

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

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(West Tisbury, Massachusetts)) MB Docket No. 04-113
) RM-10923
)
(Hubbardston, Michigan)) MB Docket No. 04-114
) RM-10924
) RM-10925
)
(Laurie, Missouri)) MB Docket No. 04-116
) RM-10927
)
(Dillsboro, North Carolina)) MB Docket No. 04-118
) RM-10929
)
(Berthold, North Dakota)) MB Docket No. 04-119
) RM-10930
)
(Amherst, New York)) MB Docket No. 04-120
) RM-10931
)
(Cordell, Oklahoma)) MB Docket No. 04-121
) RM-10932
)
(Weatherford, Oklahoma)) MB Docket No. 04-122
) RM-10933
) RM-10934
)
(Wynnewood, Oklahoma)) MB Docket No. 04-123
) RM-10935
)
(Madras, Oregon)) MB Docket No. 04-125
) RM-10940
)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 28, 2004

Released: July 30, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it *Notices of Proposed Rule Making*¹ setting forth ten Petitions for Rule Making to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules (47 C.F.R. § 73.202(b)), to reserve certain vacant FM allotments for noncommercial educational ("NCE") use.

2. As stated in the *Notice*, the Commission established revised criteria by which a rulemaking proponent may reserve an FM allotment for NCE use that was originally limited to future allotment proceedings.² Subsequently, the Commission extended the expanded criteria to existing vacant FM allotments for which a Notice of Proposed Rule Making had been released prior to August 7, 2000, the effective date of the *NCE Report and Order*.³ Under this expanded criteria, a proponent must demonstrate that it is technically precluded from using a reserved channel (Channels 201 through 220) and the proposal would provide a first and/or second NCE radio service to at least 10 percent of the population within the 1 mV/m contour of the proposed station.

3. We find that the public interest would be served by reserving the above-captioned allotments for NCE use. Each petitioner has expressed a continuing interest in applying for an FM allotment reserved for NCE use, is eligible to do so, and has demonstrated compliance with the expanded criteria set forth in the *NCE Report and Order*. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MB Docket No. 04-113; RM-10923

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 282A at West Tisbury, Massachusetts for NCE use.

Coordinates: 41-22-52 NL and 70-40-30 WL

Additional Information: No other comments were received in response to this proceeding.

B. MB Docket No. 04-114; RM-10924, RM-10925

Action: At the request of Living Proof, Inc. and Lansing Community College, we are reserving vacant Channel 279A at Hubbardston, Michigan for NCE use.

Coordinates: 43-05-53 NL and 84-51-54 WL

¹ *West Tisbury, MA, Hubbardston, MI, Laurie, MO, Dillsboro, NC, Berthold, NC, Amherst, NY, Cordell, OK, Weatherford, OK, Wynnewood, OK and Madras, OR*, 19 FCC Rcd 6826 (MB 2004) ("Notice").

² *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 15 FCC Rcd 7386 (2000) ("NCE Report and Order"). Previously, the Commission would only reserve a channel in the nonreserved FM band (Channels 221 through 300) if the petitioner demonstrated that no reserved channel could be used in the noncommercial reserve band (Channels 201 through 220) without causing prohibited interference to a Channel 6 TV station or a foreign broadcast station.

³ *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 18 FCC Rcd 6691 (2003) ("NCE Second Report and Order"). In a Public Notice released September 30, 2003, we invited petitions for rule making to reserve vacant FM allotments for NCE use pursuant to the *NCE Second Report and Order*.³ In response to the Public Notice, we received 129 petitions for the reservation of 91 allotments.

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 279A at Hubbardston, if reserved for NCE use. No other comments were received in response to this proceeding.

C. MB Docket No. 04-116; RM-10927

Action: At the request of American Family Association, we are reserving vacant Channel 265C3 at Laurie, Missouri for NCE use.

Coordinates: 38-08-30 NL and 92-50-37 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 265C3 at Laurie, if reserved for NCE use. No other comments were received in response to this proceeding.

D. MB Docket No. 04-118; RM-10929

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 237A at Dillsboro, North Carolina for NCE use.

Coordinates: 35-15-56 NL and 83-09-16 WL

Additional Information: Sutton Radiocasting Corporation, original petitioner of vacant Channel 237A, filed comments supporting the proposed NCE reservation of vacant Channel 237A at Dillsboro. No other comments were received in response to this proceeding.

E. MB Docket No. 04-119; RM-10930

Action: At the request of Starboard Media Foundation, Inc., we are reserving vacant Channel 264C at Berthold, North Dakota for NCE use.

Coordinates: 48-18-54 NL and 101-44-22 WL

Additional Information: No other comments were received in response to this proceeding.

F. MB Docket No. 04-120; RM-10931

Action: At the request of Youngshine Media, Inc., we are reserving vacant Channel 221A at Amherst, New York for NCE use.

Coordinates: 42-58-42 NL and 78-48-00 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 221A at Amherst, if reserved for NCE use. No other comments were received in response to this proceeding.

G. MB Docket No. 04-121; RM-10932

Action: At the request of Great Plains Christian Radio, Inc., we are reserving vacant Channel 229A at Cordell, Oklahoma for NCE use.

Coordinates: 35-17-24 NL and 98-59-24 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 229A at Cordell, if reserved for NCE use. No other comments were received in response to this proceeding.

H. MB Docket No. 04-122; RM-10933, RM-10934

Action: At the request of Great Plains Christian Radio, Inc. and University of Oklahoma, we are reserving vacant Channel 286A at Weatherford, Oklahoma for NCE use.

Coordinates: 35-33-02 NL and 98-43-59 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 286A at Weatherford, if reserved for NCE use. No other comments were received in response to this proceeding.

I. MB Docket No. 04-123; RM-10935

Action: At the request of Sister Sherry Lynn Foundation, Inc., we are reserving vacant Channel 283A at Wynnewood, Oklahoma for NCE use.

Coordinates: 34-38-42 NL and 97-10-00 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 283A at Wynnewood, if reserved for NCE use. No other comments were received in response to this proceeding.

J. MB Docket No. 04-125; RM-10940

Action: At the request of Radio Bilingue, Inc., we are reserving vacant Channel 251C1 at Madras, Oregon for NCE use.

Coordinates: 44-50-02 NL and 120-45-55 WL

Additional Information: Starboard Media Foundation, Inc. filed supporting comments expressing an interest in applying for vacant Channel 251C1 at Madras, if reserved for NCE use. The Madras Oregon Chamber of Commerce filed supporting comments. No other comments were received in response to this proceeding.

4. 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 September 13, 2004, 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>Community</u>	<u>Channel No.</u>
West Tisbury, Massachusetts	*282A
Hubbardston, Michigan	*279A
Laurie, Missouri	*265C3
Dillsboro, North Carolina	*237A
Berthold, North Dakota	*264C
Amherst, New York	*221A
Cordell, Oklahoma	*229A, 257C3
Weatherford, Oklahoma	247C1, *286A
Wynnewood, Oklahoma	*283A
Madras, Oregon	*251C1

5. The window period for filing NCE applications for these allotments will not be opened at this time. Instead, the issue of opening a filing window for these NCE allotments will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

7. For further information concerning a specific docket, contact Rolanda F. Smith, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau