

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-51
Table of Allotments,)	RM-8983
FM Broadcast Stations.)	
(Alberton, Montana))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 18, 1997

Released: June 27, 1997

By the Chief, Allocations Branch:

1. The Commission has before it for consideration the Notice of Proposed Rule Making, 12 FCC Rcd 1407 (1997), proposing the allotment of Channel 284A to Alberton, Montana, as that community's first local FM broadcast service. The Notice was issued in response to a petition filed by Vixon Valley Broadcasting ("Vixon"). Vixon filed comments reiterating its intention to apply for Channel 284A at Alberton.¹ No other comments were received at the Commission in response to this proposal.
2. The Notice requested that Vixon furnish the Commission with some additional information. First, we requested Vixon to demonstrate that Alberton has the social, economic and cultural indicia to qualify it as a community for allotment purposes. In response, Vixon states that Alberton has a public school and athletic field, post office, church and several retail businesses. According to Vixon, there is a public water and sewer system in the community. Second, the Notice indicated that Channel 284A could be allotted to Alberton without a site restriction provided Canadian concurrence could be obtained for this allotment. We noted that Alberton is located in an area of several national forests and state parks and requested Vixon to provide information showing that an actual transmitter site is available that

¹ In conformance with the Commission's general policy of accepting late-filed comments where the proceeding is uncontested, we have accepted Vixon's comments for the purpose of allowing it to reaffirm interest in applying for Channel 284A at Alberton. Late-filed expression of interests have been accepted and considered only in a situation where there is no opposition to the channel proposals and where there would be no adverse impact on another pending proposal. It is the responsibility of the party submitting comments to ensure that the documents are delivered to the Commission on time. See Santa Isabel, Puerto Rico, 3 FCC Rcd 2336 (1988). Notification of the deadline for filing initial comments and reply comments is set forth in each Notice of Proposed Rule Making issued in response to channel allotment requests.

provides city grade coverage to Alberton. Vixon failed to provide information regarding site availability. 3. In response to our request for additional information concerning community status, Vixon has provided adequate information. A Commission analysis determined that Alberton has a Town Hall, Alberton Elementary School and Alberton High School, and a Senior Citizen Center, and is served by the Alberton Community Church. The Valley Grocery Store, Hole In the Wall Lodge, Sidetrack Cafe, Montana Hotel & Country Inn, and Alberton Truck & Auto Repair all have an Alberton address. The Northwest Indian Bible School is also located in Alberton. In addition, Alberton is incorporated, listed in the 1990 Census and has its own post office.

4. In response to our concern over availability of a transmitter site, Vixon failed to provide any information. The Notice pointed out that Channel 284A could be allotted to Alberton, Montana, consistent with the Commission's spacing requirements, without a site restriction.² In this instance, our concern was not over proper spacing or city grade coverage, but whether a suitable site did exist. The Commission's concerns at the rule making stage do not generally require detailed showings concerning the availability or suitability of a specific transmitter site. We do, however, require a showing demonstrating only that such an area does exist. See Chenango Bridge, Norwich & Cincinnatus, New York, 8 FCC Rcd 6621 (1993).

5. Accordingly, based on the above discussion, IT IS ORDERED, That the petition for rule making submitted by Vixon Valley Broadcasting for the allotment of Channel 284A at Alberton, Montana, IS DENIED.

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.

FEDERAL COMMUNICATIONS COMMISSION

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

² The coordinates listed in the Notice are 47-00-06 and 114-28-21.