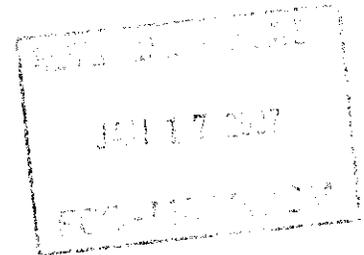


Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-238
Table of Allotments,)	RM-11260
FM Broadcast Stations.)	
(Columbus, Indiana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 10, 2007

Released: January 12, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making*¹ issued at the request of Columbus Community Radio Corporation ("Petitioner"), licensee of Station WHUM-LP, Channel 253L1, Columbus, Indiana, requesting the allotment of Channel 228A at Columbus, Indiana, and its reservation for noncommercial educational ("NCE") use. Petitioner filed comments. No other comments were received in this proceeding.

2. **Background.** The *Notice* stated that commercial FM broadcast channels (Channels 221 through 300) are generally reserved for NCE use in FM allotment proceedings when the channels in the reserved portion of the FM band (Channels 201– 220) are unavailable due to prohibited interference to a Channel 6 TV station(s) or to a foreign allotment(s).² Additionally, commercial FM broadcast channels may be reserved for NCE use if the reserved band channels are technically precluded by existing NCE stations or previously filed applications. In this regard, the proposed NCE station must provide a first and/or second NCE radio service to at least ten percent of the total population within the proposed station's 1m V/m (60 dBu) contour, and such population exceeds 2,000 persons.³

3. The *Notice* proposed the allotment of Channel 228A at Columbus, Indiana and its NCE reservation because the reserved band channels at Columbus were precluded from usage due to the proximity to TV Channel 6, Station WRTV, Indianapolis, Indiana. Petitioner filed comments reiterating its interest in the proposed Columbus allotment and its reservation for NCE use.

4. **Discussion.** Accordingly, we are allotting Channel 228A at Columbus, Indiana and reserving it for NCE use. A staff engineering analysis determines that all of the reserved band channels at Columbus are precluded due to TV Channel 6, Station WRTV, Indianapolis, Indiana. In this regard, interference to the affected area exceeds the 3,000 person limit pursuant to Section 73.525(c) of the Commission's Rules. Furthermore, the upper band NCE Channel 220 at Columbus would cause prohibited interference within the TV Channel 6, Station WRTV service area to 37,821 persons. Additionally, the allotment and reservation of Channel 228A at Columbus would provide a first and/or second NCE service to 33.9 percent (44,362 persons) to the total population of 131,041 persons. Channel *228A can be allotted to Columbus in compliance with the Commission's minimum distance separation

¹ *Columbus, Indiana*, Notice of Proposed Rule Making, 20 FCC Rcd 12954 (MB 2005) ("*Notice*").

² 47 C.F.R. § 73.202(a)(1)(i).

³ 47 C.F.R. § 73.202(a)(1)(ii).

requirements, with the imposition of a site restriction of 7.9 kilometers (4.9 miles) southeast at reference coordinates 39-09-06 NL and 85-52-09 WL.

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

6. 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 FURTHER ORDERED, That effective February 26, 2007, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Columbus, Indiana	*228A

7. The window period for filing noncommercial educational applications for Channel *228A at Columbus, Indiana will not be opened at this time. Instead, the issue of opening a filing window for this NCE allotment will be addressed by the Commission in a subsequent order.

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

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau