

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

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MM Docket No. 98-165  
Table of Allotments, ) RM-9322  
FM Broadcast Stations. )  
(Refugio, Texas )

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: March 3, 1999**

**Released: March 12, 1999**

By the Chief, Allocations Branch:

1. In response to a petition filed by WAB Broadcasting ("WAB"), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 17762 (1998), seeking the allotment of Channel 263A at Refugio, Texas. WAB filed comments reiterating its intention to apply for Channel 263A at Refugio, Texas. Pacific Broadcasting of Missouri, LLC, ("Pacific"), licensee of Station KTKY, Refugio, Texas, filed comments supporting the allotment of Channel 263A at Refugio.
2. We believe the public interest would be served by allotting Channel 263A to Refugio, Texas, as it will provide the community with an additional broadcast service. Channel 263A can be allotted to Refugio, in compliance with the minimum distance separation requirements of the Commission's Rules, provided there is a site restriction 5 kilometers (3.1 miles) north of the community.<sup>1</sup> Since Refugio is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican government has been obtained for this allotment.
3. 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 April 26, 1999, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

<sup>1</sup> The coordinates for Channel 263A at Refugio are 28-21-00 NL and 97-16-30 WL.

Community	Channel Number
Refugio, Texas	263A, 291C <sup>2</sup>

4. A filing window for Channel 263A at Refugio, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

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

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 236A at Rio Grande City, Texas, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERALCOMMUNICATIONSCOMMISSION

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

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<sup>2</sup> One-step application requests substitution of Channel 293C3 for Channel 291C3 (BPH-980608IB).