

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

MAY 19 2003

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MB Docket No. 03-41  
Table of Allotments, ) RM-10642  
FM Broadcast Stations. )  
(Lincoln City and Monmouth, Oregon) )

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: May 16, 2003**

**Released: May 20, 2003**

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Radio Beam, LLC ("Radio Beam"), the Commission has before it for consideration the *Notice of Proposed Rule Making*,<sup>1</sup> requesting the substitution of Channel 236C3 for Channel 236C2 at Lincoln City, Oregon, and reallocation of Channel 236C3 from Lincoln City, Oregon, to Monmouth, Oregon. Radio Beam also requests modification of the license for Station KSND to specify Monmouth as the community of license. Radio Beam filed comments in which it restated its intention to file an application for Channel 236C3 at Monmouth. No other comments were received in response to the *Notice* in this proceeding.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by substituting Channel 236C3 for Channel 236C2 at Lincoln City and reallocating Channel 236C3 to Monmouth, Oregon, since it would result in a preferential arrangement of allotments pursuant to the Commission's Change of Community procedures.<sup>2</sup> As stated in the *Notice*, information was provided demonstrating community status for Monmouth. Monmouth would receive its first local service fulfilling allotment priority (3) of the Commission's allotment priorities.<sup>3</sup> This action will not deprive Lincoln City of local service as Station KCRF-FM and Station KBCH(AM) are licensed to the community. Retention of Channel 236C2 in Lincoln City would be considered under priority (4), other public interest matters.

<sup>1</sup> *Lincoln City and Monmouth, Oregon*, 18 FCC Rcd 2833 (Audio Division, 2003).

<sup>2</sup> See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), recon. granted in part ("*Change of Community MO&O*"), 5 FCC Rcd 7094 (1990).

<sup>3</sup> The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time service; (3) First local service; and (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See *Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 29 88 (1982).

3. The reallocation proposal is consistent with the requirements set forth in *Change of Community, supra*. As explained in the *Notice*, Monmouth is not located within an urbanized area.<sup>4</sup> Therefore information responsive to a *Tuck* analysis to determine whether Monmouth is sufficiently independent of an urbanized area to merit a first local service preference is not necessary.<sup>5</sup> Channel 236C3 can be allotted to Monmouth, Oregon, in compliance with the Commission's minimum distance separation requirements at Radio Beam's specified site.<sup>6</sup> From this site, the loss area of Channel 236C2 at Lincoln City contains 39,000 people in 1,664 square kilometers while the gain area for Channel 236C3 at Monmouth contains 203,770 people in 2,161 square kilometers. Both the loss gain areas are considered to be well served with aural services. In accordance with Section 1.420(i) of the Commission's Rules, we will modify the license for Station KSND to specify operation on Channel 236C3 at Monmouth, Oregon, as its new community of license.

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 July 7, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Lincoln City, Oregon	244C2
Monmouth, Oregon	236C3

5. IT IS FURTHER ORDERED. That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Radio Beam, LLC for Station KSND, Channel 236C2, Lincoln City, Oregon, IS MODIFIED to specify operation on Channel 236C3 at Monmouth, Oregon, subject to the following conditions:

(a) Within 90 days of the effective date of the *Order*, the licensee of Station KSND 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

<sup>4</sup> See, *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995).

<sup>5</sup> See *Huntington Broadcasting Co. v. FCC*, 192 F. 2d 33 (D.C. Cir. 1951), *RKO General, Inc.*, 5 FCC Rcd 3222 (1990), and *Faye and Richard Tuck ("Tuck")*, 3 FCC Rcd 5374 (1988).

<sup>6</sup> The coordinates for Channel 236C3 at Monmouth are 44-50-43 and 123-30-07. The site is located 20.8 kilometers west of the community.

(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 (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, Radio Beam, LLC, licensee of Station KSND, Channel 236C2, is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license and class change for Station KSND, from Channel 236C2 to Channel 236C3 and reallocation of the channel from Lincoln City, Oregon, to Monmouth, Oregon.

7. **IT IS FURTHER ORDERED**, That this proceeding **IS TERMINATED**.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau