

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

MM Docket No. 88-269

In the Matter of

Amendment of Section 73.202(b), RM-6281  
Table of Allotments, RM-6514  
FM Broadcast Stations.  
(Frankfort and Stephenson,  
Michigan)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: January 4, 1989; Released: February 6, 1989

By the Deputy Chief, Policy and Rules Division:

1. The Commission herein considers the *Notice of Proposed Rule Making*, 3 FCC Rcd 3974 (1988), issued in response to a petition filed by Forum Communications, Inc. (petitioner), proposing the substitution of FM Channel 257C2 for Channel 257A at Frankfort, Michigan. Petitioner requested the modification of its license for Station WBNZ(FM), Channel 257A, to specify operation on Channel 257C2. In addition, the *Notice* proposed the substitution of Channel 261A for Channel 257A (vacant) at Stephenson, Michigan to accommodate the allotment of Channel 257C2 at Frankfort. Petitioner filed supporting comments restating its interest in the channel. Evangel Ministries, Inc. filed comments. Reply comments were filed by petitioner. No other comments were received at the Commission.

2. Evangel Ministries, Inc. (Evangel), licensee of Station WEMI, Menasha, Wisconsin, filed comments requesting the substitution of Channel 272A for 257A at Stephenson, in lieu of Channel 261A as proposed in the *Notice*.<sup>1</sup> Evangel states that it has filed a separate petition with the Commission to substitute 261C1 for Channel 262C1 at Rhinelander, Wisconsin, which would accommodate the substitution of Channel 266C2 for Channel 261A at Menasha, Wisconsin. According to Evangel, no other channels are available for substitution at Menasha or Rhinelander, and due to the distance separation requirements of the Commission, the petitions filed by Forum and Evangel are mutually exclusive. In order to resolve this problem, Evangel conducted a frequency search to see if any other channel could be allotted to Stephenson. Evangel states that five channels were found that would meet the Commission's spacing requirements but that after conferring with Forum's consulting engineer, it was determined that Channel 272A was the best alternative. According to Evangel, a grant of the alternate proposal will allow both petitioner and Evangel to upgrade their existing facilities.

3. We believe the public interest would be served by the substitution of FM Channel 257C2 for Channel 257A at Frankfort, since it could provide the community with its

first wide coverage area FM service. The substitution can be made in compliance with the minimum distance separation requirements of the Commission's Rules at the current site of Station WBNZ(FM).<sup>2</sup> As indicated in the *Notice*, to accommodate the channel substitution at Frankfort, it is necessary to make a substitution for Channel 257A at Stephenson. The *Notice* proposed that Channel 261A be substituted for Channel 257A. However, in view of the comments filed by Evangel, it is appropriate to substitute Channel 272A for Channel 257A at Stephenson. Channel 272A can be allotted to Stephenson, Michigan, in compliance with the Commission's spacing requirements at city reference coordinates.<sup>3</sup> Since the communities of Frankfort and Stephenson are both located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

4. We have authorized a modification of petitioner's license for Station WBNZ(FM), Frankfort, Michigan, to specify operation on Channel 257C2 in accordance with Section 1.420(g) of the Commission's Rules.

5. As discussed above, we find the substitution of Channel 257C2 for Channel 257A at Frankfort, Michigan, and the substitution of Channel 272A for Channel 257A at Stephenson, Michigan, to be in the public interest. 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 23, 1989**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, to read as follows:

City	Channel No.
Frankfort, Michigan	257C2
Stephenson, Michigan	272A

6. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station WBNZ(FM), Frankfort, Michigan, IS MODIFIED to specify operation on Channel 257C2, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall file with the Commission a minor change application for 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.

(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.

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

8. 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**

<sup>1</sup> Public Notice was given on October 3, 1988, Report No. 1751 (RM-6514).

<sup>2</sup> The coordinates for Channel 257C2 at Frankfort are 44-36-38 and 86-09-38.

<sup>3</sup> The coordinates for Channel 272A at Stephenson are 45-24-54 and 87-36-24.