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

MAILED

OCT 14 2008

In the matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 07-226
FM Table of Allotments,)	RM-11406
FM Broadcast Stations.)	
(Tecopa, California))	
)	

FCC

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 8, 2008

Released: October 10, 2008

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 Shamrock Communications, Inc. ("Petitioner"), proposing the allotment of Channel 288A at Tecopa, California. Petitioner proposed the new channel allotment to maintain the first local service allotment at Tecopa, while accommodating its construction permit application to substitute Channel 290C1 for vacant Channel 291A, Tecopa, California, and to change the community of license from Tecopa, California, to Amargosa Valley, Nevada. Petitioner filed comments reiterating the facts that if Channel 288A is allotted to Tecopa, Petitioner intends to apply to participate in the auction for Channel 288A and to promptly construct the Channel 288A, Tecopa facilities if Petitioner is the winning bidder for such facilities. No counterproposals were received in this proceeding.

2. We find that the public interest would be served by allotting Channel 288A at Tecopa, California. The foregoing channel allotment would maintain a first local service allotment at Tecopa under priority 3 of the FM allotment priorities² Channel 288A can be allotted at Tecopa, consistent with the technical engineering requirements of the Commission's Rules, at geographical coordinates of 35-50-48 North Latitude and 116-13-24 West Longitude, with a site restriction of 0.3 kilometers (0.2 miles) southeast of Tecopa.

3. 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 November 24, 2008, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED³ for the community

¹ See *Tecopa, California*, Notice of Proposed Rule Making, 22 FCC Rcd 18541 (MB 2007).

² The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural 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*, Second Report and Order, 90 FCC 2d 88 (1982), *recon. denied*, Memorandum Opinion and Order, 56 RR 2d 448 (1983).

³ "[W]e shall amend the Table of Allotments to reflect only vacant allotments that do not correspond to an authorized station or reserved assignment. Assignments for licensed, permitted, and reserved facilities (those for which applications are pending) will be reflected solely in CDDBS." See *Revised Allotment Procedures R&O*, 21 FCC Rcd at 14222 (footnote omitted).

listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Tecopa, California	288A

4. A summary of this Report and Order will be published in the Federal Register because we are amending Section 73.202(b) of the Commission's Rules.

5. A filing window period for Channel 288A at Tecopa, California, 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.

6. 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. Section 801(a)(1)(A).

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

8. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau