

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

In the matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 07-175
FM Table of Allotments,	)	RM-11380
FM Broadcast Stations.	)	
(Cuba, Illinois)	)	
	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: April 15, 2009**

**Released: April 17, 2009**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rulemaking*<sup>1</sup> issued at the request of KM Communications, Inc. ("Petitioner"), proposing the substitution of Channel 252A for vacant Channel 292A at Cuba, Illinois. Petitioner proposed the channel substitution to accommodate its construction permit application to substitute Channel 291A for Channel 252A at Abington, Illinois. Petitioner filed comments reiterating its continuing interest in its rulemaking proposal. No counterproposals were received in this proceeding.

2. We find that the public interest would be served by substituting Channel 252A for vacant Channel 292A at Cuba. The foregoing channel substitution at Cuba would accommodate Petitioner's construction permit application<sup>2</sup> to substitute Channel 291A for Channel 252A at Abington, Illinois, and to provide for a first local aural transmission service at Abington, Illinois, under Priority 3 of the FM allotment priorities.<sup>3</sup> Channel 252A can be allotted at Cuba, consistent with the technical engineering requirements of the Commission's Rules at 40-25-50 North Latitude and 90-14-05 West Longitude, with a site restriction of 7.9 kilometers (4.9 miles) southwest of Cuba.

<sup>1</sup> See *Cuba, Illinois*, Notice of Proposed Rule Making, 22 FCC Rcd 15950 (MB 2007).

<sup>2</sup> See File No. BNPH-20070502AAU. We will consider this application separately.

<sup>3</sup> 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 (1982), *recon. denied*, Memorandum Opinion and Order, 56 RR 2d 448 (1983).

3. 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 June 1, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED<sup>4</sup> for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Cuba, Illinois	252A

4. A summary of this Report and Order will be published in the Federal Register because we are amending Section 73.202(b) of the Commission's Rules.

5. A filing window period for Channel 252A at Cuba, Illinois, 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.

6. 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. Section 801(a)(1)(A).

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

8. For further information concerning this proceeding, contact Richard B. Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>4</sup> “[W]e shall amend the Table of Allotments to reflect only vacant allotments that do not correspond to an authorized station or reserved assignment. Assignments for licensed, permitted, and reserved facilities (those for which applications are pending) will be reflected solely in CDBS.” *See Revised Allotment Procedures R&O*, 21 FCC Rcd at 14222 (footnote omitted).