

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-227
Table of Allotments,)	RM-9634
FM Broadcast Stations.)	
(Trego, Montana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 21, 2000

Released: June 30, 2000

By the Chief, Allocations Branch:

1. In response to a petition filed by the Battani Corporation (“Battani”), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 9365 (1999), requesting the allotment of Channel 296C2 at Trego, Montana. Battani filed comments in which it reaffirmed its interest in Channel 296C2 at Trego. No other comments were received in response to the Notice.

2. In response to Battani’s request, a Notice was issued proposing the allotment of Channel 296C2 at Trego. The Notice pointed out that Trego has a population of 10 people according to the 1998 edition of the Rand McNally Commercial Atlas and Marketing Guide, a post office and zip code and is located in Lincoln County. Battani was requested to provide specific information demonstrating community status for allotment purposes. In response, Battani stated that Trego is a Census Designated Place, with retail stores (gas, food, lodging, etc.), various shops, churches, local physicians and its own school system. Battani argues that Trego’s population is significantly greater than the “10” stated in the Notice as the head of the local fire department estimates the population of Trego as “about 700 people.” Battani states that Mr. Tucker, owner of Tucker’s Inn and Restaurant in Trego explains that the Trego School has an enrollment of 82 children, that the Trego post office houses about 300 mail boxes and that the Trego Mercantile Store is one of the busiest groceries along U.S. 93 in northwestern Montana. Battani did commit to construct a station in Trego if a channel is allotted to the community.

3. Based on the totality of the evidence submitted by Battani, we believe it has failed to establish that Trego qualifies as a community for allotment purposes and therefore it would not serve the public interest to allot a channel. Battani neglected to provide any criteria supporting community status other than to state that Trego has a school, post office and zip code, retail businesses, community hall, a

Christian Church and that the community is a Census Designated Place.¹ The Commission has, in past cases, rejected claims of community status where a connection has not been shown between political, social and commercial organizations and the community in question. Although Trego appears to have some of the elements of a community, we believe that the record in this proceeding is insufficient to find that Trego is a community for allotment purposes.² Therefore, we will not allot Channel 296C2 to Trego, Montana.

4. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by the Battani Corporation to allot Channel 296C2 to Trego, Montana, IS DENIED.

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

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

¹ Although Battani stated that Trego is a Census Designated Place, the 1990 Census of Population and Housing, 1990 CPH-2-28, does not contain a listing for Trego.

² Battani could have provided the following type of evidence which supports community status such as the names of any businesses which contain "Trego" in their names and have Trego addresses, excerpts from a telephone book showing Trego's separate telephone exchange, a list of industries, specific names and addresses of churches in Trego, affidavits from residents of Trego, name and address of the mayor or council members showing a form of local government exists, evidence that rural residents view Trego as a center for shopping and medical services, but failed to do so.