

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

MM Docket No. 88-193

In the Matter of

Amendment of Section 73.202(b), RM-6158
Table of Allotments, RM-6250
FM Broadcast Stations.
(Philadelphia and Union,¹
Mississippi)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 18, 1989; Released: February 6, 1989

By the Deputy Chief, Policy and Rules Division:

1. At the request of Quail Communications (petitioner), the Commission has before it for consideration the *Notice of Proposed Rule Making*, 3 FCC Rcd 2693 (1988), proposing the allotment of Channel 281A to Philadelphia, Mississippi, as that community's second FM broadcast service. Prior to the release of the *Notice Double B Broadcasting* filed a mutually exclusive request to allot Channel 281C2 to Union, Mississippi, as that community's first local broadcast service, which has been accepted as a counterproposal.² Double B Broadcasting (Double B) filed comments and reply comments. Petitioner failed to file comments. No other comments were received.

2. Absent an expression of interest in the use of Channel 281A at Philadelphia, Mississippi, it is the Commission's general policy to refrain from making a new allotment to a community. See, e.g. *Williams, Arizona*, 47 FR 20827, May 14, 1987, and paragraph 2 of the Appendix to the *Notice*. Therefore, since neither the petitioner nor any other party has stated an interest in the Philadelphia allotment, we will dismiss that proposal.

3. In view of the aforementioned, we shall only entertain the proposal for Union, Mississippi. Channel 281C2 can be allotted to Union in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules provided there is a site restriction 4.5 kilometers (2.8 miles) southwest of the community.³ The site restriction will prevent a conflict with Channel 282A (vacant) State College, Mississippi, at the reference coordinates and with both of the two applicants' sites for the State College channel.

4. We believe the public interest can be served by the allotment of Channel 281C2 to Union, Mississippi, as that community's first FM service. 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:

Community	Channel No.
Union, Mississippi	281C2

5. The window period for filing applications for Channel 281C2 at Union, Mississippi, will open on March 24, 1989, and close on April 24, 1989.

6. IT IS FURTHER ORDERED, That the petition of Quail Communications (RM-6158), proposing the allotment of Channel 281A to Philadelphia, Mississippi, IS HEREBY DISMISSED.

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

¹ The community of Union, Mississippi, has been added to the caption.

² Public Notice of the counterproposal was given on July 27, 1988, Report No. 1741 (RM-6250).

³ The coordinates for Channel 281C2 at Union are 32-32-01 and 89-08-26.