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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-157
Table of Allotments,	)	RM-9614
FM Broadcast Stations.	)	
(Warrenton, Oregon)	)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 24, 1999 **Released: December 3, 1999**

By the Chief, Allocations Branch:

1. At the request of Mountain West Broadcasting ("petitioner") , the Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 7388 (1999), proposing the allotment of Channel 259A to Warrenton, Oregon, as the community's first local aural service. Comments were filed by the petitioner reiterating its intention to apply for the channel, if allotted, and by Brian J. Lord ("Lord") and Fisher Broadcasting, Inc. ("Fisher").

2. Both Lord and Fisher oppose the allotment. They state that the proposed reference coordinates (46-16-49 North Latitude; 123-59-13 WL) are in the Columbia River. They further state that there is no land area where a transmitter could be located which would comply with both the minimum distance separation and city-grade coverage requirements as set forth in the Commission's Rules. Therefore, they contend that the proposed allotment is defective and should not be made.

3. A staff engineering review of the Lord and Fisher submissions confirms that the proposed transmitter site for Channel 259A at Warrenton is in the Columbia River and that there is no land area where the channel could be sited and also comply with the Commission's spacing and city-grade coverage requirements. Therefore, in conformance with our policy of requiring strict adherence to our technical rules at the allotment stage, we will not allot the channel. See, Sonora, California, 6 FCC Rcd 6042 (1991), Cusseta, Georgia, 6 FCC Rcd 7437 (1991).

3. Accordingly, IT IS ORDERED, That the petition for rule making filed by Mountain West Broadcasting to allot Channel 259A to Warrenton, Oregon, IS DENIED.

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

5. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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