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

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In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
FM Table of Allotments,	)	
FM Broadcast Stations.	)	
(Heber, Arizona)	)	MM Docket No. 00-189
	)	RM-9984
	)	
(Snowflake, Arizona)	)	MM Docket No. 00-190
	)	RM-9985
	)	
(Overgaard, Arizona)	)	MM Docket No. 00-191
	)	RM-9986
	)	
(Taylor, Arizona)	)	MM Docket No. 00-192
	)	RM-9987

NOTICE OF PROPOSED RULE MAKING

Adopted: September 27, 2000 **Released:** October 11, 2000

Comment Date: December 1, 2000
Reply Comment Date: December 18, 2000

By the Chief, Allocations Branch:

1. Before the Allocations Branch for consideration is a multiple docket *Notice of Proposed Rule Making* setting forth four separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules to allot new channels in four separate localities. Each proposal would provide a first local transmission service at the proposed community. The petitioner in each proposal, New Directions Media, Inc. ("petitioner") states that it will file an application for construction permit at each locality and bid at auction if the channel is 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. 00-189; RM-9984

Petitioner: **New Directions Media, Inc.**
Robert D. Zellmer, President
P.O. Box 1643
Greeley, CO 80632

Proposal: Allot Channel 288C2 at Heber, Arizona, as the community's first local transmission service.

Community	Present	Proposed
Heber, Arizona	---	288C2

Coordinates: 34-25-53 NL and 110-35-36 WL

Additional Information: In support of its proposal, petitioner states that the community of Heber has a U.S. Census population of 950 persons. Petitioner is requested to submit additional information to establish that Heber, Arizona is a community for allotment purposes. Channel 288C2 can be allotted at Heber without a site restriction.

FCC Contact: Victoria M. McCauley, Mass Media Bureau (202) 418-2180.

B. MM Docket No. 00-190; RM-9985

Petitioner: **New Directions Media, Inc.**
Robert D. Zellmer, President
P.O. Box 1643
Greeley, CO 80632

Proposal: Allot Channel 258C2 at Snowflake, Arizona as the community's first local transmission service.

Community	Present	Proposed
Snowflake, Arizona	---	258C2

Coordinates: 34-30-48 NL and 110-04-40 WL

Additional Information: In support of its proposal, petitioner states that the community of Snowflake has a U.S. Census population of 3,679 persons. Petitioner is requested to submit additional information to establish that Snowflake, Arizona is a community for allotment purposes. Channel 258C2 can be allotted at Snowflake without a site restriction.

FCC Contact: Victoria M. McCauley, Mass Media Bureau (202) 418-2180.

C. MM Docket No. 00-191; RM-9986

Petitioner: **New Directions Media, Inc.**
Robert D. Zellmer, President

P.O. Box 1643
Greeley, CO 80632

Proposal: Allot Channel 232C3 at Overgaard, Arizona, as the community's first local transmission service.

Community	Present	Proposed
Overgaard, Arizona	---	232C3

Coordinates: 34-23-27 NL and 110-33-04 WL

Additional Information: In support of its proposal, petitioner states that the community of Overgaard has a U.S. Census population of 900 persons. Petitioner is requested to submit additional information to establish that Overgaard, Arizona is a community for allotment purposes. Channel 232C3 can be allotted at Overgaard without a site restriction.

FCC Contact: Victoria M. McCauley (202) 418-2180.

D. MM Docket No. 00-192; RM- 9987

Petitioner: **New Directions Media, Inc.**
Robert D. Zellmer, President
P.O. Box 1643
Greeley, CO 80632

Proposal: Allot Channel 278C3 at Taylor, Arizona, as the community's first local transmission service.

Community	Present	Proposed
Taylor, Arizona	---	278C3

Coordinates: 34-27-54 NL and 110-05-26 WL

Additional Information: In support of its proposal, petitioner states that the community of Taylor has a U.S. Census population of 2,418 persons. Petitioner is requested to submit additional information to establish that Taylor, Arizona is a community for allotment purposes. Channel 278C3 can be allotted at Taylor without a site restriction.

FCC Contact: Victoria M. McCauley (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 December 1, 2000, and reply comments on or before December 18, 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

Attachment: Appendix

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 Information Reference Center (Room CY-A257) at its headquarters, 445 12th Street, S.W., Washington D.C. 20554.