

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 08-43
Table of Allotments,)	RM-11420
FM Broadcast Stations.)	
(Basin, Wyoming))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 14, 2009

Released: January 16, 2009

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* issued at the request of White Park Broadcasting, Inc. ("White Park"), proposing to allot Channel 300C3 at Basin, Wyoming, as the community's second local service.¹ White Park concurrently filed a FCC Form 301 new station application² for Channel 300C3 at Basin, along with the required filing fee pursuant to *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*.³ White Park also states that if the requested FM channel is allotted, it will participate in the auction process for the channel. In its comments White Park reaffirms its interest in the channel, its intention to participate in the auction and if awarded the construction permit, build the station promptly.

2. In its Petition for Rule Making, White Park states that it is the permittee of unbuild Station KBEN-FM, Channel 277C, Basin, Wyoming, and that it has filed a one-step application to modify this permit to specify Cowley, Wyoming, as the station's community of license.⁴ White Park states that it has filed the instant rulemaking petition to provide for a backfill allotment should its application for Station KBEN-FM to change the community of license be granted. It states that the backfill allotment it proposes will ensure that the residents of Basin are not deprived of their potential first local service while the residents of Cowley will also receive a first local transmission service.

3. We will grant the proposal in the public interest because it would provide Basin with a second potential local service, thereby satisfying Priority 4 of the Commission's FM allotment priorities.⁵

¹ *Basin, Wyoming*, Notice of Proposed Rule Making, 23 FCC Rcd 5187 (MB 2008).

² File No. BNPH-20080208ADU.

³ *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes in Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006).

⁴ File No. BNPH-20070716ABY. As a new unbuild station, this city of license modification is not subject to the restriction barring the relocation of a community's sole local radio service. See *Pacific Broadcasting of Missouri LLC*, Memorandum Opinion and Order, 18 FCC Rcd 2291 (2003), *recon. denied*, Memorandum Opinion and Order, 19 FCC Rcd 10950 (2004) ("*Refugio*").

⁵ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1988).

The allotment also may enable Station KBEN-FM to provide a first local service to Cowley without depriving the community of Basin of its first potential local transmission service.

4. We have previously determined that Basin is a community for allotment purposes.⁶ A staff engineering analysis indicates that Channel 300C3 can be allotted to Basin consistent with the minimum distance separation requirements of the Commission's rules, without a site restriction, at coordinates 44-22-48 NL and 108-02-18 WL.

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801 (a)(1)(A).

6. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective March 2, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Basin, Wyoming	300C3

7. A filing window period for Channel 300C3 for Basin, Wyoming will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent *Order*.

8. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Victoria McCauley, Media Bureau (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁶ See *Kaycee and Basin, Wyoming*, Report and Order, 15 FCC Rcd 15,767 (M.M.Bur. 2000).