FCC MAIL SECTION
MAR 23 10 37 AM '00

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FCC 00M-21

00038

In re Applications of	)	MM Docket No. 99-153
	)	
READING BROADCASTING, INC.	)	File No. BPCT-940407KF
	)	
For Renewal of License of	)	
Station WTVE(TV), Channel 51	)	
Reading, Pennsylvania	)	
	)	
and	)	
	)	
ADAMS COMMUNICATIONS CORPORATION	)	File No. BPCT-940630KG
	)	
For Construction Permit for a New	)	
Television Station to Operate on	)	
Channel 51, Reading, Pennsylvania	)	

ORDER

Issued: March 20, 2000 Released: March 21, 2000

For cause shown, IT IS ORDERED that the Motion For Extension Of Time In Which To File Statement Concerning Rebuttal filed by Adams Communications Corporation on March 17, 2000, IS GRANTED.

IT IS FURTHER ORDERED that Adams Communications Corporation shall file a Statement Concerning Rebuttal **by 2:00 p.m., Friday, March 24, 2000.**

FEDERAL COMMUNICATIONS COMMISSION[1]

Richard L. Sippel
Administrative Law Judge

[1] Copies of this Order were-mailed to counsel on date of issuance.

FCC MAIL SECTION

DOCKET FILE COPY ORIGINAL

MAR 23 10 37 AM '00

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

In the Matter of	)	
Amendment of Section 73.202(b),	)	MM Docket No. 98-198
Table of Allotments,	)	RM-9304
FM Broadcast Stations.	)	RM-9492
(Cross Plains, Allen, Benbrook, Brownwood,	)	RM-9548
Burkburnett, Campbell, Clifton, Coleman,	)	RM-9547
Commerce, Detroit, Graham, Granbury,	)	
Haskell, Kerens, Mason, Jacksboro,	)	
McKinney, Muenster, San Saba, Snyder, Terrell,	)	
Vernon,Waco, and Wichita Falls, Texas; Alva,	)	
Anadarko, Antlers, Ardmore, Atoka, Comanche,	)	
Dickson, Duncan, Durant, Eldorado,	)	
Hugo, and Lone Grove, Oklahoma)	)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 8, 2000 **Released:** March 21, 2000

By the Chief, Allocations Branch:

1. The Commission has before it the Notice of Proposed Rule Making in this proceeding, 13 FCC Rcd 20965 (1998). First Broadcasting Management, LLC, KCYT-FM License Corporation and Gain-Air, Inc. (collectively referred to as "First Broadcasting") filed a Counterproposal.[1] WBAP/KSCS Operating, Ltd. and Blue Bonnet Radio, Inc. (collectively referred to as "Blue Bonnet") filed a Counterproposal. Gulfwest Broadcasting Company and Sonoma Media Corporation ("Gulfwest-Sonoma") filed Comments and Counterproposal.[2] Heftel Broadcasting Corporation, Metro Broadcasters-Texas, Inc., Jerry Snyder and Associates, Inc. and Hunt Broadcasting, Inc. (collectively referred to as "Heftel-Hunt") filed Joint Counterproposal and Global Resolution of MM Docket Nos. 97-26 and 97-91. First Broadcasting filed a Supplement to Counterproposal and a Second Supplement to Counterproposal. Heftel-Hunt filed a Supplement to Joint Counterproposal and Global Resolution of MM Docket Nos. 97-26 and 97-91. Blue Bonnet filed a Supplement to

[1] Chuckie Broadcasting Company, KZDL License Co., LLC and KZDF License Co., LLC were also listed as counterproponents.

[2] Gulfwest Broadcasting Company and Sonoma Media Corporation also filed Reply Comments. First Broadcasting and Blue Bonnet filed Joint Reply Comments directed against the Counterproposal filed by Gulfwest Broadcasting Company and Sonoma Media Corporation.

Counterproposal.

Background

2. At the request of Alatex Broadcasters, the Notice in this proceeding proposed the allotment of Channel 245C3 to Cross Plains, Texas, as a first local service. In response to the Notice, we received four joint counterproposals involving multiple parties and communities in Texas and Oklahoma. We will set forth each of these counterproposals below.

First Broadcasting

3. In its Counterproposal, First Broadcasting proposes two upgrades of existing allotments. Specifically, First Broadcasting proposes the substitution of Channel 294C for Channel 293A at Muenster, Texas, and modification of the license of Station KXGM-FM to specify operation on Channel 294C. Second, First Broadcasting proposes the substitution of Channel 296C3 for Channel 294A at Lone Grove, Oklahoma, and modification of the license of Station KYNZ to specify operation on Channel 296C3. To accommodate these two upgrades, First Broadcasting proposes channel changes, transmitter relocations and changes of community of license for three stations. First Broadcasting proposes the substitution of Channel 296A for Channel 295A at McKinney, Texas, reallotment of Channel 296A to Campbell, Texas, and modification of the Station KZDF license to specify operation on Channel 296A at Campbell. Second, First Broadcasting proposes the substitution of Channel 295A for Channel 296A at Terrell, Texas, reallotment of Channel 295A to Kerens, Texas, and modification of the Station KZDL license to specify operation on Channel 295A at Kerens. Third, First Broadcasting proposes the substitution of Channel 296C1 for Channel 294C at Granbury, Texas, reallotment of Channel 296C1 to Benbrook, Texas, and modification of the Station KDXT license to specify operation on Channel 296C1 at Benbrook. All of these proposals require a transmitter site relocation for which the respective licensees have consented. In addition, these proposals require channel substitutions and license modifications at seven communities in Texas and Oklahoma. Included among these substitutions was the substitution of Channel 245C1 for Channel 281C1 at Brownwood, Texas, and the modification of the Station KXYL license to specify operation on Channel 245C1. The proposed Channel 245C1 substitution at Brownwood conflicts with the proposed Channel 245C3 allotment at Cross Plains set forth in the Notice.[3]

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[3] In regard to the other six proposals, First Broadcasting proposes the substitution of Channel 272C3 for Channel 296C3 at Coleman, Texas, and modification of the Station KSTA license to specify operation on Channel 272C3. Second, it proposes the substitution of Channel 292A for Channel 296A at Durant, Oklahoma, and modification of the Station KLBC license to specify operation on Channel 292A. Third, it proposes the substitution of 281C3 for Channel 277C3 at Clifton, Texas, and modification of the Station KWOW license to specify operation on Channel 281C3. Fourth, it proposes the substitution of Channel 277A for Channel 296A at Waco, Texas, and modification of the Station KWBU license to specify operation on Channel 277A. Fifth, it proposes the substitution of Channel 234C3 for Channel 296C3 at Graham, Texas, and modification of the Station KWKQ license to specify operation on Channel 234C3. Sixth, it

Blue Bonnet

4. In its Counterproposal, Blue Bonnet proposes the substitution of Channel 277C for Channel 277C2 at Commerce, Texas, reallotment of Channel 277C to Allen, Texas, and modification of the Station KEMM license to specify operation on Channel 277C at Allen. [4] In order to accommodate this upgrade and reallotment, Blue Bonnet proposes the substitution of Channel 272C1 for Channel 277C1 at Wichita Falls, Texas, and modification of the Station KWFS license to specify operation on Channel 272C1. The licensee of Station KWFS has consented to this proposed modification and transmitter site change. In order to allot Channel 272C1 at Wichita Falls, Blue Bonnet proposes three channel substitutions. First, Blue Bonnet proposes the substitution of Channel 276A for Channel 272A at Vernon, Texas, and modification of the Station KVWC license to specify operation on Channel 276A. Second, Blue Bonnet proposes the substitution of Channel 246A for Channel 272A at Duncan, Oklahoma, and modification of the Station KKEN license to specify operation on Channel 246A. Third, Blue Bonnet proposes the substitution of Channel 280A for Channel 273A at Wichita Falls, Texas, and modification of the Station KQXC license to specify operation on Channel 280A. In order to allot Channel 246A to Duncan, Blue Bonnet proposes the substitution of Channel 287A for Channel 246A at Comanche, Oklahoma, and modification of the Station KDDQ license to specify operation on Channel 287A at a new transmitter site. In order to allot Channel 280A to Wichita Falls, Blue Bonnet proposes the substitution of Channel 278C for Channel 279C1 at Anadarko, Oklahoma, and modification of the Station KRPT to specify operation on Channel 278C. In order to allot Channel 278C to Anadarko, Blue Bonnet proposes the substitution of Channel 248C2 for Channel 278C1 at Alva, Oklahoma.[5] Blue Bonnet also notes that the proposed Channel 278C allotment also requires the substitution of Channel 298C3 for vacant Channel 278C3 at Wellington, Texas, at the existing reference coordinates. In regard to the conflicting Channel 278C3 allotment at Dickson, Oklahoma, Blue Bonnet proposes an alternate Channel 224A allotment. In this regard, Blue Bonnet has provided a statement from each of the four pending applicants for the Dickson allotment referring to a study by the Federal Aviation Administration noting allotment at electromagnetic interference (EMI) caused by the existing Channel 278C3 allotment at Dickson. These applicants have agreed to amend their respective applications to specify the new channel at a new transmitter site. In order to allot Channel 277C to Allen, Blue Bonnet proposes the substitution of Channel 298A for Channel 276C2 at Atoka, Oklahoma, and modification of the Station KHKC license to specify operation on Channel 298A. The licensee of Station KHKC has agreed to the channel change and the change in transmitter site. The proposed Channel 277C upgrade and reallotment to Allen, Texas, also requires a channel substitution at Clifton, Texas. To this end, Blue Bonnet proposes the substitution of Channel 281C3 for Channel

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proposes the substitution of Channel 291A for Channel 246A at San Saba, Texas, and modification of the Station KBAL license to specify operation on Channel 291A.

[4] As stated earlier, Blue Bonnet is composed of Blue Bonnet Radio, Inc. and WBAP/KSCS Operating, Ltd. Blue Bonnet Radio, Inc. is the licensee of Station KEMM and WBAP/KSCS Operating, Ltd. holds an option to acquire Station KEMM.

[5] George S. Flinn, Jr., the sole applicant for this allotment (File No. BPH-970306MD), has submitted a statement indicating his willingness to amend his application to specify operation on Channel 248C2 at a different transmitter site.

277C3 at Clifton, and modification of the Station KWOW license to specify operation on Channel 281C3. In order to allot Channel 281C3 to Clifton, Blue Bonnet proposes the substitution of Channel 245C1 for Channel 281C1 at Brownwood, Texas, and modification of the Station KXYL license to specify operation on Channel 281C1.[6] Finally, in order to accommodate the Channel 245C1 allotment at Brownwood, Blue Bonnet proposes the substitution of Channel 291A for Channel 246A at San Saba, Texas, and modification of the Station KBAL license to specify operation on Channel 291A.

Gulfwest-Sonoma

5. The third Counterproposal was filed by Gulfwest Broadcasting Company, licensee of Station KVCQ, Channel 249C3, Cuero, Texas, and Sonoma Media Corporation, proposed licensee of Station KVCQ. In this Counterproposal, these parties propose the substitution of Channel 249C2 for Channel 249C3, reallotment of Channel 249C2 to Luling, Texas, and modification of the Station KVCQ license to specify operation on Channel 249C2 at Luling. In order to accommodate this upgrade and reallotment, these petitioners have proposed multiple channel changes that interrelate with channel changes proposed in the above two counterproposals.[7] Rawhide Radio, LLC ("Rawhide Radio") is now the licensee of Station KVCQ and has stated its intention to go forward with this Counterproposal.

Heftel-Hunt

6. Heftel Broadcasting Corporation, Metro Broadcasters-Texas, Inc., Jerry Snyder and Associates, Inc. and Hunt Broadcasting, Inc. filed a Joint Counterproposal and Global Resolution of MM Docket Nos. 97-26 and 97-91.[8] In the Joint Counterproposal, Heftel-Hunt sets forth multiple channel substitutions including a proposed substitution of Channel 246C1 at Haskell, Texas, which

[6] The proposed substitution of Channel 245C1 at Brownwood conflicts with the proposed Channel 245C3 allotment at Cross Plains set forth in the Notice. This is also the same substitution set forth by First Broadcasting in its Counterproposal,

[7] On February 16, 1999, Alalatex Broadcasters filed a statement withdrawing its interest in a new allotment at Cross Plains, Texas. In accordance with Section 1.420(j) of the Rules, Alalatex Broadcasters also filed a statement that neither it nor any of affiliated party has or will receive consideration for the withdrawal of its proposal. Accordingly, we will not consider any allotment proposal for Cross Plains in this proceeding.

[8] On August 21, 1998, we released the Report and Order in MM Docket No. 97-26 and MM Docket No. 97-91. 13 FCC Rcd 15591 91998). In that Report and Order, we allotted Channel 294C2 to Detroit, Texas, and Channel 222C2 to Antlers, Oklahoma. In addition, we modified the construction permit of Station KECS, Channel 300C2, Gainesville, Texas, to specify operation on Channel 300C1 at Lewisville, Texas, and modified the license of Station KICI, Channel 300C1, Corsicana, Texas, to specify operation on Channel 300A at Robinson, Texas. In order to accommodate these two reallotments, we modified the construction permit of Station KJKB, 299A, Jacksboro, Texas, to specify operation on Channel 237A. Thereafter, two Applications for Review and a Petition for Reconsideration were filed directed against that Report and Order.

conflicts with the proposed Channel 245C3 allotment at Cross Plains. According to Heftel-Hunt, this Joint Counterproposal will render moot the two pending Applications for Review and Petition for Reconsideration directed to the Report and Order in MM Docket No. 97-26 and 97-91. We will discuss these channel substitutions below.

7. In its Joint Counterproposal, Heftel-Hunt proposes the substitution of Channel 238A for Channel 237A at Jacksboro, Texas, and the modification of the Station KJKB construction permit to specify operation on Channel 238A. Hunt Broadcasting, Inc., permittee of Station KJKB, has agreed to the proposed new channel at a new site provided it is reimbursed for the costs in implementing this modification of the Station KJKB construction permit. In order to allot Channel 238A to Jacksboro, it is necessary to modify the license of Station KVRP, Channel 238C1, Haskell, Texas, to specify operation on Channel 246C1. To this end, on November 19, 1999, we released an Order to Show Cause directed to Rolling Plains Broadcasting, licensee of Station KVRP, to show cause why its Station KVRP license should not be modified to specify operation on Channel 246C1. 14 FCC Rcd 19410 (1999). To accommodate Channel 246C1 at Haskell, Heftel-Hunt proposes the substitution of 245A for vacant Channel 246A at Eldorado, Oklahoma, and the substitution of Channel 249A for Channel 246A at Snyder, Texas. In addition, Chuckie Broadcasting Company, licensee of Station KKAJ, Channel 239C1, Ardmore, Oklahoma, has agreed to relocate its transmitter site to accommodate Channel 238A at Jacksboro.

Discussion

8. As requested in the First Broadcasting Counterproposal, we are substituting Channel 294C for Channel 293A at Muenster, Texas, and are modifying the license of Station KXGM-FM to specify operation on Channel 294C.[9] This upgrade will result in a net service gain to 23,940 square kilometers containing 2,912,627 persons. In order to accommodate Channel 294C at Muenster, we are substituting Channel 282C2 for vacant Channel 294C2 at Detroit, Texas.[10] The channel substitution at Detroit also requires that we substitute Channel 272A for vacant Channel 284A at Antlers, Oklahoma.[11] To accommodate the Channel 294C substitution at Muenster, we are also substituting Channel 296C1 for Channel 294C at Granbury, Texas, reallotting Channel 296C1 to Benbrook, Texas, and are modifying the license of Station KDXT to specify operation on Channel 296C1 at Benbrook.[12] This will result in a preferential arrangement of allotments as required by the Commission in Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License"), 4 FCC Rcd 4870 (1989), recon., 5 FCC Rcd 7094 (1990). In reaching this determination,

[9] The reference coordinates for the Channel 294C allotment at Muenster, Texas, are 33-26-13 and 97-29-05.

[10] The reference coordinates for the Channel 282C2 allotment at Detroit, Texas, are 33-47-21 and 95-33-07.

[11] The reference coordinates for the Channel 272A allotment at Antlers, Oklahoma, are 34-18-05 and 95-33-06.

[12] The reference coordinates for the Channel 296C1 allotment at Benbrook, Texas, are 32-26-17 and 97-49-06.

we compared the existing versus the proposed arrangement of allotments using the FM priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC2d 88 (1988).[13] This will provide a first local service to Benbrook, with a population of 19,564 persons, while Granbury will continue to receive local service from Station KPAR. This reallotment will result in a net gain in service to 831,172 persons. We also note that the reallotment will result in 3,727 persons losing a fifth aural service, 176 persons losing a fourth aural service, and 63 persons losing a third aural service. KCYT-FM License Corporation, a co-petitioner in this proceeding, has consented to this modification of its license.

9. We recognize that Benbrook is located within the Dallas-Fort Worth Urbanized Area. We are concerned with the potential migration of stations from lesser served rural areas to well-served urban areas. To this end, we will not blindly apply a first local service preference of the FM allotment priorities when a station seeks to reallot its channel to a suburban community in or near an Urbanized Area. In making such a determination regarding a proposal to award a first local service preference, we apply existing precedents. See e.g. Huntington Broadcasting Co. v. FCC, 192 F.2d 33 (D.C. Cir. 1951); RKO General, Inc. (KFRC), 5 FCC Rcd 3222 (1990); Faye and Richard Tuck, 3 FC Rcd 5374 (1988). In essence, we consider the extent the station will provide service to the entire Urbanized Area, the relative populations of the suburban and central city, and, most importantly, the independence of the suburban community.

10. In this situation, Benbrook, with a population 19,564 persons, is entitled to a preference as a first local service. While this population is only 4.4% of the population of Fort Worth, we note that such a percentage has not precluded favorable consideration as a first local service. See e.g. Ada, Newcastle and Watonga, Oklahoma, 11 FCC Rcd 16896 (1996); Bay St. Louis and Poplarville, Mississippi, 10 FCC Rcd 13144 (1995); and Scotland Neck and Pinetops, North Carolina, 7 FCC Rcd 5113 (1992). We also note that the proposed 70 dBu signal contour will not reach Fort Worth. In any event, the Commission has stated that these factors have less significance than evidence of independence. See e.g., Headland Alabama, and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995). Consistent with the factors set forth in Faye and Richard, Tuck, we conclude that Benbrook is not dependent upon the Dallas-Fort Worth Urbanized Area for its existence. Benbrook is an incorporated community with its own local government employing 82 fulltime employees. In addition to a mayor and a city council, Benbrook has its own police and fire departments as well as a Planning and Zoning Commission, Parks and Recreation Board, Economic Development Corporation, Water and Sewer Authority, and a municipal court. In addition to its own post office and zip code, Benbrook has a local newspaper. Benbrook has a Chamber of Commerce with numerous local businesses, health facilities, and civic organizations.

11. In order to allot Channel 294C to Muenster, it is necessary to make two other channel substitutions. First, as proposed by First Broadcasting, we are substituting Channel 296A for Channel

[13] The FM allotment priorities are: (1) First fulltime aural service; (2) second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

295A at McKinney, Texas, reallotting Channel 296A to Campbell, Texas, and modifying the Station KZDF license to specify operation on Channel 296A at Campbell.[14] This will provide a first local service to Campbell while noncommercial educational FM Station KNTU will continue to be licensed to McKinney. Moreover, McKinney will continue to receive service from seven stations. Second, we are substituting Channel 296C3 for Channel 294A at Lone Grove, Oklahoma, and are modifying the license of Station KYNZ to specify operation on Channel 296C3.[15] Chuckie Broadcasting Company, licensee of Station KYNZ and a counterproponent in this counterproposal, has agreed to this upgrade and transmitter relocation. This upgrade will result in additional service to 24,699 persons in an area of 2,335 square kilometers. These channel substitutions require related channel substitutions that will be discussed below.

12. The Channel 296C3 upgrade at Lone Grove, Oklahoma, requires two channel substitutions. First, we are substituting Channel 292A for Channel 296A at Durant, Oklahoma, and are modifying the license of Station KLBC to specify operation on Channel 292A.[16] First Broadcasting has submitted a statement from Durant Broadcasting Corporation, licensee of Station KLBC agreeing to the proposed modification.[17] Second, we are modifying the reference site for Channel 297C2 at Lawton, Oklahoma.[18] First Broadcasting has submitted a statement from Pat-Tower, Inc., licensee of Station KVRW, Channel 297C2, Lawton, Oklahoma, agreeing to file the appropriate application. See e.g. Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, Florida, 13 FCC Rcd 15542 (1998); see also, Thunderbolt Broadcasting Company, 13 FCC Rcd 1959 (1998).

13. In order to allot Channel 296A to Campbell, Texas, as discussed in paragraph 11, we are substituting Channel 295A for Channel 296A at Terrell, Texas, reallotting Channel 295A to Kerens, Texas, and are modifying the license of Station KZDL to specify operation on Channel 295A at Kerens.[19] This will provide a first local service to an incorporated community of 1,702 persons while Terrell will continue to receive local service from AM Station KPYK. We also note that Kerens is not located within an Urbanized Area and Station KZDL will not provide a 70 dBu signal to 50% of any

[14] KZDF License Co., L.L.C., licensee of Station KZDF, is one of the counterproponents in this proceeding. The reference coordinates for the Channel 296A allotment at Campbell, Texas, are 33-12-41 and 95-51-39.

[15] The reference coordinates for the Channel 296C3 allotment at Lone Grove, Oklahoma, are 34-15-01 and 97-07-42.

[16] The reference coordinates for the Channel 292A allotment at Durant, Oklahoma, are 34-00-07 and 96-25-19.

[17] In regard to Durant, Oklahoma, we note that the Station KLBC license had been upgraded to Channel 296C3 by a one-step application (File No. BMPH-940401IA). However, the Channel 296C3 construction permit was cancelled on August 7, 1996.

[18] The new reference coordinates for the Channel 297C2 allotment at Lawton, Oklahoma, are 34-37-35 and 98-19-05.

[19] The reference coordinates for the Channel 295A allotment at Kerens, Texas, are 32-08-15 and 96-19-10.

Urbanized Area.

14. In order to allot Channel 296C1 to Benbrook, Texas, we are substituting Channel 234C3 for Channel 296C3 at Graham, Texas, and are modifying the license of Station KWKQ to specify operation on Channel 234C3.[20] Graham Newspapers, Inc., licensee of Station KWKQ, has agreed to the new channel at a new transmitter site. In addition to accommodating Channel 296C1 at Benbrook, this license modification will result in a net gain in service to 11,335 persons while only 140 persons will lose service.

15. In order to allot Channel 296C1 to Benbrook, Texas, we are also substituting Channel 272C3 for Channel 296C3 at Coleman, Texas, and are modifying the license of Station KSTA-FM, Coleman, to specify operation on Channel 272C3.[21] This channel substitution can be implemented at the current Station KSTA-FM transmitter site and Watts Communications, Inc., licensee of Station KSTA-FM, has consented to this channel substitution.

16. The Channel 296C1 allotment at Benbrook also requires that we substitute Channel 277A for Channel 296A at Waco, Texas, and modify the license of Station KWBU to specify operation on Channel 277A.[22] This channel substitution can be implemented at the current Station KWBU transmitter site and Baylor University, licensee of Station KWBU, has consented to this channel substitution.

17. In order to allot Channel 277A to Waco, Texas, we are substituting Channel 281C3 for Channel 277C3 at Clifton, Texas, and are modifying the license of Station KWOW, Clifton, to specify operation on Channel 281C3.[23] M&M Broadcasters, Ltd., licensee of Station KWOW has submitted a statement agreeing to file the appropriate application to implement this channel substitution and license modification.

18. In order to allot Channel 281C3 to Clifton, Texas, we are substituting Channel 245C1 for Channel 281C1 at Brownwood, Texas, and are modifying the license of Station KXYL-FM, Brownwood, to specify operation on Channel 245C1.[24] This channel substitution can be accommodated at the existing Station KXYL-FM transmitter site, and Watts Communications, Inc., licensee of Station KXYL-FM has submitted a statement agreeing to this channel substitution.

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[20] The reference coordinates for the Channel 234C3 allotment at Graham, Texas, are 33-02-39 and 98-46-27.

[21] The reference coordinates for the Channel 272C3 allotment at Coleman, Texas, are 31-51-16 and 99-25-36.

[22] The reference coordinates for the Channel 277A allotment at Waco, Texas, are 31-31-51 and 97-09-10.

[23] The reference coordinates for the Channel 281C3 allotment at Clifton, Texas, are 31-47-40 and 97-27-17.

[24] The reference coordinates for the Channel 245C1 allotment at Brownwood, Texas, are 31-42-16 and 99-00-05.

19. In order to allot Channel 245C1 to Brownwood, Texas, we are substituting Channel 291A for Channel 246A at San Saba, Texas, and are modifying the license of Station KBAL, San Saba, to specify operation on Channel 291A.[25] Equicom, Inc., licensee of Station KBAL has submitted a statement agreeing to this channel substitution.

20. As requested in the Blue Bonnet Counterproposal, we are substituting Channel 277C for Channel 277C2 at Commerce, Texas, reallotting Channel 277C to Allen, Texas, and are modifying the license of Station KEMM to specify operation on Channel 277C at Allen.[26] This will provide Allen, with a 1990 U.S. Census population of 18,309 persons, with a first local service while the smaller community of Commerce, with a 1990 U.S. Census population of 6,825 persons, will retain local service from Station KETR. This will result in a net gain in service to 2,928,528 persons and a net gain area of 22,470 square kilometers. The entire current service area of Station KEMM will continue to receive five aural services. See Atlantic and Glenwood, Iowa, 10 FCC Rcd 3160 (1995).

21. We recognize that Allen is located within the Dallas-Fort Worth Urbanized Area and that Station KEMM will provide a 70 dBu signal to all of the Denton Urbanized Area. As stated earlier, we are concerned with the potential migration of stations from lesser served rural areas to well-served urban areas. For this reason, will not blindly apply a first local service preference of the FM allotment priorities when a station seeks to reallot its channel to a suburban community in or near an Urbanized Area. In making the determination regarding a proposal to award a first local service preference, we apply existing precedent. See Huntington Broadcasting Co. v. FCC, supra; Faye and Richard Tuck, supra. In essence, we consider the extent the station will provide service to the entire Urbanized Area, the relative populations of the suburban and central city, and, most importantly, the independence of the suburban community.

22. Allen is entitled to a preference as a first local service. While the population of Allen is 1.8% of the population of Dallas, 4.1% of the population of Fort Worth, and 27.8% of the population of Denton, such percentages have not precluded consideration as a first local service. See e.g Bay St. Louis and Poplarville, Mississippi, supra. We also note that the proposed 70 dBu contour will cover only 8.7% of the Dallas-Fort Worth Urbanized Area and will not reach any portion of Dallas or Forth Worth. In any event, the Commission has stated that these factors have less significance than evidence of independence. See e.g, Headland, Alabama, and Chattahoocee, Florida, supra. Consistent with the factors set forth in Faye and Richard Tuck, supra, we conclude that Allen is not dependent upon the Dallas-Fort Worth Urbanized Area for its existence. Allen is an incorporated community with its own local government with approximately 250 fulltime employees. It has a mayor and a city council with a city manager, city attorney, and municipal court judge. In addition to its own independent school district, Allen has its own police and fire department, parks and recreation, and public works

[25] The reference coordinates for the Channel 291A allotment at San Saba, Texas, are 31-11-26 and 98-42-55.

[26] The reference coordinates for the Channel 277C allotment at Allen, Texas, are 33-33-36 and 96-57-35.

department. Allen has its own post office, commercial establishments, health facilities, library, newspaper, churches and civic associations.

23. In order to allot Channel 277C to Allen, Texas, we are substituting Channel 272C1 for Channel 277C1 at Wichita Falls, Texas, and are modifying the license of Station KWFS to specify operation on Channel 272C1.[27] Apex Broadcasting, LLC, licensee of Station KWFS, has agreed to the channel substitution and transmitter site relocation.

24. The Channel 277C allotment at Allen also requires that we substitute Channel 271A for Channel 276C2 at Atoka, Oklahoma, and modify the license of Station KHKC, Channel 276C2, Atoka, to specify operation on Channel 271A.[28] Station KHKC currently operates on Channel 276A. In MM Docket No. 87-322, we modified the Station KHKC license to specify operation on Channel 276C2. Atoka, Oklahoma, 3 FCC Rcd 630 (1988). On February 5, 1999, we granted the application to implement that upgrade (File No. BPH-981109II). Ballard Broadcasting of Oklahoma, Inc., licensee of Station KHKC, has filed a statement agreeing to the channel substitution and transmitter site relocation. Moreover, WBAP/KSCS Operating, Ltd., proposed assignee of Station KHKC has also agreed to implement the channel substitution and transmitter relocation. Although Station KHKC has not commenced operation with Class C2 facilities, we note that in the area that would have been served, there are 83 persons receiving four aural services. The remaining population in this area receives five fulltime aural services which the Commission considers to be abundant. See LaGrange and Rollingwood, Texas, 10 FCC Rcd 3337 (1995).

25. The Channel 272C1 channel substitution at Wichita Falls requires three channel substitutions. To these ends, we are substituting 280A for Channel 273A at Wichita Falls, Texas, and are modifying the license of Station KQXC to specify operation on Channel 280A.[29] Cumulus Licensing Corporation, licensee of Station KQXC has agreed to the channel substitution and license modification. Second, we are substituting Channel 276A for Channel 272A at Vernon, Texas, and are modifying the license of Station KVWC to specify operation on Channel 276A.[30] KVWC, Inc., licensee of Station KVWC has also agreed to the channel substitution and license modification. Third, we are substituting 246A for Channel 272A at Duncan, Oklahoma, and are modifying the license of Station KKEN to specify operation on Channel 246A.[31] Monroe-Stephens Broadcasting, Inc., licensee of Station KKEN has agreed to the channel substitution and modification of its license. None of these

[27] The reference coordinates for the Channel 272C1 allotment at Wichita Falls, Texas, are 34-03-57 and 98-45-05.

[28] The reference coordinates for the Channel 271A allotment at Atoka, Oklahoma, are 34-29-22 and 96-08-07.

[29] The reference coordinates for the Channel 280A allotment at Wichita Falls, Texas, are 33-53-50 and 98-32-33.

[30] The reference coordinates for the Channel 276A allotment at Vernon, Texas, are 34-09-12 and 99-16-09.

[31] The reference coordinates for the Channel 246A allotment at Duncan, Oklahoma, are 34-30-43 and 97-58-05.

channel substitutions require a transmitter site relocation.

26. In order to allot Channel 246A to Duncan, we are substituting Channel 287A for Channel 246A at Comanche, Oklahoma, and are modifying the license of Station KDDQ to specify operation on Channel 287A at a new transmitter site.[32] Harold Cochran, licensee of Station KDDQ, has agreed to this license modification and transmitter site relocation. The deletion of Channel 246A at Comanche will also eliminate an existing short-spacing with Station KEGL, Channel 246C, Fort Worth, Texas. In turn the Channel 287A allotment at Comanche requires that we substitute Channel 284C1 for Channel 284C at Burkburnett, Texas, and modify the license of Station KYYI to specify operation on Channel 284C1.[33] Cumulus Licensing Corporation, licensee of Station KYYI, has agreed to this channel substitution and license modification at a new transmitter site. We also note that this is the same facility specified in the outstanding Station KYYI construction permit (File No. BPH-980115IC).

27. In order to allot Channel 280A to Wichita Falls, we are substituting Channel 278C for Channel 279C1 at Anadarko, Oklahoma, and are modifying the license of Station KRPT to specify operation on Channel 278C.[34] Monroe-Stephens Broadcasting, Inc., licensee of Station KRPT, has agreed to this channel substitution and transmitter site change. In this regard, we note that this upgrade will enable Station KRPT to serve an additional 19,820 square kilometers containing 237,054 persons. In order to allot Channel 278C to Anadarko, we are substituting Channel 248C2 for Channel 278C1 at Alva, Oklahoma.[35] George S. Flinn, Jr., applicant for the vacant Channel 278C1 allotment at Alva (File No. BPH-970306MD), has agreed to either amend his application or, if the application is granted, modify the construction permit to specify operation on Channel 248C2 at a new site. In accordance with Section 1.420(j) of the Rules, George S. Flinn has filed a statement that he has not and will not receive any compensation in excess of his legitimate and prudent expenses in implementing the channel substitution. The Channel 278C allotment at Anadarko also requires that we substitute Channel 298C3 for vacant Channel 278C3 at Wellington, Texas.[36] Finally, the Channel 278C allotment at Anadarko requires that we substitute Channel 224A for Channel 278C3 at Dickson, Oklahoma.[37] There are currently four applications on file for the Channel 278C3 allotment at Dickson. The Federal Aviation Administration has determined that each of these applications would cause electromagnetic interference (EMI) to air navigation stations. Each of the applicants has agreed to amend their respective

[32] The reference coordinates for the Channel 287A allotment at Comanche, Oklahoma, are 34-22-50 and 98-06-02.

[33] The reference coordinates for the Channel 284C1 allotment at Burkburnett, Texas, are 34-05-35 and 98-52-44.

[34] The reference coordinates for the Channel 278C allotment at Anadarko, Oklahoma, are 35-23-18 and 98-37-41.

[35] The reference coordinates for the Channel 248C2 allotment at Alva, Oklahoma, are 36-58-32 and 98-42-21.

[36] The reference coordinates for the Channel 298C3 allotment at Wellington, Texas, are 34-49-13 and 100-14-29.

[37] The reference coordinates for the Channel 224A allotment at Dickson, Oklahoma, are 34-07-17 and 96-58-49.

applications to specify operation on Channel 224A. In accordance with Section 1.420(j) of the Rules, these applicants have submitted statements that they have not or will not receive any consideration in excess of the legitimate and prudent costs of effectuating the channel substitution at a new transmitter site.

28. The Blue Bonnet Counterproposal requires three other channel substitutions that were also set forth in the First Broadcasting Counterproposal. Specifically, Blue Bonnet proposes the substitution of Channel 281C3 for Channel 277C3 at Clifton, Texas, the substitution of Channel 245C1 for 281C1 at Brownwood, Texas, and the substitution of Channel 291A for Channel 246A at San Saba, Texas. As discussed earlier, we have already substituted these channels in connection with the First Broadcasting Counterproposal and will not be discussed in our resolution of the Blue Bonnet Counterproposal.

29. At the request of Heftel-Hunt, we are substituting Channel 238A for Channel 237A at Jacksboro, Texas, and are modifying the Station KJKB construction permit to specify operation on Channel 238A.[38] Hunt Broadcasting, Inc., permittee of Station KJKB, has agreed to the channel substitution at a new transmitter site. In order to allot Channel 238A to Jacksboro, we are substituting Channel 246C1 for Channel 238C1 at Haskell, Texas, and are modifying the license of Station KVRP, Haskell, Texas, to specify operation on Channel 246C1.[39] Heftel-Hunt has agreed to reimburse Rolling Plains Broadcasting Corporation, licensee of Station KVRP, for the reasonable costs incurred in connection with this change in channel. This license modification is the result of an Order to Show Cause requiring Rolling Plains Broadcasting Corporation to show cause why its license should not be modified to facilitate a resolution of this proceeding and a related proceeding involving MM Docket No. 97-26 and MM Docket No. 97-91. In response to the Order to Show Cause, Rolling Plain Broadcasting Corporation consented to this modification of its license.

30. The Channel 246C1 allotment at Haskell requires channel substitutions at two communities. First, we are substituting Channel 255A for Channel 246A at Snyder, Texas.[40] Delbert Foree, permittee of the Channel 246A allotment at Snyder has agreed to this channel substitution which can be accommodated at his authorized transmitter site. We are also substituting Channel 245A for vacant Channel 246A at Eldorado, Oklahoma.[41]

31. In order to allot Channel 238A to Jacksboro, Texas, we are changing the reference

[38] The reference coordinates for the Channel 238A allotment at Jacksboro, Texas, are 33-19-53 and 98-10-54.

[39] The reference coordinates for the Channel 246C1 allotment at Haskell, Texas, are 33-09-40 and 99-48-57. This is the existing Station KVRP transmitter site.

[40] The reference coordinates for the Channel 255A allotment at Snyder, Texas, are 32-45-23 and 100-54-09.

[41] The reference coordinates for the Channel 245A allotment at Eldorado, Oklahoma, are 34-28-24 and 99-38-54. These are the same reference coordinates for the former Channel 246A allotment at Eldorado.

coordinates for Station KKAJ, Channel 239C1, Ardmore, Oklahoma.[42] Chuckie Broadcasting Company, licensee of Station KKAJ, has agreed to relocate its transmitter site in return for its reasonable costs in effectuating this relocation. See e.g. Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter Key Colony Beach, Naples and Tice, Florida, supra. At the new site, Station KKAJ will serve an additional 67,833 persons. To accommodate Channel 238A at Jacksboro, we are also changing the reference coordinates for the Station KYXS, Channel 240C1, Mineral Wells, Texas.[43] Jerry Snyder and Associates, Inc., licensee of Station KYXS, has agreed to this change in reference coordinates. These are the same coordinates specified in the pending Station KYXS application (File No. BPH-961125IG) to implement the Channel 240C1 upgrade at Mineral Wells. Finally, we note that the Channel 238A at Jacksboro conflicts with the pending proposal in MM Docket No. 96-12 by Metro Broadcasters-Texas, Inc., licensee of Station KHYI, 237C3, Howe, Texas, for an upgrade to Channel 237C2. Metro Broadcasters-Texas, Inc. has agreed to change the proposed transmitter site for its Channel 237C2 upgrade in MM Docket No. 96-12 without payment or promise of payment from any party.[44]

Rawhide Radio

32. In its Counterproposal, Rawhide Radio (formerly Gulfwest-Sonoma) proposes the substitution of Channel 249C2 for Channel 249C3 at Cuero, Texas, reallotment of Channel 249C2 to Luling, Texas, and modification of its Station KVCQ license to specify operation on Channel 249C2 at Luling. In order to accommodate this upgrade and reallotment, Rawhide Radio proposes the substitution of Channel 281C2 for Channel 249C2 at Mason, Texas.[45] Rawhide Radio also proposes the allotment of Channel 280A to Cuero as a replacement service. Against this background, on December 3, 1999, we released a Notice of Proposed Rule Making in MM Docket No. 99-342. At the request of John R. Furr, permittee of a construction permit (File No. BPH-960926MF) for the Channel 281A at Pearsall, Texas, that Notice proposed the substitution of Channel 281C1 for Channel 281A at Pearsall, Texas, and modification of his construction permit to specify operation on Channel 281C1. To accommodate the reallotment of Channel 249C2 to Luling in this proceeding, Rawhide Radio proposes the substitution of Channel 281C2 for Channel 249C2 at Mason, Texas. This channel substitution conflicts with the proposed Channel 281C1 upgrade at Pearsall in MM Docket No. 99-342. Inasmuch as the Pearsall upgrade was on file by the comment date in this proceeding, it is entitled to comparative consideration with the Luling reallotment proposal in this proceeding.

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[42] The reference coordinates for the Channel 239C1 allotment at Ardmore, Oklahoma, are now 34-09-42 and 97-09-11.

[43] The reference coordinates for the Channel 240C1 allotment at Mineral Wells, Texas, are 32-39-15 and 98-11-58.

[44] The proposed reference coordinates for the proposed Channel 237C2 allotment at Howe, Texas, will be 33-31-09 and 96-47-05.

[45] There are three pending applications for the vacant Channel 249C2 allotment at Mason, Texas. Each applicant would be permitted to amend its application to specify the new channel without loss of cut-off protection.

33. In regard to the proposals now pending in this proceeding, there is no longer any technical impediment to the Luling reallotment proposal. Specifically, the proposed Channel 281C2 substitution at Mason no longer conflicts with any proposal in MM Docket No. 98-198. Also, we do not see any benefit or requirement for the Pearsall upgrade proposal set forth in MM Docket No. 99-342 be folded into this proceeding. For this reason, we will process the Rawhide Radio Luling reallotment proposal as a counterproposal in MM Docket No. 99-342. The conflicting Luling and Pearsall proposals are entitled to comparative consideration. Comparative consideration in the context of MM Docket No. 99-342 will not prejudice either party. In this instance, we believe that consideration in MM Docket No. 99-342 is the procedure most conducive to the efficient transaction of Commission business.

34. 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 May 4, 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:

Community	Channel No.
Alva, Oklahoma	248C2
Anadarko, Oklahoma	278C
Antlers, Oklahoma	272A, 222C2
Ardmore, Oklahoma	239C1
Atoka, Oklahoma	271A
Comanche, Oklahoma	287A
Dickson, Oklahoma	224A
Duncan, Oklahoma	246A
Durant, Oklahoma	292A
Eldorado, Oklahoma	245A
Lawton, Oklahoma	297C2
Lone Grove, Oklahoma	296C3
Allen, Texas	277C
Benbrook, Texas	296C1
Brownwood, Texas	245C1
Burkburnett, Texas	284C1
Campbell, Texas	296A
Clifton, Texas	281C3
Coleman, Texas	272C3
Commerce, Texas	------
Detroit, Texas	282C2
Graham, Texas	234C3
Haskell, Texas	246C1
Howe, Texas	237C2
Jacksboro, Texas	238A

Kerens, Texas	295A
Snyder, Texas	255A
Vernon, Texas	276A
Waco, Texas	277A
Wellington, Texas	298C3
Wichita Falls, Texas	225C1, 260C1, 272C1, 273A, 280A

35. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Gain-Air, Inc. for Station KXGM, Muenster, Texas, IS MODIFIED to specify operation on Channel 294C in lieu of Channel 293A, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

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

36. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of KDXT-FM License Corporation for Station KDXT, IS MODIDIED to specify operation on Channel 296C1 at Benbrook, Texas, in lieu of Channel 294C at Granbury, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

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

37. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of KZDF License Co., L.L.C. for Station KZDF, IS MODIFIED to specify operation on Channel 296A at Campbell, Texas, in lieu of Channel 295A at McKinnney, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

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

38. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Chuckie Broadcasting Company for Station KYNZ, Lone Grove, Oklahoma, IS MODIFIED to specify operation on Channel 296C3 in lieu of Channel 294A, 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 construction permit (FCC Form 301) specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

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

39. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Texhoma Broadcasting, Inc., for Station KLBC, Durant, Oklahoma, IS MODIFIED to specify operation on Channel 292A in lieu of Channel 296A, 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 construction permit (FCC Form 301) specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or avoid the necessity of filing an environmental assessment pursuant to Section 1.1307

of the Rules.

40. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of KZDL License Co., L.L.C. for Station KZDL IS MODIFIED to specify operation on Channel 295A at Kerens, Texas, in lieu of Channel 296A at Terrell, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

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

41. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Graham Newspapers, Inc., for Station KWKQ, Graham, Texas, IS MODIFIED to specify operation on Channel 234C3 in lieu of Channel 296C3, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

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

42. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Watts Communications, Inc., for Station KSTA-FM, Coleman, Texas, IS MODIFIED to specify operation on Channel 272C3 in lieu of Channel 296C3, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 1.1620 of the Rules;

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

43. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Baylor University for Station KWBU, Waco, Texas, IS MODIFIED to specify operation on Channel 277A in lieu of Channel 296A, subject to the follwing conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization of Station KWBU except for the channel as specified above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KWBU except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

44. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of M&M Broadcasters, Ltd. for Station KWOW, Clifton, Texas, IS MODIFIED to specify operation on Channel 281C3 in lieu of Channel 277C3, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or avoid the necessity of filing an environmental assessment pursuant to Section 73.1307 of the Rules.

45. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Watts Communications, Inc. for Station KXYL-FM, Brownwood, Texas, IS MODIFIED to specify operation on Channel 245C1 in lieu of Channel 281C1, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization of Station KXYL-FM except the channel as described above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization of Station KXYL-FM except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

46. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Equicom, Inc., for Staion KBAL, San Saba, Texas, IS MODIFIED to specify operation on Channel 291A in lieu of Channel 246A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization for Station KBAL except for the channel as described above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KBAL except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

47. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Blue Bonnet Radio, Inc. for Station KEMM IS MODIFIED to specify operation on Channel 277C at Allen, Texas, in lieu of Channel 277C2 at Commerce, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or avoid the necessity of filing an environmental assessment pursuant to Section

73.1307 of the Rules.

48. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Apex Broadcasting, LLC for Station KWFS, Wichita Falls, Texas, IS MODIFIED to specify operation on Channel 272C1 in lieu of Channel 277C1, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or avoid the necessity of filing an environmental assessment pursuant to Section 73.1307 of the Rules.

49. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Ballard Broadcasting of Oklahoma, Inc. for Station KHKC, Atoka, Oklahoma, IS MODIFIED to specify operation on Channel 271A in lieu of Channel 276C2, subject to the following conditions:

(a) Within 90 days from the effective date of this Order, the licensee shall submit to the Commission a minor change application for construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

(c) Nothing contained herein shall be construed to authorize a change in transmitter site or avoid the necessity of filing an environmental assessment pursuant to Section 73.1307 of the Rules.

50. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Cumulus Licensing Corporation for Station KQXC, Wichita Falls, Texas, IS MODIFIED to specify operation on Channel 280A in lieu of Channel 273A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization of Station KQXC except for the channel as described above. Any other changes, except for those so specified under Section 73.1609 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KQXC except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

51. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of KVWC, Inc. for Station KVWC, Vernon, Texas, IS MODIFIED to specify operation on Channel 276A in lieu of Channel 272A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization of station KVWC except for the channel as described above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KVWC except for the channel as specified above and a license application (FCC Form 302) is filed within 10mdays of the commencement of program tests.

52. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Monroe-Stephens Broadcasting, Inc. for Station KKEN, Duncan, Oklahoma, IS MODIFIED to specify operation on Channel 246A in lieu of Channel 272A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization for Station KKEN except for the channel as described above. Any other changes, except for those so specified under Section73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KKEN except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

53. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Harold Cochran for Station KDDQ, Comanche, Oklahoma, IS MODIFIED to specify operation on Channel 287A in lieu of Channel 246A, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules;

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

54. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Cumulus Licensing Corporation for Station KYYI, Burkburnett, Texas, IS MODIFIED to specify operation on Channel 284C1 in lieu of Channel 284C, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization for Station KYYI except for the Channel as desribed above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KYYI except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

55. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Delbert Foree for a Class A allotment at Snyder, Texas (File No. BPH-960409MC), IS MODIFIED to specify operation on Channel 255A in lieu of Channel 246A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the aforementioned authorization except for the channel as described above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the aforementioned authorization except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

56. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Monroe-Stephens Broadcasting, Inc. for Station KRPT, Anadarko, Oklahoma, IS MODIFIED to specify operation on Channel 278C in lieu of Channel 279C1, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

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

57. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Hunt Broadcasting, Inc. for Station KJKB, Jacksboro, Texas, IS MODIFIED to specify operation on Channel 238A in lieu of Channel 237A, 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 construction permit (FCC Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Rules;

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

58. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Rolling Plains Broadcasting Corporation for Station KVRP, Haskell, Texas, IS MODIFIED to specify operation on Channel 246C1 in lieu of Channel 238C1, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization of Station KVRP except for the channel as described above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station KVRP except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

59. Pursuant to Section 1.1104 (1)(k) and (2)(k) of the Commission's Rules, any party seeking a change in 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 rulemaking fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, the licensees and permittees receiving an upgrade and/or change in community of license are required to submit a rulemaking fee in addition to the fee required for the application to effect the upgrade and/or change in community of license.

60. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send a copy of this Report and Order BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to:

Rolling Plains Broadcasting Corporation
P.O. Box 1118
Haskell, Texas 79521
KCYT-FM License Corp.
3102 Oak Lawn Avenue
Suite 215
Dallas, Texas 75219

Cumulus Licensing Corporation
111 East Kilbourn Avenue
Suite 2700
Milwaukee, Wisconsin 53202

Hunt Broadcasting, Inc.
1776 East Tufts Avenue
Englewood, California 80110

Ballard Broadcasting of Oklahoma, Inc.
4410 10th Street
Lubbock, Texas 79476

Blue Bonnet Radio, Inc.
P.O. Box 1292
Greenville, Texas 75403

Gain-Air, Inc.
107 South Commerce Street
Gainesville, Texas 76240
KZDF License Company, LLC
1436 Auburn Boulevard
Sacramento, California 95815

Monroe-Stephens Broadcasting, Inc.
115 West Broadway
P.O. Box 1360
Anadarko, Oklahoma 73005

Harold Cochran
HC-69, Box 11
Kingston, Oklahoma 73439

KVWC, Inc.
Box 1419
Vernon, Texas 76384

KWFS-FM, LP
6 Whitefield Drive
LaFayette Hill, Pa. 19444

Equicom, Inc.
2402 Broadmoor
Bldg D-2, Suite 101
Bryan, Texas 77802

Watts Communications, Inc.
1 Texas Avenue
Brownwood, Texas 77802

M&M Broadcasters, Ltd.
919 n. Main
Cleburne, Texas 76033

Baylor University
B.U. Box 7368
Waco, Texas 76798

Graham Newspapers, Inc.
620 Oak Street
Graham, Texas 76450

Texhoma Broadcasting, Inc.
401 West Evergreen
Durant, Oklahoma 74701

Chuckie Broadcasting Company
P.O. Box 1609
Ardmore, Oklahoma 73402

Delbert Foree
1806 KSNY Drive
Snyder, Texas 79550

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

62. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

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

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

In the Matter of	)	
	)	
Request for Review of the Universal Service Administrator by	)	
	)	
MeritCare Clinic Mayville Mayville, North Dakota	)	File No. RHCD-10799-1
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Changes to the Board of Directors of the National Exchange Carrier Association, Inc.	)	CC Docket No. 97-21

ORDER

Adopted: March 20, 2000 **Released: March 21, 2000**

By the Common Carrier Bureau:

1. This Order dismisses the Letter of Appeal of the MeritCare Clinic Mayville (Mayville), Mayville, North Dakota, seeking review of a decision issued by the Universal Service Administrative Company's Rural Health Care Division on November 12, 1999. The Commission received Mayville's Letter of Appeal on January 10, 2000. Under section 54.720 of the Commission's rules, 47 C.F.R. § 54.720, any such appeal must be filed within 30 days of the issuance of the decision as to which review is sought. Documents are considered to be filed with the Commission only upon receipt. 47 C.F.R. § 1.7. Because the instant Letter of Appeal was not filed within the specified 30-day period, it will be dismissed without further consideration.

2. ACCORDINGLY IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Letter of Appeal filed January 10, 2000, by the MeritCare Clinic Mayville, Mayville, North Dakota, IS DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

Carol E. Mattey

Carol E. Mattey
Deputy Chief, Common Carrier Bureau