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Federal Communications Commission

DA 97-1939

DISPATCH

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 96-219
Table of Allotments,	)	RM-8881
FM Broadcast Stations.	)	
(Temple and Taylor, Texas)	)	
	)	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: September 3, 1997

Released: September 12, 1997

By the Chief, Allocations Branch:

1. At the request of Stellar Communications, Inc. ("petitioner"), licensee of Station KKIK(FM), Channel 282C2, Temple, Texas, the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 20388 (1996), proposing the reallocation of Channel 282C2 from Temple to Taylor, Texas, and the modification of Station KKIK(FM)'s license to specify Taylor as its community of license. Petitioner filed supporting comments and a supplemental engineering statement.<sup>1</sup> No other comments were received.

2. Petitioner filed comments stating its proposal will serve the public interest by providing Taylor with its first full-time local service and first FM service.<sup>2</sup> In support of its proposal, petitioner submits that reallocation Channel 282C2 from Temple to Taylor will result in 636,046 persons gaining a new service in area of 4,904 square kilometers, while 240,006 persons will lose the existing service from Station KKIK-FM in an area of 3,719 kilometers. It further contends that the persons residing in the area losing service from Station KKIK-FM receive service from minimum of four FM stations and two AM stations.

<sup>1</sup> Petitioner's supplemental engineering statement was received after the date established for filing comments herein and was accompanied by a motion to accept. We will consider petitioner's supplemental in light of the fact that it is corrective in nature and would not require the denial or dismissal of another timely filed proposal for use of the spectrum

<sup>2</sup> Petitioner states that the Notice inadvertently credits Taylor, Texas, with the allotment of Channel 221A. It submits that Channel 221A was reassigned from Taylor to Hutto, Texas, and Station KIKY(FM) is presently operating as a licensed facility on that channel in Hutto. Review of Commission's records confirms petitioner's statement that a major change application (BPH-821203AD) was granted on December 20, 1985, reallocation Channel 221A from Taylor to Hutto. Thus petitioner's petition for rule making represents a proposal to allot a first local FM service to Taylor rather than a second local FM service.

3. Based on the information presented in this proceeding and our own engineering review, we believe the public interest would be served by reallocating Channel 282C2 from Temple to Taylor, Texas, since it would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990). The reallocation will not remove Temple's sole local transmission service as Stations KLTD-FM and KTEM(AM) will remain in the community. Taylor, with a 1990 U.S. Census population of 11,472 persons, will receive its first local FM service. Our engineering analysis shows that the reallocation of Channel 282C2 to Taylor will enable Station KKIK-FM to serve 609,479 persons in an area of 5,551 square kilometers. We recognize that the removal of Station KKIK-FM from Temple will result in a loss of service to 221,473 persons within an area of 4,335 square kilometers. However, our engineering studies have confirmed that the population within the loss area will continue to receive service from a minimum of four FM and two AM stations. Thus the reallocation of Channel 282C2 will not create any unserved or under-served areas.

4. Channel 282C2 can be allotted to Taylor consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules.<sup>3</sup> The site is 6.4 kilometers (4.0 miles) southwest of Taylor.

5. 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 October 27, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Temple, Texas	269C3
Taylor, Texas	282C2

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Stellar Communications, Inc. for Station KKIK-FM, IS MODIFIED to specify operation on Channel 282C2 at Taylor, Texas, in lieu of Temple, Texas, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

<sup>3</sup> The coordinates for Channel 282C2 at Taylor 30-31-18 and 97-26-40.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and /or upgrade. As a result of this proceeding, Stellar Communications, Inc., licensee of Station KKIK-FM, is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

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

9. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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