtel, and consistent with the mandate contained in the Balanced Budget Act of 1997 (Pub. L. No. 105-33, 111 Stat. 251 (1997)), expanding the Commission's competitive bidding authority under Sections 309(j) and 309(l) of the Communications Act of 1934 to include broadcast services, it is now in the process of issuing public notices announcing the opening of filing windows for vacant allotments on an on-going basis. However, a filing window for Channel 247A at McFarland has not been announced at this time.

In light of the above, we find that the petition for rule making which you submitted requesting the allotment of Channel 247A to Arvin, California, is unacceptable for consideration.

Sincerely,

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