

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

MM Docket No. 88-153

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(McFarland, California) RM-6273

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 14, 1988; Released: January 30, 1989

By the Deputy Chief, Policy and Rules Division:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 3 FCC Rcd 2230 (1988), issued in response to a petition filed on behalf of Caballero Spanish Media, Inc. (petitioner), permittee of Station KXEM-FM,¹ Channel 275A, McFarland, California, proposing the substitution of Channel 275B1 for Channel 275A and modification of its permit accordingly. Additionally, petitioner requested the substitution of Channel 273A for Channel 275A at Cartago, California, for which an application is pending. Petitioner filed supporting comments reiterating its intention to apply for Channel 275B1 at McFarland, if allotted. Radio Corcoran, Inc (RCI), permittee of Station KLCZ(FM), Channel 272A, Corcoran, California, also filed comments. No reply comments were received.

2. RCI advises that it is the proponent of a proposal in MM Docket No. 85-235, in which it seeks substitution of Channel 272B1 for Channel 272A at Corcoran, and modification of its permit to specify the higher class channel. RCI's proposal also requires the substitution of Channel 273A for Channel 272A at Kernville, California, as well as a related change at Mendota, California. As a result of its proposal, RCI asserts that the proposed substitution of Channel 273A for Channel 275A at Cartago to accommodate the instant proposal conflicts with the proposed substitution of channels at Kernville in its proceeding. The distance between Cartago and Kernville is 85.9 kilometers, whereas 105 kilometers is required between Class A co-channels.²

3. RCI offers that the conflict may be resolved by substituting Channel 276A for Channel 275A at Cartago, or alternatively, that Channel 275A may co-exist at Cartago with the McFarland proposal, thus obviating the need to require the existing applicant therefor to amend its application.

4. We agree with RCI's determination, since the distance between the McFarland proposal and the application site specified for Channel 275A at Cartago is 142.0 kilometers whereas 138 kilometers is required between

Class A and B1 co-channels.³ Therefore, we will not substitute channels at Cartago, as contemplated in the *Notice*.⁴

5. In view of the foregoing, we believe the public interest would be served by substituting Channel 275B1 for Channel 275A at McFarland, California, since it could provide the community with its first expanded coverage area broadcast station. Moreover, this approach will permit the Cartago application to proceed without further delay. Therefore, and in accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying the license of Station KXEM-FM to specify operation on Channel 275B1 in lieu of Channel 275A, as requested. Channel 275B1 can be utilized at the petitioner's specified site 20.8 kilometers (12.9 miles) south of McFarland.⁵

6. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective March 16, 1989, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

City	Channel No.
McFarland, California	275B1

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Caballero Spanish Media, Inc. for Station KXEM-FM, IS MODIFIED effective March 16, 1989, to specify operation on Channel 275B1 in lieu of Channel 275A, subject to the following conditions:

- (a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

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

9. For further information concerning this proceeding, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Steve Kaminer
Deputy Chief
Policy and Rules Division
Mass Media Bureau

FOOTNOTES

¹ Formerly Station KXFM-FM.

² This determination is based on the use of the following reference coordinates for Channel 273A: *Cartago* - 36-19-12 and 118-01-30; *Kernville* - 35-37-21 and 118-26-16.

³ Reference coordinates at the proposed transmitter site for Channel 275A at Cartago are 36-19-16 and 118-01-22.

⁴ We note that the proposed substitution at Cartago was only necessary at a site petitioner originally proposed for the upgrade at McFarland, but not at a site proposed in a later amendment to petitioner's engineering proposal.

⁵ Reference coordinates at the petitioner's intended site are 35-29-33 and 119-11-43.