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

MM Docket No. 89-86

In the Matter of

Amendment of Section 73.202(b), RM-6604
Table of Allotments,
FM Broadcast Stations.
(San Rafael, California)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 12, 1990; Released: March 26, 1990

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 4 FCC Rcd 3727 (1989), proposing the substitution of FM Channel 264A for Channel 265A at San Rafael, California, and modification of the license of Marin Broadcasting, Company, Inc. (petitioner) for Station KTID-FM. Petitioner filed supporting comments. No other comments were received.

2. As stated in the *Notice*, petitioner's proposal is premised on a desire to eliminate adjacent channel interference within the primary service area at its present site,[1] created by grandfathered short-spaced second adjacent Station KIOI(FM), Channel 267B, San Francisco, California.[2] Petitioner stated that the substitution of channels at San Rafael would permit it to relocate the station's transmitter to a superior site on San Pedro Mountain,[3] at a location which is 0.6 kilometers further removed from Station KIOI's present transmitting location than is the present KTID site. In this manner, petitioner claimed that a reduction in signal interaction would occur. In further support of its proposal, petitioner asserted that Station KTID-FM experiences substantial shadowing within its coverage area at its present site due to the mountainous terrain surrounding its transmitter. Petitioner claimed that its proposal would provide public interest benefits by enabling it to improve line of sight coverage over its service area.

3. In view of the above, we believe the public interest would be served by the substitution of channels at San Rafael, to allow KTID-FM to improve its signal quality and relocate to its preferred site. As indicated in the *Notice*, Channel 264A can be allotted to San Rafael in conformity with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules at the petitioner's preferred site. Therefore, and in accordance with the provisions of Section 1.420(g) of the Commission's Rules, we are modifying the license of Station KTID-FM to specify operation on Channel 264A in lieu of Channel 265A at San Rafael.

4. 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 **May 10, 1990,** the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED with respect to the community listed below, to read as follows:

City	Channel No.
San Rafael, California	264A

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Marin Broadcastsing Company, Inc. for Station KTID-FM, IS MODIFIED effective **May 10, 1990,** to specify operation on Channel 264A in lieu of Channel 265A, at San Rafael, California, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in license BLH-7305 except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, provided the transmission facilities comply in all respects with license BLH-7305 except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Karl A. Kensinger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

FOOTNOTES

[1] Coordinates at the present site of Station KTID-FM are 37-58-49 and 122-31-39.

[2] Station KIOI(FM) operates with 61 kW ERP at 338 meters (1110 feet) HAAT. Coordinates at the licensed site of Station KIOI(FM) are 37-41-24 and 122-26-13.

[3] Coordinates at the proposed site for Station KTID-FM are 37-59-25 and 122-29-58. As stated in the *Notice*, petitioner advised that it was not possible to operate Station KTID-FM on Channel 265A at the proposed site since it would be 1.3 kilometers short-spaced to Station KYBB(FM), Channel 265A, Tracy, California, at coordinates 37-46-52 and 121-21-37.