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.	)	
(Marietta, Mississippi)	)	MM Docket No. 00-146
	)	RM-9937
	)	
(Lake City, Colorado)	)	MM Docket No. 00-147
	)	RM-9938
	)	
(Quanah, Texas)	)	MM Docket No. 00-148
	)	RM-9939
	)	
(Smiley, Texas)	)	MM Docket No. 00-149
	)	RM-9940

NOTICE OF PROPOSED RULE MAKING

Adopted: August 9, 2000; **Released: August 18, 2000**

Comment Date: October 10, 2000
Reply Comment Date: October 25, 2000

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. 00-146; RM-9937

Petitioner: Robert Sanders

135 Highway 371
Marietta, Mississippi 38856

Proposal: Allot Channel 250A at Marietta, Mississippi, as the community's first local aural transmission service.[1]

Community	Present	Proposed
Marietta, Mississippi	--	250A

Coordinates: 34-30-20 NL and 88-27-18 WL

Additional Information: This allotment requires a site restriction of 1.3 kilometers (0.8 miles) east to avoid a short-spacing to the licensed sites of Station WWMS(FM), Channel 248C1, Oxford, Mississippi, and Station WZLQ(FM), Channel 253C1, Tupelo, Mississippi.

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

B. MM Docket No. 00-147; RM-9938

Petitioner: The Parker Radio Project

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

[1] In support of his proposal, petitioner states that Marietta is an incorporated community with a current population of 350 persons. Marietta has an elementary school, law enforcement services, a bank, six churches, a post office, a day care In center, public library, volunteer fire department, community center, city park, and other businesses. Petitioner also states that Marietta's major employers are Golden Manufacturing, Marietta Health Clinic, Hodges Woodworks, Pharr's Sawmill, Marietta Wood Supply, Davaughn Woodworks, and Dowdle Gas Company. The community has a State Tax Commission, Lions Club, and a DARE Program.

Proposal: Allot Channel 247A at Lake City, Colorado, as the community's first local aural transmission service.[2]

Community	Present	Proposed
Lake City, Colorado	--	247A

Coordinates: 38-01-47 NL and 107-18-52 WL

Additional Information: This allotment is at city reference coordinates and does not requirement a site restriction.

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

C. MM Docket No. 00-148; RM-9939

Petitioner: NationWide Radio Stations

Marie Drischel, General Partner
NationWide Radio Stations
496 Country Road 308
Big Creek, Mississippi 38914

Proposal: Allot Channel 233C3 at Quanah, Texas, as the community's second local FM transmission service.

Community	Present	Proposed
Quanah, Texas	265C2	233C3, 265C2

[2] In support of its proposal, petitioner states that Lake City is an incorporated located in Hindale County with a 1998 estimated population of 348 persons. Lake City is the county seat. Lake City is governed by a seven-person Board of Trustees, and has its own post office and zip code (81235). The community provides water and sanitation services. The Lake City Area Fire Protection District provides fire protection to the town and the county. Major employers in Lake City include the Hindale County Government, Lake City Heath Elementary School, Lake Fort Middle School/High School and First National Bank of Lake City. In addition to a multitude of recreational opportunities afforded by surrounding public lands, Lake City offers a city park, churches, service clubs, senior organizations, a library, museum and an historical society, and numerous other businesses.

Coordinates: 34-17-52 NL and 99-44-23 WL

Additional Information: This allotment is at city reference coordinates and does not requirement a site restriction.

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

D. MM Docket No. 00-149; RM-9940

Petitioner: Smiley Community Radio Company

c/o Henry E. Crawford, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Ave., N.W., Suite 301
Washington, D.C. 20016

Proposal: Allot Channel 280A at Smiley, Texas, as the community's first local aural transmission service.[3]

Community	Present	Proposed
Smiley, Texas	--	280A

Coordinates: 29-13-34 NL and 97-35-18 WL

Additional Information: This allotment requires a site restriction of 6.5 kilometers (4.02 miles) southeast to avoid a short-spacing to the licensed site of Station KOUL(FM), Channel 279C1, Sinton, Texas, and to the proposed reference site for Channel 281C1 at Pearsall, Texas. Since Smiley is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been requested.

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

[3]In support of its proposal, petitioner states that Smiley is an incorporated community located in Gonzales County, with a 1990 Census population of 463 persons. Smiley has its own post office and zip code. It has several places of worship including Smiley United Methodist Church, Efeso Baptist Church, and the Country Baptist Church. Smiley has its own middle school and library. Additionally, it has a number of businesses and local institutions including inter alia, Smiley Produce & Feed, the Smiley Grocery Store, the Smiley One Stop, Smiley Disposal, Smiley Housing Authority, and the Smiley City Offices.

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 **October 10, 2000**, and reply comments on or before **October 25, 2000**, 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.