

Federal Communications Commission

DA 99-2672

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. <u>99-55</u>
Table of Allotments,	)	RM-9458
FM Broadcast Stations.	)	RM-9760
(Thayne and Marbleton, Wyoming) <sup>1</sup>	)	

REPORT AND ORDER  
(Proceeding Terminated)

Adopted: November 24, 1999;

Released: December 3, 1999

By the Chief, Allocations Branch:

1. At the request of Mountain West Broadcasting ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 2877 (1999), proposing the allotment of Channel 294C1 at Thayne, Wyoming, as the community's first local aural transmission service (RM-9458). Petitioner filed comments requesting the allotment of alternate Channel 290C1 in lieu of Channel 294C1 at Thayne, and affirming its intention to apply for the channel, if allotted. Mount Rushmore Broadcasting, Inc. filed comments and a counterproposal requesting the allotment of Channel 294A at Thayne, Wyoming, and the allotment of Channel 295A at Marbleton, Wyoming (RM-9760).<sup>2</sup> KISN-AM License L.P. filed reply comments in support of the allotment of alternate Channel 290C1 at Thayne, Wyoming, and Channel 239A at Marbleton, Wyoming. For the reasons discussed below, we allotting Channel 290C1 at Thayne, Wyoming, and Channel 239A at Marbleton, Wyoming.

2. In its reply comments, KISN-AM License L.P., licensee of Station KOSY(FM), Channel 293C, Spanish Fork, Utah, asserts that the allotment of Channel 294C1 at Thayne, Wyoming, and the allotment of Channel 295A at Marbleton would adversely affect a planned modification of Station KOSY(FM)'s facilities. Generally, the Commission when granting allotments does not consider future modifications of other facilities. However, because here, petitioner has stated its preference for alternate Channel 290C1 at Thayne to accommodate Station KOSY(FM)'s planned modification of its facilities, we are able to entertain the interest of Station KOSY(FM) in filing an application to improve its facilities without prejudice to any party in this or any other pending proceeding.

3. Therefore, we are allotting alternate Channel 290C1 to Thayne, Wyoming, and alternate Channel 239A to Marbleton, Wyoming, as each community's first local aural transmission service. An engineering analysis has determined that Channel 290C1 can be allotted to Thayne in compliance with the Commission's minimum distance separation requirements with a site restriction of 34.1 kilometers (21.2

<sup>1</sup>The community of Marbleton, Wyoming, has been added to the caption.

<sup>2</sup>The counterproposal was placed on Public Notice on October 27, 1999 (Report No. 2368).

miles) southwest to avoid a short-spacing to the proposed allotment site of Channel 290C, Shoshoni, Wyoming.<sup>3</sup> Additionally, Channel 239A can be allotted to Marbleton without the imposition of a site restriction.<sup>4</sup>

4. Accordingly, pursuant to the 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 ORDERED, That effective, January 18, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Thayne, Wyoming	290C1
Marbleton, Wyoming	239A

5. A filing window for Channel 290C1 at Thayne, Wyoming, and for Channel 239A at Marbleton, Wyoming, will not be opened at this time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

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

7. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 290C1 at Thayne, Wyoming, and Channel 239A at Marbleton, Wyoming, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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

<sup>3</sup>The coordinates for Channel 290C1 at Thayne are 42-46-27 North Latitude and 111-22-02 West Longitude.

<sup>4</sup>The coordinates for Channel 239A at Marbleton are 42-33-27 North Latitude and 110-05-58 West Longitude.