

FCC MAIL SECTION

Federal Communications Commission

DA 99-2698

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

DISPATCHED BY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 99-23
Table of Allotments,)	RM-9423
FM Broadcast Stations.)	RM-9767
(Tipton, Mangum, Eldorado and Granite,)	
Oklahoma, and Archer City, Texas) ¹)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 24, 1999

Released: December 3, 1999

By the Chief, Allocations Branch:

1. The Commission has before it the Notice of Proposed Rule Making, 14 FCC Rcd 1068 (1999), proposing the allotment of Channel 249C2 to Tipton, Oklahoma, as the community's first local aural service, at the request of Good Government Radio ("Good Government"). To accommodate the allotment at Tipton, the Notice also proposed the substitution of Channel 282A for Channel 249A at Mangum, Oklahoma, the modification of Station KHIM's license accordingly, and the substitution of Channel 245A for unoccupied and unapplied for Channel 246A at Eldorado, Oklahoma. Good Government filed comments reiterating its intention to apply for the channel, if allotted. Comments and a counterproposal were also filed by Texas Grace Communications ("Texas Grace") requesting the substitution of Channel 248C1 for Channel 248C2 at Archer City, Texas, the modification of Station KRZB's construction permit accordingly, and the allotment of Channel 282C3 to Granite, Oklahoma, as the community's first local aural service.² Texas Grace states that it will apply for both Channel 248C1 at Archer City and Channel 282C3 at Granite, if allotted. Texas Grace also proposed in its counterproposal that the Tipton allotment be accommodated by allocating Channel 275C2 in lieu of Channel 249C2, which also would not require channel substitutions at either Mangum or Eldorado. Reply comments were filed by Texas Grace and jointly by WBAP/KSCS Operating, Ltd. ("WBAP") and Blue Bonnet Radio, Inc. ("Blue Bonnet").³

¹ The communities of Granite, Oklahoma, and Archer City, Texas, have been added to the caption.

² Public Notice of the filing of the counterproposal was given on November 4, 1999, Report No. 2369.

³ In addition to the initial comments and reply comments, Texas Grace filed "Essential Supplemental Comments" and a motion for their acceptance. Responses to the supplemental comments were filed by Mark N. Lipp, on his own behalf, by Paul Reynolds, on his own behalf, and by Ellinor Nelson, on behalf of Good Government. Texas Grace also filed an "Amendment to Pending KRZB Facility Form 301 Application and Corrective Amendment to Essential Supplemental Comments." Subsequently, Good Government filed a request to withdraw its petition for Channel 249C2 at Tipton. Texas Grace also filed "Elimination of Conflict with Other Parties; and Request for Acceptance of Components of Texas Grace Communications' Counterproposal" in which it withdraws the supplemental comments it filed and also requests the substitution of new coordinates for Channel 284C1 at Archer City. In accordance with Section 1.420(j) of

2. In its counterproposal, Texas Grace states that substituting Channel 248C1 for the present Class C2 at Archer City, and modifying Station KRZB's construction permit accordingly, serves the public interest since it would enable the station to provide a new reception service to 168,901 persons, or an additional 34,798 persons, within an area almost double that possible on Channel 248C2. It also states that Granite is deserving of its own local aural service. It states that Granite is an incorporated community with a 1990 U.S. Census population of 1,844 people. Granite has a mayor and city council form of government and has its own police and fire departments. In addition, Texas Grace states that Granite provides its residents with municipal water, gas, electric and sewer service, as well as its own educational system.

3. We believe the public interest would be served by substituting Channel 248C1 for Channel 248C2 at Archer City, Texas, since it could provide the community with an expanded radio service and also enable Station KRZB to expand its coverage area. As requested, and in accordance with Section 1.420(g) of the Commission's Rules, we will modify Station KRZB's construction permit to specify operation on the higher powered channel. In addition, we believe the public interest would be served by allotting Channel 282C3 to Granite, Oklahoma, as the community's first local aural service.

Technical Summary

4. Channel 248C1 can be allotted to Archer City, Texas, in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.9 kilometers (13.6 miles) west to accommodate Texas Grace's requested site. Channel 282C3 can be allotted to Granite, Oklahoma, with a site restriction of 1.2 kilometers (.76 miles) east to avoid a short-spacing to Station KQFX, Channel 282C1, Borger, Texas.⁴

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 January 18, 2000, 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:

the Commission's Rules, Good Government states that it was neither paid nor promised any money or other consideration in exchange for withdrawing its rule making request. Accordingly, we will dismiss its proposal to allot Channel 249C2 to Tipton and the associated channel changes at Mangum and Eldorado. The reply comments of WBAP/Blue Bonnet point out that Channel 275C2 is not available for allotment at Tipton because of a conflict with its earlier filed counterproposal in MM Docket 98-198 requesting the substitution of Channel 276A for Channel 272A at Vernon, Texas. With the withdrawal of the Tipton proposal, these reply comments are moot and therefore will not be discussed.

⁴ The coordinates for Channel 248C1 at Archer City, Texas, are 33-36-58 North Latitude and 98-51-42 West Longitude. The coordinates for Channel 282C3 at Granite, Oklahoma, are 34-57-38; 99-22-00.

<u>City</u>	<u>Channel No.</u>
Granite City, Oklahoma	282C3
Archer City, Texas	248C1

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Texas Grace Communications for Station KRZB, Archer City, Texas, IS MODIFIED to specify operation on Channel 248C1, in lieu of Channel 248C2, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the permittee 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.

(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, Texas Grace Communications, permittee of Station KRZB, 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. A filing window for Channel 282C3 at Granite, Oklahoma, 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.

9. IT IS FURTHER ORDERED, That the petition for rule making filed by Good Government Radio to allot Channel 249C2 to Tipton, Oklahoma, substitute Channel 282A for Channel 249A at Mangum, Oklahoma, and substitute Channel 245A for Channel 246A at Eldorado, Oklahoma (RM-9423), IS DISMISSED.

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

11. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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