

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

MM Docket No. 88-177

In the Matter of

Amendment of Section 73.202(b), RM-6164  
Table of Allotments,  
FM Broadcast Stations.  
(Ellensburg, Washington)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: January 18, 1989; Released: February 2, 1989

By the Deputy Chief, Policy and Rules Branch:

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 3 FCC Rcd 2537 (1988), proposing the substitution of Channel 237C2 for Channel 237A at Ellensburg, Washington, issued at the request of KXLE, Inc. (petitioner). The *Notice* also proposed the modification of the license of Station KXLE-FM at Ellensburg to specify operation on the higher class co-channel. Petitioner submitted late-filed supporting comments reiterating an interest in pursuing the upgrade of its facilities.<sup>1</sup>

2. In view of the above, we believe the public interest would benefit from the substitution of Channel 237C2 for Channel 237A at Ellensburg, since it could provide that community with enhanced FM service. The substitution can be made in compliance with the Commission's minimum distance separation requirements from the petitioner's current transmitter site.<sup>2</sup> Since the community is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence from the Canadian government has been obtained.

3. As requested, we are herein modifying the license of Station KXLE-FM to specify operation on Channel 237C2 in lieu of Channel 237A in accordance with Section 1.420(g) of the Commission's Rules.

4. 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 20, 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.
Ellensburg, Washington	237C2, 276C2

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of KXLE, Inc. for Station KXLE-

FM, Ellensburg, Washington, IS MODIFIED, to specify operation on Channel 237C2 in lieu of Channel 237A, 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.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Steve Kaminer  
Deputy Chief  
Policy and Rules Division  
Mass Media Bureau

FOOTNOTES

<sup>1</sup> In view of the fact that no party contested the proposed substitution, the untimely comments have been accepted in order to permit the petitioner to restate its interest in the proposal.

<sup>2</sup> The coordinates are 47-00-00 and 120-31-40.