

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 14-46
Table of Allotments,)	RM-11717
FM Broadcast Stations.)	
(Rough Rock, Arizona))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 15, 2014

Released: September 16, 2014

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: a *Notice of Proposed Rule Making* (“*Notice*”)¹ issued in response to a Petition for Rule Making (“*Petition*”) filed by The Navajo Nation (“*Petitioner*”), proposing to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,² by allotting FM Channel 258C2 at Rough Rock, Arizona, as a first local Tribal Allotment and a first local service to the community.³ Comments were filed separately by *Petitioner* and The Navajo Nation Telecommunications Regulatory Commission (“*NNTRC*”).⁴ No other comments were received. For the reasons discussed below, we grant the *Petition* and allot Channel 258C2 at Rough Rock, Arizona as a Tribal Allotment.

2. **Background.** In *Rural Radio*,⁵ the Commission concluded that the public interest would be served by establishing a Section 307(b) priority in favor of Tribes and Tribal Entities proposing the allotment of FM channels to serve Tribal Lands.⁶ *Petitioner*, a federally-recognized Tribe, certifies that its proposal meets the requirements established in *Rural Radio* for a Tribal Priority. Specifically, *Petitioner* provides evidence that: at least 50 percent of the proposed principal community contour would cover Navajo Reservation; Rough Rock, the proposed community of license, is located on Navajo Reservation (Tribal Land), and the proposed facility will constitute a first local Tribally-owned commercial transmission service at Rough Rock. Rough Rock is a census-designated place (CDP) with a

¹ *Rough Rock, Arizona*, Notice of Proposed Rule Making, 29 FCC Rcd 4921 (MB 2014).

² 47 C.F.R. § 73.202(b).

³ *Petitioner* also filed an associated FCC Form 301 application. See FCC File No. BNP-20140113ABW.

⁴ *NNTRC* was established pursuant to Navajo Nation Council Resolution ACMA-36-84 in order to regulate all matters related to telecommunications on the Navajo Nation.

⁵ See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Notice of Proposed Rule Making, 24 FCC Rcd 5239 (2009) (“*NPRM*”); First Report and Order, 25 FCC Rcd 1583 (2010) (“*First R&O*”); Second Report and Order, 26 FCC Rcd 2556 (2011) (“*Second R&O*”); and Third Report and Order, 26 FCC Rcd 17642 (2011) (“*Third R&O*”) (collectively, “*Rural Radio*”).

⁶ *Rural Radio*, First R&O, 25 FCC Rcd at 1596-97. See also *NPRM*, 24 FCC Rcd at 5248, n.29 (defining “*Indian Tribe[s]*” and “*Federally-Recognized Indian Tribes*”), and n.30 (defining “*Tribal Lands*”).

2010 U.S. Census population of 414 persons.⁷ Petitioner and NNTRC filed comments supporting the allotment proposed in the *Notice*.

3. **Discussion.** We find that Petitioner's proposal satisfies the requirements for a Tribal Allotment and the public interest would be served by allotting Channel 258C2 at Rough Rock, Arizona, as a Tribal Allotment. This Tribal Allotment would also serve the public interest by providing a first local transmission service and providing vital radio service to Rough Rock and surrounding Navajo Nation Tribal Lands. A staff engineering analysis confirms that Channel 258C2 can be allotted to Rough Rock consistent with the minimum distance separation requirements of the Commission's Rules with the imposition of a site restriction 7.1 km (4.4 miles) southeast of the community. The reference coordinates are 36-21-08 NL and 109-49-54 WL.

4. **Conclusion.** Accordingly, IT IS ORDERED, That effective October 31, 2014, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Rough Rock, Arizona	258C2 ⁸

5. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁹

6. The Commission will release in the near future a public notice announcing a Threshold Qualifications Window. Any qualifying applicant may file an FCC Form 301 for this channel during the window.¹⁰

7. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

⁷ Rough Rock is a political subdivision known as a Chapter of the Navajo Nation. It has a Chapter House community center and a government that serves the people of Rough Rock. Rough Rock Community School teaches the children of the community from kindergarten through high school, and is also the largest employer in Rough Rock. The community also has a Trading Post/Gas Station, and two churches named, the Rough Rock Friends Church and Native American Church.

⁸ This channel is reserved as a Tribal Allotment.

⁹ See 5 U.S.C. § 801 (a)(1)(A).

¹⁰ See Third R&O, 26 FCC Rcd at 17645-46. See also Second R&O, 26 FCC Rcd at 2588-90. Should no applicant meeting threshold qualifications file FCC Form 301 during the Threshold Qualifications Window (and should the proponent request that its already-filed Form 301 application not be immediately processed), the Tribal Allotment will be included in the inventory for a broadcast auction at a later date. In that event, only threshold qualified applicants, including the original proponent, would be permitted to participate in the auction. Third R&O, 26 FCC Rcd at 17649.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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