

FCC MAIL SECTION

Federal Communications Commission

DA 99-1290

JUL 2 3 39 PM '99

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

In the Matter of)
)
 Amendment of Section 73.202(b),) MM Docket No. 98-125
 Table of Allotments,) RM-9301
 FM Broadcast Stations.)
 (Lufkin, Texas)

**REPORT AND ORDER
 (Proceeding Terminated)**

Adopted: June 23, 1999

Released: July 2, 1999

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Russell L. Lindley ("Lindley"), the Commission has before it for consideration the Notice of Proposed Rule Making, 13 FCC Rcd 13372 (1998), requesting the allotment of Channel 230A at Lufkin, Texas, as that community's third local FM broadcast service. Lindley filed comments supporting the allotment of Channel 230A at Lufkin. Grapeland Broadcasting Company ("Grapeland Broadcasting") filed a counterproposal.¹ Lindley and Grapeland Broadcasting filed joint reply comments.²

2. We believe the public interest would be served by allotting Channel 230A to Lufkin, Texas, as it will provide the community with additional broadcast service. Channel 230A can be allotted to Lufkin in compliance with the minimum distance separation requirements of the

¹ Grapeland Broadcasting proposed the allotment of Channel 232C2 at Grapeland, Texas, at a site 24.4 kilometers southeast of the community (31-22-08 and 95-16-02). At that site, Channel 232C2 is short spaced to the vacant allotment site for Channel 232A, Cameron, Texas. To remove the conflict with Cameron, Grapeland Broadcasting further proposed the substitution of Channel 286A for Channel 232A at Cameron, Texas. Although Channel 286A can be allotted to Cameron at the sites specified in two pending applications, Channel 286A does not work at the vacant allotment site for Channel 232A, Cameron, which must be protected until a permittee is selected. Channel 286A at the allotment site for Channel 232A (30-57-00 and 96-54-07) is short spaced to Station KYKS, Channel 286C, Lufkin, Texas. Therefore, the counterproposal filed by Grapeland Broadcasting is unacceptable and has not been put on public notice.

² In joint comments, Lindley and Grapeland Broadcasting propose an alternate site for Channel 232C2 at Grapeland, Texas, that is 5.5 kilometers (3.4 miles) southeast of the community (31-27-13 and 95-26-35). At that site Channel 232C2 is not mutually exclusive with the proposed allotment of Channel 230A at Lufkin, Texas in this proceeding and remains short spaced to the vacant allotment site for Channel 232A at Cameron, Texas, and to the two applications on file for that channel.

Commission's Rules without a site restriction.³

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 August 16, 1999, 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
Lufkin, Texas	230A, 257C2, 286C

4. A filing window for Channel 230A at Lufkin, 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 the counterproposal filed by Grapeland Broadcasting Company IS DISMISSED.

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

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 230A at Lufkin, 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

³ The coordinates for Channel 230A at Lufkin are 31-20-48 and 94-43-0-30.