

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-221
Table of Allotments,)	RM-9639
FM Broadcast Stations.)	
(Fortine, Montana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 28, 2000

Released: July 7, 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 232C3 at Fortine, Montana. Battani filed comments in which it reaffirmed its interest in Channel 232C3 at Fortine. 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 232C3 at Fortine. The Notice pointed out that Fortine has a population of 130 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 Fortine has a school, post office and zip code, retail businesses, a community hall, a Christian Church and that the local fire department estimates the local population at approximately 500. Battani did commit to construct a station in Fortine if a channel is allotted.
3. Based on the totality of the evidence submitted by Battani, we believe it has failed to establish that Fortine 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 Fortine has a school, post office and zip code, retail businesses, community hall and a Christian Church. 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 Fontine appears to have some of the elements of a community, we believe that the record in this proceeding is insufficient to find that Fortine is a community for allotment purposes.¹ Therefore, we will not allot Channel 232C3 to Fortine, Montana.

4. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by the Battani Corporation to allot Channel 232C3 to Fortine, 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 Battani could have provided the following type of evidence which supports community status such as the names of any businesses which contain "Fortine" in their names and have Fortine addresses, excerpts from a telephone book showing Fortine's separate telephone exchange, a list of industries, specific names and addresses of churches in Fortine, affidavits from residents of Fortine, name and address of the mayor or council members, evidence that rural residents view Fortine as a center for shopping and medical services, but failed to do so.