

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

MM Docket No. 88-156

In the Matter of

Amendment of Section 73.202(b), RM-6018
Table of Allotments,
FM Broadcast Stations.
(Mora and Nisswa, Minnesota)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 20, 1988; Released: January 30, 1989

By the Deputy Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 3 FCC Rcd 2215 (1988), proposing the allotment of FM Channel 227C1 to Mora, Minnesota. The *Notice* was issued in response to a petition filed by John Godfrey (petitioner). To accommodate petitioner's proposal, it would be necessary to delete Channel 227C (vacant) at Nisswa, Minnesota. Petitioner filed comments restating his interest in the allotment at Mora. The Bellfonte Company, Minnesota Christian Broadcasters, Inc. and WCMP Broadcasting Co. also filed comments. Petitioner filed reply comments.

2. As indicated in the *Notice*, Channel 227C1 can be allotted to Mora in compliance with the minimum distance separation requirements of the Commission's Rules provided there is a site restriction 12.8 kilometers (8.0 miles) north of the community. It would also be necessary to delete Channel 227C at Nisswa, Minnesota. Channel 227C was allotted to Nisswa in MM Docket 83-465 (51 FR 21912, June 12, 1986.). The window period for filing applications for Channel 227C at Nisswa opened on July 17, 1986, and closed on August 15, 1986, and at the time this petition was filed there were no applications on file at the Commission for Channel 227C at Nisswa. A staff analysis determined there were no other Class C channels available as a substitute at Nisswa and no other Class C1 channels available for Mora. Our analysis also indicated that downgrading the class of the Nisswa channel would not eliminate the short spacing to the Mora proposal. Since the release of this rule making (April 18, 1988), two applications have been filed for Channel 227C at Nisswa.¹ Both applicants filed comments in this proceeding, indicating their respective applications were filed on a first come/first serve basis pursuant to Section 73.3573(f)(3) of the Commission's Rules, and that each would provide FM service to Nisswa as quickly as possible.

3. Our *Notice* proposing the deletion of the channel at Nisswa was premised on a lack of interest since Channel 227C had been vacant and unapplied for since the window opened in July, 1986. However, the recent applications filed by Minnesota Christian Broadcasters, Inc. and the Bellfonte Company remove the basis for deletion of

the channel. In applying the usual 307(b) criteria, Channel 227C at Nisswa provides a first local FM service to the community while proposed Channel 227C1 could provide a second FM service at Mora. It should be noted that Channel 237A was allotted to Mora in MM Docket 84-231, and the petitioner is the sole applicant.² As previously indicated, a staff study could not locate an alternate Class C channel for Nisswa nor an additional C1 channel for Mora. Therefore, we find no justification to delete a channel which could provide a first FM service to Nisswa and for which two applications are pending, in order to provide a second FM service to Mora. We believe our allotment objectives and the public interest are best served by retaining Channel 227C in the community of Nisswa at this time. Should it later appear, however, that there is undue delay in activating the channel in Nisswa, we would consider a further petition to remove the channel at Nisswa, Minnesota, to accommodate a second service or upgrade at Mora.

4. IT IS ORDERED, That the proposal in this proceeding to allot Channel 227C1 to Mora, Minnesota, by deleting Channel 227C from Nisswa, Minnesota, IS DENIED.

5. IT IS FURTHER ORDERED, That the Secretary of the Commission, SHALL SEND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, a copy of this Order to the following:

Minnesota Christian Broadcasters, Inc.
P.O. Box 409
Peguet Lakes, Minnesota 56472
(880609MI)

The Bellfonte Company
88 South Sixth Street, #925
Minneapolis, Minneapolis 55402
(880609MJ)

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

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Steve Kaminer
Deputy Chief, Policy and Rules Division
Mass Media Bureau

FOOTNOTES

¹ The applicants for Channel 227C at Nisswa are Minnesota Christian Broadcasters, Inc. (880609MI) and The Bellfonte Company (880609MJ).

² 880107NB.