

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA-2725, MM Docket No. 99-346, RM-9763]

Digital Television Broadcast Service; Evansville, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Tri-State Public Teleplex, Inc., licensee of station WNIN(TV), NTSC Channel 9, Evansville, Indiana, requesting the substitution of DTV Channel *12 for station WNIN(TV)'s assigned DTV Channel *54. DTV *12 can be allotted to Evansville, Indiana, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 38-01-27 N. and 87-21-43 W. DTV Channel *12 can be allotted to Evansville with a power of 15.0 (kW) and a height above average terrain (HAAT) 177 meters.

DATES: Comments must be filed on or before January 31, 2000, and reply comments on or before February 15, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Dow, Lohnes & Albertson, 1200 New Hampshire Avenue, NW, Suite 800, Washington, DC 20036 (Counsel for Tri-State Public Teleplex, Inc.).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-346, adopted December 6, 1999, and released December 8, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

Digital Television Broadcasting.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99-2758, MM Docket No. 99-347, RM-9751, RM-9761]

Radio Broadcasting Services; Exmore and Cheriton, VA, Fruitland, MD

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on two inter-related petitions. Be-More Broadcasting, permittee of a new unconstructed FM station on Channel 291B1 at Exmore, VA, requests the reallocation of its channel to Cheriton, VA, as the community's first local aural service, and the modification of its construction permit (BPH-19951109MC) to specify Cheriton as its community of license. Great Scott Broadcasting, licensee of Station WKHI, Channel 298B, Exmore, VA, requests the substitution of Channel 298B1 for Channel 298B, the reallocation of the channel to Fruitland, MD, as the community's first local aural service, and the modification of the station's license to specify Fruitland as its community of license. Channel 291B1 can be allotted to Cheriton in compliance with the Commission's minimum distance separation requirements with a site restriction of 18.7 kilometers (11.6 miles) northeast, at coordinates 37-26-25 NL; 75-52-51 WL, to accommodate Be-More's desired transmitter site. Channel 298B1 can be allotted to Fruitland with a site restriction of 16 kilometers (9.9 miles) southwest, at coordinates 38-11-32 NL; 75-41-58 WL, to avoid a short-spacing to Station WRXS, Channel 295A, Ocean City, MD, and Station WSNJ-FM, Channel 299B, Bridgeton, NJ. A grant of

both of these proposals would result in Exmore having no local aural service.

DATES: Comments must be filed on or before January 31, 2000, and reply comments on or before February 15, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: A. Wray Fitch III, Gammon & Grange, P.C., 8280 Greensboro Drive, 7th Floor, McLean, VA 22102-3807 (Counsel to Be-More); Ross G. Greenberg, Leventhal, Senter & Lerman, P.L.L.C., Suite 600, 2000 K Street, NW, Washington, DC 20006-1809 (Counsel to Great Scott).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-347, adopted December 1, 1999, and released December 10, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

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