

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

2002 MAY 22 P 4: 18

In the Matter of)
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)
Amendment of Section 73.202(b),)
FM Table of Allotments,)
FM Broadcast Stations.)
(Houston and Anchorage, Alaska))

MM Docket No. 01-37
RM-10065

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REPORT AND ORDER (Proceeding Terminated)

Adopted: May 9, 2001

Released: May 18, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a *Notice of Proposed Rule Making and Order to Show Cause* issued at the request of Chester P. Coleman ("petitioner"), licensee of Station KADX(FM), Houston, Alaska, requesting the substitution of Channel 234C1 for Channel 234C2 at Houston, Alaska, and the modification of Station KADX's license to reflect the change. We directed the *Order to Show Cause* to Ubik Corporation ("Ubik"), licensee of Station KNIK-FM, Anchorage, Alaska, to show cause why its license should not be modified to specify operation on Channel 286C1 as proposed by petitioner instead of the present Channel 287C1. Petitioner filed comments in support of the petition for rulemaking, reiterating its intention to file the necessary application to effectuate the changes it proposed. Ubik did not respond to the *Order to Show Cause*.

2. In support of its petition for rulemaking, petitioner stated that its proposed channel substitution at Anchorage would not only allow Station KADX to upgrade facilities, it also would eliminate the IF spacing requirement between Stations KADX and KNIK. In addition, since it proposed the substitution of Channel 286C1 for 287C1 at Anchorage at Station KNIK's existing site, no gains or losses in area or population would result from that substitution. It noted, however, that the proposal for Station KADX at Houston, while involving no change in transmitter site, would involve an upgrade in channel and thus a gain in area and population served. In this regard, petitioner stated that the present Channel 234C2 provides 60dBu service to 8,558 square kilometers with a population of 262,117 persons, while the proposed Channel 234C1 would provide 60 dBu service to 16,417 square kilometers encompassing 264,240 persons, a net increase of 7,859 square kilometers and 2,123 persons. Petitioner pledged to reimburse the licensee of Station KNIK-FM for the reasonable costs of changing its channel to accommodate Station KADX's upgrade.

3. We will substitute Channel 234C1 for Channel 234C2 at Houston, Alaska, and modify Station KADX's license to reflect the upgrade. We will also substitute Channel 286C1 for Channel 287C1 at Anchorage, Alaska, and modify Ubik's license for Station KNIK-FM to reflect the change. We believe that these modifications serve the public interest because they will allow Station KADX to expand its service area and will remove the IF spacing requirement between Stations KADX AND KNIK. Petitioner is expected to reimburse Ubik for the reasonable costs associated with its change of channel.

4. Channel 234C1 can be allotted at Houston, Alaska, consistent with the minimum distance

separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules at petitioner's requested site 17.2 kilometers (10.7 miles) south of the community, if Channel 286C1 is substituted for Channel 287C1 at Anchorage, Alaska.¹ Channel 286C1 can be allotted at Anchorage, Alaska consistent with the minimum distance separation requirements of Section 73.207(b) and the principal community coverage requirements of Section 73.315(a) of the Commission's Rules, at Station KNIK-FM's licensed site 2.8 kilometers (1.8 miles) south of the community.²

5. 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 July 2, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel Number</u>
Houston, Alaska	221A, 234C1, 241A, 242A
Anchorage, Alaska	225C, 229C2, 247C1, 251C1, 255C1, 263C2, 267C2, 271C3, 276C1, 281C1, 286C1, 293C1, 298C1

6. IT IS FURTHER ORDERED That the Secretary SHALL SEND, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a copy of this *Report and Order* to the following:

Ubik Corporation 3700 Woodland Drive Suite 700 Anchorage, AK 99517 (Licensee of Station KNIK-FM)	David Tillotson 4606 Charleston Terrace, N.W. Washington, DC 20007 (Counsel to petitioner)
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7. IT IS FURTHER ORDERED That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Station KDAK, Houston, Alaska, IS MODIFIED to specify operation on Channel 234C1 and the license of Station KNIK(FM), Anchorage, Alaska, IS MODIFIED to specify operation on Channel 286C1, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, each 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

¹ The coordinates for Channel 234C1 at Houston, Alaska are 61-29-03 NL and 149-45-52 WL.

² The coordinates for Channel 286C1 at Anchorage, Alaska are 61-11-33 NL and 149-54-01 WL.

Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television 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, Chester P. Coleman, licensee of Station KADX(FM), Houston, Alaska, is required to submit a rule making fee in addition to the fee required for the application to effectuate the upgrade from Channel 234C2 to Channel 234C1.

9. For further information concerning a proceeding listed above, contact Victoria M. McCauley at (202) 418-2180. Questions concerning the application filing process should be directed to the Audio Services Division at (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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