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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),	)	
Table of Allotments,	)	
FM Broadcast Stations.	)	
(Hartshorne, Oklahoma)	)	MM Docket No. 01-225
	)	RM-10253
	)	
(Mooreland, Oklahoma)	)	MM Docket No. 01-226
	)	RM-10254
	)	
(Reydon, Oklahoma)	)	MM Docket No. 01-227
	)	RM-10255
	)	
(Junction, Texas)	)	MM Docket No. 01-228
	)	RM-10256
	)	
(Caseville, Michigan)	)	MM Docket No. 01-229
	)	RM-10257
	)	
(Deckerville, Michigan)	)	MM Docket No. 01-230
	)	RM-10258
	)	
(Harbor Beach, Michigan)	)	MM Docket No. 01-231
	)	RM-10259
	)	
(Port Sanilac, Michigan)	)	MM Docket No. 01-232
	)	RM-10260
	)	
(Alton, Missouri)	)	MM Docket No. 01-233
	)	RM-10261
	)	
(Firth, Nebraska)	)	MM Docket No. 01-234
	)	RM-10262

NOTICE OF PROPOSED RULE MAKING

Adopted: **August 29, 2001** **Released:** **September 7, 2001**

Comment Date: October 29, 2001
Reply Date: November 13, 2001

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, ection 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 accordance with the Commission's *Public Notice* released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single *Notice of Proposed Rulemaking*. 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. 01-225; RM-10253

Petitioner: Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 77345

Proposal: Allot Channel 252A at Hartshorne, Oklahoma as the community's first local aural broadcast service.

Community	Present	Proposed
Hartshorne, Oklahoma	---	252A

Coordinates: 34-45-18 NL and 95-38-24 WL

Additional Information: The proposed allotment of Channel 252A at Hartshorne requires a site restriction of 12.5 km (7.8 miles) southwest of Hartshorne (center city coordinates: 34-50-42 NL and 95-33-26 WL).

Petitioner states that Hartshorne is an incorporated community with a population in excess of 2,300 persons.

B. MM Docket No. 01-226; RM-10254

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas

Proposal: Allot Channel 300C2 at Mooreland, Oklahoma as potentially the community's second aural broadcast transmission service.

Community	Present	Proposed
Mooreland, Oklahoma	283C1	300C2, 283C1

Coordinates: 36-27-59 NL and 99-14-27 WL

Additional Information: The proposed allotment of Channel 300C2 at Mooreland requires a site restriction of 4.4 km (2.8 miles) northwest of Mooreland (center city coordinates: 36-26-21 NL and 99-12-16 WL).

Petitioner states that Mooreland is an incorporated city with a population exceeding 1,225 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

C. MM Docket No. 01-227; RM-10255

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

Proposal: Allot Channel 264C2 at Reydon, Oklahoma as the community's first local aural broadcast service.

Community	Present	Proposed
Reydon, Oklahoma	---	264C2

Coordinates: 35-23-11 NL and 99-52-38 WL

Additional Information: The proposed allotment of Channel 264C2 at Reydon requires a site restriction of 29.9 km (18.6 miles) south of Reydon (center city coordinates: 35-39-13 NL and 99-55-07 WL).

Petitioner states that Reydon is an incorporated city with a population exceeding 175 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

D. MM Docket No. 01-228; RM-10256

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Proposal: Allot Channel 284A at Junction, Texas as potentially the community's fourth FM transmission service.[1]

Community	Present	Proposed
Junction, Texas	228C2, 277C3, 297A[2]	284A, 228C2, 277C3, 297A

Coordinates: 30-28-19 NL and 99-45-47 WL

Additional Information: The proposed allotment of Channel 253A at Junction requires a site restriction of 2.1 km (1.3 miles) southeast of Junction (center city coordinates: 30-29-21 NL and 99-46-18 WL).

Petitioner states that Junction is an incorporated city with a population exceeding 2,600 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

E. MM Docket No. 01-229; RM-10257

Petitioner: Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Proposal: Allot Channel 289A at Caseville, Michigan as the community's first local aural broadcast service.

[1] Two rulemakings are pending to consider allocation of Channels 297A and 277C3 to Junction as second and third FM transmission services, respectively. *See Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Junction, Texas)*, MM Docket No. 01-132, DA 01-1482 (released June 22, 2001), and *Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Junction, Texas)*, MM Docket No. 01-198, DA 01-2002 (released August 24, 2001).

[2] Allocations of Channels 297A and 277C3 to Junction are under consideration in pending rulemakings, cited *supra* in n.1.

Community	Present	Proposed
Caseville, Michigan	---	289A

Coordinates: 43-56-28 NL and 83-16-17 WL

Additional Information: The proposed allotment of Channel 289A at Caseville requires no site restriction at center city coordinates indicated above. The proposed allotment will require concurrence by Canada because Caseville is located within 320 kilometers (199 miles) of the Canadian border.

Petitioner states that Caseville is an incorporated township with a population in excess of 850 persons.

F. MM Docket No. 01-230; RM-10258

Petitioner: Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Proposal: Allot Channel 297A at Deckerville, Michigan as the community's first local aural broadcast service.

Community	Present	Proposed
Deckerville, Michigan	---	297A

Coordinates: 43-34-38 NL and 82-49-05 WL

Additional Information: The proposed allotment of Channel 289A at Deckerville requires a site restriction of 8.7 km (5.4 miles) northwest of Deckerville (center city coordinates: 43-31-36 NL and 82-44-07 WL). The proposed allotment will require concurrence by Canada because Deckerville is located within 320 kilometers (199 miles) of the Canadian border.

Petitioner states that Deckerville is an incorporated city with a population in excess of 940 persons.

G. MM Docket No. 01-231; RM-10259

Petitioner: Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Proposal: Allot Channel 256A at Harbor Beach, Michigan as the community's second FM allotment.

Community	Present	Proposed
Harbor Beach, Michigan	279C2[3]	256A, 279C2

Coordinates: 43-50-41 NL and 82-39-05 WL

Additional Information: The proposed allotment of Channel 256A at Harbor Beach requires no site restriction at center city coordinates indicated above. The proposed allotment will require concurrence by Canada because Harbor Beach is located within 320 kilometers (199 miles) of the Canadian border.

Petitioner states that Harbor Beach is an incorporated city with a population in excess of 1,800 persons.

H. MM Docket No. 01-232; RM-10260

Petitioner: Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Proposal: Allot Channel 225A at Port Sanilac, Michigan as the community's first local aural broadcast service.

Community	Present	Proposed
Port Sanilac, Michigan	---	225A

Coordinates: 43-26-57 NL and 82-38-35 WL

Additional Information: The proposed allotment of Channel 225A at Port Sanilac requires a site restriction of 8.4 km (5.2 miles) west of Port Sanilac (center city coordinates: 43-25-51 NL and 82-32-33 WL). The proposed allotment will require concurrence by Canada because Port Sanilac is located within 320 kilometers (199 miles) of the Canadian border.

[3] Channel 279C2 is a vacant allotment.

Petitioner states that Port Sanilac is an incorporated township with a population in excess of 675 persons.

I. MM Docket No. 01-233; RM-10261

Petitioner: Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

Proposal: Allot Channel 290A at Alton, Missouri as the community's first local aural broadcast service.

Community	Present	Proposed
Alton, Missouri	---	290A

Coordinates: 36-44-39 NL and 91-24-28 WL

Additional Information: The proposed allotment of Channel 290A at Alton requires a site restriction of 5.6 km (3.5 miles) north of Alton (center city coordinates: 36-41-39 NL and 91-23-57 WL).

Petitioner states that Alton is an incorporated city with a population in excess of 688 persons.

J. MM Docket No. 01-234; RM-10262

Petitioner: Stephen Gajdosik, President
Starboard Broadcasting, Inc.
2470 Crooks Avenue
Kaukauna, Wisconsin 54130

Proposal: Allot Channel 229A at Firth, Nebraska as potentially the community's first local aural broadcast service.

Community	Present	Proposed
Firth, Nebraska	---	229A

Coordinates: 40-36-32 NL and 96-41-08 WL

Additional Information: The proposed allotment of Channel 229A at Firth requires a site restriction of 10.8 km (6.7 miles) northwest of Firth (center city coordinates: 40-31-57 NL and 96-36-21 WL).

Petitioner states that Firth is an incorporated village with a population of 564 persons.

FCC Contact: Deborah A. Dupont (202) 418-7072

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 29, 2001**, and reply comments on or before **November 13, 2001**, and are advised to read the Appendix for the proper procedures. 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 Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 Fed.Reg. 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 the 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 this proceeding.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

1. Pursuant to 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 PROPOSED TO AMEND the FM (TV) Table of Allotments, Section 73.202(b) (73.606(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 Procedures. 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 proposal(s) 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 Secretary, Federal Communications Commission, 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 Information Center (Room CY-A257), at its headquarters, 445 Twelfth Street, SW., Washington, D.C.