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Federal Communications Commission

DA 01-419

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 00-237
Table of Allotments,)	RM-10006
FM Broadcast Stations.)	
(Window Rock, Arizona))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 7, 2001

Released: February 16, 2001

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making, (DA 00-2591), released November 17, 2000, issued in response to a petition for rule making filed by Western Indian Ministries, Inc. ("petitioner"), licensee of Station KWIM, Channel 274C3, Window Rock, Arizona, proposing the substitution of Channel 285C2 for Channel 274C3 and modification of its license accordingly. Petitioner filed supporting comments in response to the Notice stating its intention to apply for Channel 285C2, if allotted. No other comments were filed.

2. We believe the public interest would be served by substituting Channel 285C2 for Channel 274C3 at Window Rock, Arizona, since it could provide the community with an expanded coverage area FM service. In accordance with Section 1.420(g) of the Commission's Rules, interested parties were given an opportunity to file for an additional equivalent Class C2 channel at Window Rock. However, no other expressions of interest were received. Therefore, as proposed, we will substitute Channel 285C2 for Channel 274C3 at Window Rock, Arizona, and modify the license for Station KWIM, as requested.

3. As stated in the Notice, Channel 285C2 can be allotted to Window Rock at the present site of Station KWIM, located 3.3 kilometers (2 miles) southeast of the community at coordinates 35-39-19 NL and 109-01-59 WL.

4. Accordingly, pursuant to the authority contained 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 ORDERED, That effective April 2, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to Window Rock, Arizona, as follows:

<u>City</u>	<u>Channel No.</u>
Window Rock, Arizona	241C1, 285C2

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Western Indian Ministries (File No. BLH-19951010KC) for Station KWIM, Window Rock, Arizona, IS MODIFIED to specify operation on Channel 285C2 in lieu of Channel 274C3, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m), any party seeking a change in community of license of a television or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Western Indian Ministries, Inc., licensee of Station KWIM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the upgrade at Window Rock.

7. IT IS FURTHER ORDERED, That the Commission's Office of Public Affairs, Reference Operations Division, SHALL SEND a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the licensee, as follows: Western Indian Ministries, Inc., P.O. Box 9090, Window Rock, AZ 86515 and to Timothy C. Cutforth, P.C., Vice Chair of the Board, Western Indian Ministries, Inc., 965 S. Irving Street, Denver, CO 80219.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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