

FEDERAL COMMUNICATIONS COMMISSION

Federal Communications Commission

DA 00-1556

JUL 17 10 11 AM '00

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. <u>99-136</u> /
Table of Allotments,)	RM-9570
FM Broadcast Stations.)	
(Babb, Montana))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 5, 2000

Released: July 14, 2000

By the Chief, Allocations Branch:

1. In response to a petition filed by the Battani Corporation ("Battani"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 6857 (1999), requesting the allotment of Channel 233C3 at Babb, Montana. Battani filed comments in which it reaffirmed its interest in Channel 233C3 at Babb. No other comments were received in response to the Notice.

2. In response to Battani's request, a Notice was issued proposing the allotment of Channel 233C3 at Babb. The Notice pointed out that the 1998 edition of the Rand McNally Commercial Atlas and Marketing Guide credits Babb, located in Glacier County, with a population of 45 people, a post office and separate zip code. The Notice also indicated that Babb is located on the Blackfeet Indian Reservation. In comments, Battani did commit to constructing a station in Babb and stated that the community has local churches, commercial businesses, a fire department, public school and post office. Battani further stated that discussions have been initiated with Tribal Officials to obtain the tribe's public support for the proposed allocation. According to Battani, the National Park Service estimates that nearly two million people visit near by Glacier National Park each year and that grant of its proposal will serve the visitors to the Park as well as residents of Babb and the Blackfeet Indian Reservation.

3. Based on the totality of the evidence submitted by Battani, we believe it has failed to establish that Babb qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel. Battani neglected to provide any criteria supporting community status other than to state that Babb is a Census Designated Place with its own fire department, post office and school, local churches and commercial businesses and is located on the Blackfeet Indian Reservation. Commission research did not locate a listing for Babb in the 1990 Census but the 1998 edition of the Rand McNally Commercial Atlas did credit Babb with a population of 45. The Commission has, in

past cases, rejected claims of community status where a connection has not been shown between political, social and commercial organizations and the community in question. Although Babb appears to have some of the elements of a community, we believe that the record in this proceeding is insufficient to find that Babb is a community for allotment purposes.¹ Therefore, we will not allot Channel 233C3 to Babb, Montana.

4. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by the Battani Corporation to allot Channel 233C3 to Babb, Montana, IS DENIED.

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.

FEDERAL COMMUNICATIONS COMMISSION

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

¹ Battani could have provided the following type of evidence which supports community status such as the names of any businesses which contain "Babb" in their names and have Babb addresses, excerpts from a telephone book showing Babb's separate telephone exchange, a list of industries, specific names and addresses of churches in Babb, affidavits from residents of Babb, name and address of the mayor or council members showing a form of local government exists, evidence that rural residents view Babb as a center for shopping and medical services, but failed to do so.