

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 00-37
Table of Allotments,) RM-9749
FM Broadcast Stations.)
(New Richmond, Wisconsin, Coon Rapids,)
and Moose Lake, Minnesota))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: September 20, 2000

Released: September 29, 2000

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Smith Broadcasting Company, Inc. (“Smith”), the Commission has before it for consideration the Notice of Proposed Rule Making, 15 FCC Rcd 10003 (2000), requesting the substitution of Channel 296C2 for Channel 296C3 at New Richmond, Wisconsin, reallocation of Channel 296C2 from New Richmond, Wisconsin to Coon Rapids, Minnesota, and modification of its license for Station WIXK-FM to specify Coon Rapids as the community of license.¹ To accommodate its proposal for Station WIXK-FM, Smith also requested the substitution of Channel 249A for Channel 296A at Moose Lake, Minnesota, and modification of the license for Station KBFH at Moose Lake. Smith filed comments supporting an allotment at Coon Rapids. TKC, Inc. (“TKC”) filed comments and Smith and Agate Broadcasting, Inc. filed reply comments.

2. The proposed reallocation of Channel 296C2 from New Richmond, Wisconsin to Coon Rapids, Minnesota, was filed pursuant to the provisions of Section 1.420(i) of the Commission’s Rules, which permits the modification of a station’s authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. See Amendment of the Commission’s Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recond. granted in part, 5 FCC Rcd 7094 (1990) (“Change of Community”). In the Change of Community License Order, the Commission expressed its concern with the potential migration of stations from rural areas to urban areas. The Commission relies on criteria established in Faye and Richard Tuck, 3 FCC Rcd 5374

¹ On February 29, 2000, Smith filed an application to assign the licenses of Stations WIXK(AM) and WIXK-FM to Hubbard Broadcasting, Inc., (BAL-20000229ABP and BALH-20000229ABQ). Hubbard Broadcasting, Inc., has authorized counsel for Smith to state that should the rule making proposal be granted, when it becomes the licensee it also intends to implement the proposal by filing an application and constructing the authorized facility.

(1988), to determine whether a community should be awarded a first local service preference.² The Notice indicated that Channel 296C2 at Coon Rapids would provide coverage to 48.8% of the Minneapolis-St. Paul Urbanized Area with a 70 dBu signal from Smith's specified site for Channel 296C2 at Coon Rapids and that Coon Rapids is located inside the Minneapolis-St. Paul Urbanized Area. Smith provided a Tuck showing demonstrating that Coon Rapids is independent of the Urbanized Area.³ See Headland, Alabama and Chatahoochee, Florida, 10 FCC Rcd 10352 (1995). We believe that Smith has provided sufficient information supporting Coon Rapid's independence from the Minneapolis-St. Paul Urbanized Area and that the community is deserving of a first local service preference.

3. As stated in the Notice, to accommodate the allotment at Coon Rapids, Smith requested the substitution of Channel 249A for Channel 296A at Moose Lake, Minnesota, and modification of the authorization for Station WIXK-FM accordingly. Agate Broadcasting, Inc. ("Agate"), permittee of Station WIXK-FM, consented to the proposed channel change and possible site relocation. Smith and Agate Broadcasting, Inc. have entered into an agreement for reimbursement for these changes.⁴

4. TKC, licensee of Station WAQE-FM, Barron, Wisconsin, filed comments objecting to the use of Channel 249A at Moose Lake as it will preclude the recently filed upgrade of Station WAQE-FM to a Class C3 facility (BPH-19991005ABA). TKC does not comment on the merits of providing a first local service at Coon Rapids but requests that an alternate channel be substituted at Moose Lake to enable Station WAQE-FM to upgrade its facilities at Barron, Wisconsin. TKC urges the Commission to allot an alternate channel at Moose Lake which will allow Smith to meet its objectives of providing

² (1) signal population coverage; (2) the size of the suburban community relative to the adjacent city; and (3) the interdependence of the suburban community with the central city.

³ Smith provided the following information supporting its status as an independent community. Coon Rapids has numerous local businesses which include banks, restaurants, grocery stores, car dealers, a barber shop, as well as city parks. Smith stated that approximately 18,000 people are employed at businesses located in Coon Rapids. Coon Rapids has its own newspaper, The Coon Rapids Herald, which is published weekly and focuses on local news and events. Smith stated that advertisers interested in reaching the residents of Coon Rapids may advertise in the Coon Rapids Herald, on the Coon Rapids Cable Television channels and information about local events can be placed on the city's website. The community of Coon Rapids was incorporated in 1959 and has its own local government and elected officials. The city functions are divided into eight departments including management, legal, city clerk, finance, community development, police, fire and public works. Coon Rapids has its own post office and zip codes (55448 and 55433) as well as its own telephone book which is separate from the Minneapolis-St. Paul directories. Coon Rapids has its own police department, fire department, hospital and medical center, and nursing home. The Coon Rapids Civic Center has a 225 person meeting room plus six smaller conference rooms. Coon Rapids is part of the Anoka-Hennepin Independent School District No. 11 which has eight elementary schools, two middle schools, one standard high school and one alternative high school as well as two private schools and the Anoka-Ramsey Community College located in Coon Rapids. The Superintendent of the school district and administrative staff have their office in Coon Rapids.

⁴ See Circleville and Columbus, Ohio, 8 FCC 2d 159 (1967).

Coon Rapids with its first local transmission service without denying the one-step upgrade at Barron.

5. Smith and Agate filed reply comments addressing TKC's request to allot an alternate channel at Moose Lake to accommodate the one-step upgrade at Barron, Wisconsin. Agate states that it is willing to relocate its transmitter site to allow for the substitution of Channel 295A in lieu of Channel 249A for Channel 296A at Moose Lake. Smith and Agate request that the Commission grant the proposal to upgrade Station WIXK from Channel 296C3 to Channel 296C2, reallocate the channel to Coon Rapids, Minnesota, and substitute Channel 295A for Channel 296A at Moose Lake, Minnesota, at a new site.

6. Based upon the information presented in this proceeding, we believe the public interest would be served by substituting Channel 296C2 for Channel 296C3 at New Richmond, Wisconsin, population 5,106 people, and reallocating Channel 296C2 to Coon Rapids, Minnesota, population 52,978 people, since it would result in a preferential arrangement of allotments, would enable Station WIXK-FM to upgrade its facilities, and would not cause the removal of New Richmond's sole local aural service as Station WIXK(AM) remains licensed to the community.⁵ The proposed arrangement of allotments is preferable to the existing arrangement as it triggers priority (3) resulting in a first local transmission service to Coon Rapids. Retention of Channel 296C2 in New Richmond triggers priority (4), other public interest matters.

7. The reallocation proposal is consistent with the requirements set forth in Change of Community, *supra*. As stated in the Notice, Smith proposes to relocate its transmitter site which produces both a gain and loss area for Station WIXK-FM. The loss area for Station WIXK-FM at New Richmond contains 37,744 people while the gain area for Station WIXK-FM at Coon Rapids contains 1,944,658. A staff engineering analysis confirms that both the gain and loss areas for Station WIXK-FM are completely covered by at least five other full-time reception services and are thus considered to be well served areas.

8. Channel 296C2 can be allotted to Coon Rapids, Minnesota, in compliance with the Commission's minimum distance separation requirements at Smith's specified site.⁶ In accordance with Section 1.420(i) of the Commission's Rules, we modify the license for Station WIXK-FM to specify operation on Channel 296C2 at Coon Rapids, Minnesota, in lieu of Channel 296C3 at New Richmond, Wisconsin, as its new community of license. To accommodate the allotment at Coon Rapids, we shall also substitute Channel 295A for Channel 296A at Moose Lake, Minnesota, and modify the authorization for Station KBFH to specify operation on Channel 295A. Channel 295A

⁵ The population figures are taken from the 1990 U.S. Census.

⁶ The coordinates for Channel 296C2 at Coon Rapids are 45-11-42 and 93-05-14.

can be allotted to Moose Lake in compliance with the Commission’s spacing requirements.⁷ Canadian concurrence has been received for the allotment of Channel 295A at Moose Lake.

9. 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 November 13, 2000, 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
New Richmond, Wisconsin	-----
Coon Rapids, Minnesota	296C2
Moose Lake, Minnesota	295A

10. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Smith Broadcasting Company, Inc., for Station WIXK-FM, Channel 296C3, New Richmond, Wisconsin, IS MODIFIED to specify operation on Channel 296C2 at Coon Rapids, Minnesota, Wisconsin, 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 (Form 301), specifying the new facility.
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (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.

11. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the authorization of Agate Broadcasting, Inc. for Station KBFH, Channel 296A, Moose Lake, Minnesota, IS MODIFIED to specify operation on channel 295A at Moose Lake, Minnesota, subject to the following conditions:

⁷ The coordinates for Channel 295A at Moose Lake are 46-27-30 and 92-39-10.

- (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 (301), specifying the new facility.
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.
- (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.

12. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), 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 rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Smith Broadcasting Company, Inc., licensee of Station WIXK-FM, is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license from New Richmond, Wisconsin, to Coon Rapids, Minnesota, and substitute Channel 296C2 for Channel 296C3.

13. **IT IS FURTHER ORDERED**, That this proceeding **IS TERMINATED**.

14. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions relating to the application filing process 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

