

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

In the Matter of	)	
	)	
Amendment of section 73.202(b)	)	MB Docket No. 19-57
FM Table of Allotments,	)	RM-11827
FM Broadcast Stations.	)	
(Caliente, Nevada)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: May 30, 2019**

**Released: May 31, 2019**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,<sup>1</sup> issued in response to a Petition for Rule Making filed by SSR Communications, Inc. (“Petitioner”). Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we amend the FM Table of Allotments, section 73.202(b) of the Commission’s Rules,<sup>2</sup> by allotting Channel 264A at Caliente, Nevada.

2. **Background.** The *Notice* proposed the allotment of Channel 264A at Caliente, Nevada, as a first local service. Caliente is an incorporated community within Lincoln County, Nevada, with a 2010 U.S. Census population of 1,130 persons. Caliente has its own schools (Caliente Elementary, C.O. Bastian High School, et cetera), fire department, police department, churches, and many other indicators of a bona-fide community for allotment purposes. Petitioner filed comments, reiterating its expression of interest in Channel 264A at Caliente. Petitioner states that, if the frequency is allotted, it will prosecute its application,<sup>3</sup> participate in any FM auction for the Caliente allotment, and if the winning bidder, promptly construct the facilities authorized in the event the Commission grants its application.

3. **Discussion.** We find that the public interest would be served by allotting a first local service at Caliente, Nevada under Priority (3).<sup>4</sup> A staff engineering analysis indicates that Channel 264A can be allotted to Caliente consistent with the minimum distance separation requirements of the Commission’s Rules without a site restriction. The reference coordinates are 37-36-02 NL 114-30-32 WL

<sup>1</sup> See *Caliente, Nevada*, Notice of Proposed Rule Making, DA 19-162 (MB 2019) (“*Notice*”).

<sup>2</sup> 47 C.F.R. § 73.202(b).

<sup>3</sup> See File No. BNPB-20181129AAC.

<sup>4</sup> The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime 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).

4. **Ordering Clauses.** 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, July 15, 2019, the FM Table of Allotments, 47 C.F.R. section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Caliente, Nevada	264A

5. The window period for filing applications for Channel 264A at Caliente, Nevada will not be opened at this time. Instead, the issue of opening this allotment for filing will be addressed by the Commission in subsequent order.

6. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

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

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez  
Assistant Chief  
Audio Division  
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