

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	
Table of Allotments,)	MB Docket No. 11-147
FM Broadcast Stations.)	
(Cove and Daisy, Arkansas; Alamo, Georgia;)	
Grayville, Illinois; Clayton, Louisiana; Harrison,)	
Michigan; Alton, Missouri; Ennis, Montana;)	
Buffalo, Erick, Haworth, Leedey, Reydon, Taloga,)	
Thomas, and Wright City, Oklahoma; Weinert,)	
Texas; Boscobel, Owen, and Tigerton, Wisconsin))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 30, 2012

Released: April 2, 2012

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice*,¹ proposing the deletion of twenty vacant allotments in various communities in Arkansas, Georgia, Illinois, Louisiana, Michigan, Missouri, Montana, Oklahoma, Texas, and Wisconsin. Comments were filed separately by Multi-Cultural Diversity Radio, Inc. (“Multi-Cultural”), Roy E. Henderson (“Henderson”), and Michael A. Payne (“Payne”). No other comments were received. For the reasons discussed below, we are deleting from the FM Table of Allotments eighteen vacant allotments in various communities in Arkansas, Georgia, Illinois, Louisiana, Missouri, Montana, Oklahoma, Texas, and Wisconsin. We will not delete Channel 280A at Harrison, Michigan and Channel 295A at Tigerton, Wisconsin.

2. **Background.** The Audio Division, on its own motion, proposed the deletion of twenty FCC-held permits (vacant allotments) in various communities that have been offered in two or more FM auctions, and were considered unsold permits in Auction 91 because no bids were entered for these allotments. The *Notice* stated that interested parties must file comments, expressing an interest in the vacant allotments to prevent their removal. Moreover, the *Notice* stated that interested parties must provide an explanation as to why they did not participate in our competitive bidding process.

3. Multi-Cultural filed comments, expressing an interest in vacant Channel 295A at Tigerton, Wisconsin. It states that Multi-Cultural was incorporated on October 6, 2011, and was not financially able to participate in previous broadcast auctions, Auction 79 and Auction 91, when the vacant Tigerton channel was proffered for competitive bidding. Multi-Cultural requests that vacant Channel 295A at Tigerton not be deleted from the FM Table of Allotments because it intends to participate in a future auction for the purposes of bidding on the vacant Tigerton allotment.

4. Henderson and Payne also separately filed comments, expressing an interest in Channel 280A at Harrison, Michigan. Henderson and Payne state that Channel 280A at Harrison should not be deleted, but instead offered in a future auction. In addition, they suggest that the Commission reduce the

¹ *Cove, Arkansas, et al.*, Notice of Proposed Rule Making, 26 FCC Rcd 12787 (MB 2011)(“*Notice*”).

minimum bid for that channel. Henderson and Payne both expressed interest in participating in a future auction for Harrison Channel.

5. **Discussion.** The Commission's policy is not to delete an FM allotment where a *bona fide* expression of interest exists, absent a compelling reason to do so.² Accordingly, we will not delete Channel 295A at Tigerton and Channel 280A at Harrison because *bona fide* expressions of interest were filed to retain these vacant channels for a future auction.

6. There were no *bona fide* expressions of interests filed regarding the remainder of the vacant eighteen FCC-held permits. Thus, we conclude that it is in the public interest to delete these FCC-held permits, as listed in paragraph 7. These permits have been offered in two or more FM auctions and were considered unsold permits in FM Auction 91. Deletion of these allotments may create other opportunities in nearby communities for new FM allotments or upgrades of existing stations. Therefore, we conclude that the deletion of these vacant allotments could promote a more effective and efficient use of the FM broadcast spectrum.

7. **Ordering clauses.** 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 May 17, 2012, 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>Construction Permit No.</u>	<u>Community</u>	<u>Channel</u>
MM-FM628-A	Cove, Arkansas	-----
MM-FM629-C3	Daisy, Arkansas	-----
MM-FM651-C3	Alamo, Georgia	-----
MM-FM656-A	Grayville, Illinois	-----
MM-FM657-A	Clayton, Louisiana	-----
MM-FM668-A	Alton, Missouri	-----
MM-FM411-C2	Ennis, Montana	-----
MM-FM680-C2	Buffalo, Oklahoma	-----
MM-FM682-C2	Erick, Oklahoma	-----
MM-FM684-A	Haworth, Oklahoma	-----
MM-FM687-A	Leedey, Oklahoma	-----
MM-FM691-C2	Reydon, Oklahoma	-----
MM-FM693-A	Taloga, Oklahoma	-----

² See, e.g., *Montrose and Scranton Pennsylvania*, Memorandum Opinion and Order, 5 FCC Rcd 6305, 6306 (1990) (denying request to delete an allotment because interest had been expressed in retaining the allotment).

MM-FM694-A	Thomas, Oklahoma	-----
MM-FM698-A	Wright City, Oklahoma	-----
MM-FM731-C3	Weinert, Texas	-----
MM-FM740-C3	Boscobel, Wisconsin	-----
MM-FM741-C3	Owen, Wisconsin	-----

8. The Commission will not send a copy of this *Report and Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

9. A filing window period for Channel 280A at Harrison, Michigan, and Channel 295A at Tigerton, Wisconsin, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent *Order*.

10. For further information regarding a proceeding listed above, contact Rolanda F. Smith (202) 418-2700.

11. Accordingly, IT IS ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
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Media Bureau