

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

In the matter of)
)
)
 Amendment of Section 73.202(b),)
 FM Table of Allotments,)
 FM Broadcast Stations.)
 (Rhineland, Wisconsin)) MB Docket No. 04-288
) RM- 11045

FEB 04 2005

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 2, 2005

Released: February 4, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued at the request of Results Broadcasting of Rhineland, Inc. ("Petitioner"), requesting the allotment of Channel 243C3 at Rhineland, Wisconsin, as the community's fourth local FM transmission service. Petitioner filed comments reiterating its interest in the allotment and pledging to file an application, construct facilities and commence operation, if authorized. No counterproposals or additional comments were received in response to this proceeding.

2. We believe that the allotment of Channel 243C3 at Rhineland will serve the public interest. Rhineland is a community for allotment purposes because it is listed in the U.S. Census.² Furthermore, the allotment of Channel 243C3 at Rhineland covers 100% of the community, and will provide a fourth local service which serves Priority (4) of the FM Allotment Priorities.³

3. Channel 243C3 is allotted at Rhineland with a site restriction of 14.9 kilometers (9.3 miles) east of the community.⁴

4. Rhineland is located within 320 kilometers (200 miles) of the U.S.-Canadian border and Canadian concurrence in the allotment has been requested but has not yet been received. However, we will allot Channel 243C3 to Rhineland at this time. If a construction permit is granted prior to the receipt of formal concurrence in the allotment 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-United States FM Broadcast Agreement or if specifically objected to by Industry Canada."

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5

¹ See *Booneville, Kentucky, Rhineland, Wisconsin*, 19 FCC Rcd 14603 (MB 2004).

² Rhineland has a population of 7,735 persons, according to the 2000 U.S. Census.

³ Stations WHDG(FM), WRHN(FM), and noncommercial Station WXPR(FM) are also licensed to the community.

⁴ Coordinates for Channel 243C3 at Rhineland are 45-39-43 NL and 89-13-25 WL.

U.S.C. 801 (a)(1)(A).

6. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective March 21, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Rhineland, Wisconsin	243C3, 248C1, 261C1

7. A filing window period for Channel 243C3 for Rhineland, Wisconsin 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*.

8. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
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