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Federal Communications Commission

DA 98-2203

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-7
Table of Allotments,)	RM-9211
FM Broadcast Stations.)	RM-9261
(Roxton, Texas and)	
Soper, Oklahoma) ¹)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 21, 1998

Released: October 30, 1998

By the Chief, Allocations Branch:

1. In response to a petition filed by Lake Broadcasting, Inc. ("Lake"), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 2158 (1998), requesting the allotment of Channel 274A at Roxton, Texas, as that community's first local aural transmission service. Soper Broadcasting company ("SBC") filed a counterproposal in response to the Notice.² On March 23, 1998, Lake filed comments withdrawing its request for allotment of Channel 274A at Roxton, Texas.³ Robert S. Sullins ("Sullins") filed comments in response to the counterproposal.

2. The counterproposal filed by SBI requests the allotment of Channel 274A at Soper, Oklahoma, as that community's first local service. In support of its proposal, SBI states that it will construct a new FM station at Soper if it is granted a construction permit. According to SBI the city of Soper, Oklahoma, is a community for allotment purposes as it is governed by its own Mayor and Board of Trustees and is served by a City Clerk and City Treasurer. SBI points out that Soper has its own fire department and water service, school system, various churches, as well as numerous businesses and recreational activities. To accommodate allotments at both communities, SBI proposed the substitution of Channel 255A for Channel 274A at Roxton. SBI contends that Channel 255A can be allotted to Roxton, Texas, in

¹ The community of Soper, Oklahoma, has been added to the caption.

² Public notice of the counterproposal was given on April 23, 1998, Report No. 2271.

³ Lake withdrew its expression of interest in the allotment of Channel 274A at Roxton, Texas, in accordance with Section 1.420 of the Commission's Rules. Lake provided a certificate signed by its president attesting that neither Lake nor its principals have received or will receive any consideration in exchange for withdrawing its proposal for an allotment at Roxton.

compliance with the Commission's spacing requirements providing a first local service to that community.

3. Sullins, licensee of Station KMAD, Channel 272A, Madill, Oklahoma, responded to the counterproposal in this proceeding. Sullins points out that in MM Docket No. 95-126, 11 FCC Rcd 5316 (1996), Channel 273A was substituted for Channel 272A at Madill and its license for Station KMAD modified accordingly. Sullins points out that it has filed a one-step application to operate a class C2 station on Channel 273 (BPH-980429IH) and that grant of SBI's counterproposal would impact its one-step application.

4. Conflicting proposals, such as have been filed in this proceeding, are comparatively considered under the guidelines set forth in Revision of FM Assignment and Policies and Procedures, 90 FCC Rcd 2d 88 (1982).⁴ However, since Lake has withdrawn its interest in the allotment of Channel 274A at Roxton, Texas, and no other comments have been received supporting the allotment of a channel in the community, no further consideration will be given to an allotment at Roxton. In an attempt to accommodate the one-step application for Madill and a new allotment at Soper, a Commission engineering analysis indicates that Channel 243A can be allotted to Soper, Oklahoma, in compliance with the spacing requirements with a site restriction.⁵ The use of an alternate channel will provide Soper with first local service, while at the same time, removing any possible conflict with the one-step application for Channel 273C2 at Madill, allowing for commencement of a new service in that community.

5. In view of the above, we believe that the public interest would be served by allotting Channel 243A to Soper, Oklahoma. 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 December 14, 1998, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Soper, Oklahoma	243A

6. IT IS FURTHER ORDERED, That the petition filed by Lake Broadcasting, Inc. (RM-9211) IS DISMISSED.

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

⁴ The 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 given to priorities (2) and (3).]

⁵ The coordinates for Channel 243A at Soper are 34-01-56 and 95-45-55. The site restriction is 6.5 kilometers (4.0 miles) west of the community.

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 243A at Soper, Oklahoma, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
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