

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

MM Docket No. 88-32

In the Matter of

Amendment of Section 73.202(b), RM-6029
Table of Allotments,
FM Broadcast Stations.
(Linton, Indiana)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 21, 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 652 (1988), issued in response to a petition filed by Linton Broadcasting Company, Inc. (petitioner), licensee of Station WQTY(FM), Channel 228A, Linton, Indiana, proposing the substitution of Channel 227B1 for Channel 228A and modification of its license accordingly. Petitioner filed comments in support of the proposal. No other comments were received.

2. We believe the public interest would benefit by substituting Channel 227B1 for Channel 228A at Linton, Indiana, since it could provide the community with its first expanded coverage area broadcast station. Therefore, and in accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying the license of Station WQTY(FM) to specify operation on Channel 227B1 in lieu of Channel 228A, as requested. As stated in the *Notice*, Channel 227B1 can be allotted to Linton in conformity with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, provided the transmitter is located at least 16.3 kilometers (10.1 miles) southwest¹ of the community to avoid short-spacing to Station WKLR(FM),² Channel 226B, Indianapolis, Indiana, and Station WSKT(FM),³ Channel 224A, Spencer, Indiana.

3. Accordingly, pursuant to the authority contained 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 with respect to the community listed below, as follows:

City	Channel No.
Linton, Indiana	227B1

4. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Linton Broadcasting Company,

Inc. for Station WQTY(FM), IS MODIFIED, effective **March 16, 1989**, to specify operation on Channel 227B1 in lieu of Channel 228A, 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.

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

6. For further information concerning the above, 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 Reference coordinates at the restricted site are 38-56-46 and 87-18-40.

² Formerly Station WEAG(FM).

³ Formerly, Station WLSO(FM).