

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-14
Table of Allotments,) RM-9442
FM Broadcast Stations.) RM-9647
(Browning, Columbia Falls,)
and Pablo, Montana)¹)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 11, 2001

Released: July 20, 2001

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Mountain West Broadcasting (“Mountain West”), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 2044 (1999), requesting the allotment of Channel 276C3 at Columbia Falls, Montana, as the community’s second FM broadcast service. Mountain West filed comments restating its support for an allotment at Columbia Falls. The Battani Corporation (“Battani”) filed a counterproposal.² Mountain West and Battani filed reply comments.

2. Battani counterproposed the allotment of Channel 276C2 at Browning, Montana, and Channel 275C2 at Pablo, Montana, providing each community with a first local aural service. According to Battani, the public interest would be best served by denying the allotment of a second local FM channel at Columbia Falls in favor of allotting a first local service to Browning and Pablo. Battani provided information demonstrating community status for Browning and Pablo. Battani has stated its intention to submit applications for FM channels at both communities.

3. Conflicting proposals, such as have been filed in this proceeding, are generally considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d (1982).³ However, in this instance, since additional channels are available, there is no need to compare the communities. Therefore, after consideration of the information filed in this proceeding we believe the public interest would be served by the allotment of FM channels at Browning, Columbia Falls and Pablo, Montana, providing additional service at Columbia Falls and a first local service at

¹ The communities of Browning and Pablo, Montana, been added to the caption.

² The counterproposal filed by Battani (RM-9647) was put on public notice on June 8, 1999 (Report No. 2331)

³ The FM allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. [Co-equal weight is given to priorities (2) and (3).]

both Browning and Pablo. As proposed in the Notice, Channel 276C3 can be allotted to Columbia Falls, Montana, without a site restriction.⁴ In addition, we shall allot Channel 234C2 at Browning, Montana and Channel 259C2 at Pablo, Montana, in response to the counterproposal filed by Battani.⁵ The allotment of Channel 234C2 at Browning requires a site restriction 3.3 kilometers (2.0 miles) northeast of the community while Channel 259C2 can be allotted to Pablo without a site restriction. According to a staff engineering analysis, the 60 dBu contour for Channel 276C3 at Columbia Falls will serve 57,488 people in a 4,803 square kilometer area while the 60 dBu contours for the allotments at Browning will serve 12,445 people in an 8,560 square kilometer area and 25,660 people in an area of 8,560 square kilometers at Pablo. Since the communities of Browning, Columbia Falls and Pablo are located within 320 kilometers of the U.S-Canadian border, concurrence of the Canadian Government is required for these allotments.⁶

4. 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 September 4, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Browning, Montana	234C2
Columbia Falls, Montana	240C, 276C3
Pablo, Montana	259C2

⁴ The coordinates for Channel 276C3 at Columbia Falls are 48-22-30 and 114-10-54.

⁵ The coordinates for Channel 234C2 at Browning are 48-35-03 and 112-59-42. The coordinates for Channel 259C2 at Pablo are 47-36-01 and 114-07-05.

⁶ Canadian concurrence has been received for the allotment of Channel 276C3 at Columbia Falls. Although concurrence has been requested for Channel 234C2 at Browning and Channel 259C2 at Pablo, notification has not been received. Therefore, operation with the facilities specified for Browning and Pablo herein are subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1991 Canada-USA FM Broadcast Agreement or if specifically objected to by Canada.

5. A filing window for Channel 276C3, Columbia Falls, Channel 234C2, Browning and Channel 259C2, Pablo, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

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

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channels at Columbia Falls, Browning and Pablo, Montana, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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