

9/25/97

FCC 97-272

Federal Communications Commission

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

In the Matter of )  
)  
Amendment of Section 73.207(b) )  
of the Commission's Rules Regarding )  
Minimum Distance Separations To )  
Mexican Broadcast Stations )

ORDER

Adopted: July 31, 1997

Released: August 11, 1997

By the Commission:

1. By this *Order*, the Commission adopts revisions to 47 C.F.R. § 73.207(b) of the Commission's rules with respect to minimum distance separations between U.S. FM assignments and allotments and Mexican assignments and allotments. These revised spacings were promulgated in the *Agreement Between the Government of the United States of America and the Government of the United Mexican States Relating to the FM Broadcasting Service in the Band 88-108 MHz*, dated August 11, 1992 (hereafter "*Agreement*"). The rule revisions adopted herein conform the rule to the *Agreement*.

2. These changes will have no adverse effect on any existing or presently proposed FM broadcast station. In all cases, the minimum required separations specified in the *Agreement* do not exceed, and in most cases, are less than the separations presently specified in Table C of Section 73.207(b)(3). Moreover, as a matter of practice, since late August 1992 the staff has employed the *Agreement* minimum distance separations without adversely affecting broadcasters. Consequently, the revisions are noncontroversial, and prior notice and comment proceedings are neither necessary nor required. See 5 U.S.C. § 553(b)(3)(B); and 47 C.F.R. § 1.412(c).

3. Accordingly, IT IS ORDERED, that pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 C.F.R. § 73.207(b) IS AMENDED as set forth in Appendix A, below.<sup>1</sup>

<sup>1</sup> Additionally, by this *Order*, a typographical error in Table B in Section 73.207(b) is deleted.

4. IT IS FURTHER ORDERED, that the rules adopted herein will become effective upon publication in the Federal Register.

5. Pursuant to the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.*, as amended by the *Contract With America Advancement Act of 1996*, ("CWAAA")<sup>2</sup>, 5 U.S.C. § 606(b), Pub. L. No. 104-121, 110 Stat. 847 (1996), the Commission certifies that no significant impact on a substantial number of small entities will result from adoption of this *Order*.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton  
Secretary

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<sup>2</sup> Subtitle II of CWAAA is "The Small Business Regulatory Enforcement Fairness Act of 1996".

## APPENDIX A

Part 73 of Title 47 of the Code of Federal Regulations continues to read as follows:

**Part 73 - Radio Broadcast Services**

1. The authority citation for Part 73 continues to read as follows:

**Authority: 47 U.S.C. 154, 303.**

2. § 73.208(c)(8) is revised to read as follows:

**§ 73.207 Minimum distance separation between stations**

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(b)(2) [Table B -- an extraneous **8** is deleted from the I.F. column, from between the Class B-B and Class B-C1 Relations ]

(b)(3) Under the 1992 Mexico-United States FM Broadcasting Agreement, domestic U.S. assignments or allotments within 320 kilometers (199 miles) of the common border must be separated from Mexican assignments or allotments by not less than the distances given in Table C, which follows. When applying Table C,

(i) U.S. or Mexican assignments or allotments which have been notified internationally as Class A are limited to a maximum of 3.0 kW ERP at 100 meters HAAT, or the equivalent;

(ii) U.S. or Mexican assignments or allotments which have been notified internationally as Class AA are limited to a maximum of 6.0 kW ERP at 100 meters HAAT, or the equivalent;

(iii) U.S. Class C3 assignments or allotments are considered Class B1;

(iv) U.S. Class C2 assignments or allotments are considered Class B; and

(v) Class C1 assignments or allotments assume maximum facilities of 100 kW ERP at 300 meters HAAT. However, U.S. Class C1 stations may not, in any event, exceed the domestic U.S. limit of 100 kW ERP at 299 meters HAAT, or the equivalent.

**Table C -- Minimum Distance Separation Requirements in Kilometers**

Relation	Co-channel	200 kHz	400 kHz or 600 kHz	10.6 or 10.8 MHz (I.F.)
A to A	100	61	25	8
A to AA	111	68	31	9
A to B1	138	88	48	11
A to B	163	105	65	14
A to C1	196	129	74	21
A to C	210	161	94	28
AA to AA	115	72	31	10
AA to B1	143	96	48	12
AA to B	178	125	69	15
AA to C1	200	133	75	22
AA to C	226	165	95	29
B1 to B1	175	114	50	14
B1 to B	211	145	71	17
B1 to C1	233	161	77	24
B1 to C	259	193	96	31
B to B	237	164	65	20
B to C1	270	195	79	27
B to C	270	215	98	35
C1 to C1	245	177	82	34
C1 to C	270	209	102	41
C to C	290	228	105	48

(c) \*\*\*\*\*