

MAIL ROOM

Federal Communications Commission

DA 01-2626

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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. 01-170 /  
 Table of Allotments, ) RM-10190  
 FM Broadcast Stations. )  
 (Pittsburg, New Hampshire) )

REPORT AND ORDER  
 (Proceeding Terminated)

Adopted: October 31, 2001

Released: November 9, 2001

By the Chief, Allocations Branch:

1. The Commission considers herein the Notice of Proposed Rule Making ("Notice") 16 FCC Rcd 14730, issued in response to a petition filed on behalf of Pittsburg Broadcasting Company ("petitioner) proposing the allotment of FM Channel 246A to Pittsburg, New Hampshire, as that community's first local aural transmission service. Petitioner filed comments reiterating his intention to apply for Channel 246A if it is allotted to Pittsburg, New Hampshire, as requested. No other comments were received.

2. In view of the interest expressed in providing a first local aural transmission service to Pittsburg, New Hampshire, we will allot Channel 246A to that community, as requested.

3. As stated in the Notice, Channel 246A can be allotted to Pittsburg, New Hampshire, in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules at reference coordinates 45-02-25 NL and 71-21-17 WL. Additionally, as Pittsburg is located within 320 kilometers (200 miles) of the U.S.-Canadian border, and the requested allotment will result in a short-spacing to the proposed allotment of Channel 247C1 at Thetford-Mines, Quebec, Canadian concurrence has been requested, but not yet received, for Channel 246A as a specially-negotiated short-spaced allotment.<sup>1</sup> Rather than delay any further the opportunity to file an application for this allotment, we will allot the channel at this time. However, if a construction permit is granted prior to the receipt of formal concurrence by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Canada-USA FM Broadcast Agreement, or if specifically objected to by Industry Canada."

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r)

<sup>1</sup> The Notice also advised that although the requested allotment of Channel 246A at Pittsburg is short-spaced to a proposed allotment on Channel 247C1 at Sherbrooke, Quebec, at coordinates 45-24-00 NL and 71-54-000 WL, the Sherbrooke proposal has been scheduled for deletion.

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 December 24, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED to include Pittsburg, New Hampshire, as follows:

<u>City</u>	<u>Channel No.</u>
Pittsburg, New Hampshire	246A

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

6. A filing window for Channel 246A at Pittsburg, New Hampshire, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 246A at Pittsburg, New Hampshire, 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