

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

In the matter of	)	
	)	
Amendment of Section 73.202(b)	)	MB Docket No. 07-143
FM Table of Allotments,	)	RM-11381
FM Broadcast Stations.	)	
(Charlo, Montana)	)	
	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: January 2, 2008**

**Released: January 4, 2008**

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 Spanish Peaks Broadcasting, Inc. ("Petitioner"), proposing the allotment of Channel 251C3 at Charlo, Montana. Petitioner filed comments reiterating its continuing interest. No counterproposals were received in this proceeding.

2. We find that Charlo is a community<sup>2</sup> for allotment purposes and that the public interest would be served by allotting Channel 251C3 at Charlo as its first local aural transmission service.<sup>3</sup> Channel 251C3 can be allotted at Charlo, consistent with the technical engineering requirements of the Commission's Rules, at reference coordinates of 47-32-20 North Latitude and 114-08-52 West Longitude, with a site restriction of 11.3 kilometers (7.0 miles) north of the community's reference coordinates. The Canadian Government has concurred in this allotment.

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 February 18, 2008, 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:

<sup>1</sup> See *Charlo, Montana*, Notice of Proposed Rule Making, 22 FCC Rcd 4188 (MB 2007).

<sup>2</sup> Charlo is a Census Designated Place with a 2000 U.S. Census population of 439 persons. It has its own post office, fire department, senior citizens center, childcare facility, public museum and numerous other businesses.

<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).

<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).

CommunityChannel No.

Charlo, Montana

251C3

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 251C3 at Charlo, Montana, 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 R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
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Audio Division  
Media Bureau