

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 14-253
FM Table of Allotments,)	RM-11741
FM Broadcast Stations.)	
(Sagaponack, New York))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 9, 2015

Released: April 10, 2015

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making filed by Red Wolf Broadcasting Corporation (“Petitioner”). Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,² by allotting Channel 233A at Sagaponack, New York.

2. **Background.** The *Notice* proposed the allotment of Channel 233A at Sagaponack, New York, as a first local service. Sagaponack is an incorporated community with a 2010 U.S. Census population of 313 persons. Petitioner filed comments, reiterating its expression of interest in Channel 233A at Sagaponack. Petitioner states that, if the frequency is allotted, it will prosecute its application,³ participate in any FM auction for the Sagaponack allotment, and if the winning bidder, promptly construct the facilities authorized.

3. **Discussion.** We find that the public interest would be served by allotting a first local service at Sagaponack, New York under Priority (3).⁴ A staff engineering analysis indicates that Channel 233A can be allotted to Sagaponack consistent with the minimum distance separation requirements of the Commission’s Rules with a site restriction located 3.2 kilometers (2 miles) northwest of the community. The reference coordinates are 40-56-01 NL and 72-18-55 WL.

4. **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 25, 2015, 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:

¹ See *Sagaponack, New York*, Notice of Proposed Rule Making, 30 FCC Rcd 48 (MB 2015) (“*Notice*”).

² 47 C.F.R. § 73.202(b).

³ See File No. BNP-20141124AIU.

⁴ The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime 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).

Community

Channel No.

Sagaponack, New York

233A

5. The window period for filing applications for Channel 233A at Sagaponack, New York will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in subsequent order.

6. 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, *see* 5 U.S.C. § 801(a)(1)(A).

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

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

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau