

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

In the matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 99-229
FM Broadcast Stations.)	RM-9479
(Dayton, Incline Village and)	
Reno, Nevada))	
)	

REPORT AND ORDER

(Proceeding Terminated)

Adopted: August 29, 2001

Released: August 31, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Notice of Proposed Rule Making in this proceeding. 14 FCC Rcd 9386 (1999). Salt Broadcasting, L.L.C. and Americom Las Vegas Limited Partnership filed Joint Comments and Joint Reply Comments. For the reasons discussed below, we are substituting Channel 261C1 for Channel 261C2 at Dayton, Nevada, reallocating Channel 261C1 to Incline Village, Nevada, and are modifying the license of station KTHX-FM to specify operation on Channel 261C1 at Incline Village. We are also reallocating Channel 295C from Reno, Nevada, to Incline Village, Nevada, and are modifying the license of Station KRNO-FM to specify Incline Village as its community of license.

Background

2. At the request of Salt Broadcasting, L.L.C., licensee of Station KTHX-FM, Channel 261C2, Incline Village, Nevada, and Americom Las Vegas Limited Partnership, licensee of Station KRNO-FM, Channel 295C, Reno, Nevada, the Notice proposed the substitution of Channel 261C1 for Channel 261C2 at Incline Village, reallocation of Channel 261C1 to Dayton, Nevada, and modification of the Station KTHX-FM license to specify operation on Channel 261C1 at Dayton. The Notice also proposed the reallocation of Channel 295C from Reno to Incline Village and modification of the Station KRNO-FM license to specify Incline Village as the community of license.

3. The petitioners filed this joint proposal pursuant to Section 1.420(i) of the Commission's Rules which permits the modification of a station authorization to specify a new community of license without affording other interested parties the opportunity to file a competing expression of interest. See Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License"), 4 FCC Rcd 4870 91989), recon. granted in part, 5 FCC Rcd 7094 (1990). In considering a reallocation proposal, we compare the existing allotment versus the proposed allotment to determine whether the reallocation will result in a preferential arrangement of allotments. This determination is

based upon the FM allotment priorities set forth in Revision of FM Allotment Policies and Procedures, 90 FCC 2d 88 (1982).¹

4. We are substituting Channel 261C1 for Channel 261C2 at Incline Village, reallocating Channel 261C1 to Dayton, Nevada, and are modifying the Station KTHX-FM license to specify operation on Channel 261C1 at Dayton.² In addition to providing Dayton with its first local service, this reallocation will provide service to an additional 24,146 persons within a 7,106 square kilometer area. We also note that Station KTHX-FM presently provides a 70 dBU signal to 77.1% of the Reno Urbanized Area and the reallocation will increase this percentage to 87.7%. We are concerned with the potential migration of stations to Urbanized Areas. See Faye and Richard Tuck, 3 FCC Rcd 5374 (1988). However, based upon the current degree of coverage of the Reno Urbanized Area, we will not require a Tuck showing in this instance. See Boulder and Lafayette, Colorado, 12 FCC Rcd 583 (1997). Nevertheless, with respect to Dayton independence from the Reno Urbanized Area, we note that Dayton has numerous businesses, its own local post office, police force, several banks, a volunteer fire department, a local library and local schools. In order to replace the loss of the sole local service at Incline Village, we are also reallocating Channel 295C from Reno to Incline Village and are modifying the license of station KRNO-FM to specify Incline Village as the community of license.³ Because this change in community of license does not involve a change in transmitter site for Station KRNO-FM which is currently licensed to the center city of the Urbanized Area, a Tuck showing for this portion of the proposal is also not necessary.

5. Accordingly, pursuant to authority contained in Section 4(i), 5(c)(1), 303 (g) and ® 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 October 16, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Dayton, Nevada	261C1
Incline Village, Nevada	295C
Reno, Nevada	225C, 238C, 269C3 271C3, 283C, 289C

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Salt Broadcasting, L.L.C., for Station KTHX-FM, IS MODIFIED to specify operation on Channel 261C1 at Dayton, Nevada, in lieu of Incline Village, Nevada, 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 (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with section 73.1620 of the Commission's Rules;

¹ 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).

² The reference coordinates for the Channel 261C1 allotment at Dayton, Nevada, are 39-29-27 and 119-19-03.

³ The reference coordinates for the Channel 295C allotment at Incline Village, Nevada, are 39-18-38 and 119-53-01.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Americom Las Vegas Limited Partnership for station KRNO-FM, IS MODIFIED to specify operation on Channel 295C at Incline Village, Nevada, in lieu of Reno, Nevada, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to section 1.1307 of the Commission's Rules.

8. Pursuant to Section 1.1104(3)(1) of the Commission's Rules, any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Salt Broadcasting, L.L.C. and Americom Las Vegas Limited Partnership are required to submit a rulemaking fee in addition to the fee required for the applications to effectuate the change in community of license and/or upgrade at Dayton and Incline Village, Nevada.

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

10. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

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