

SEP 22 5 31 PM '00

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. <u>00-22</u> ,
Table of Allotments,)	RM-9795
FM Broadcast Stations.)	
(Charlotte, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 13, 2000

Released: September 22, 2000

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Kay-Zam Radio Company ("Kay-Zam"), the Commission has before it for consideration the Notice of Proposed Rule Making, 15 FCC Rcd 2761 (2000), seeking the allotment of Channel 272A at Charlotte, Texas. Kay-Zam and Elgin FM Limited Partnership ("Elgin FM") filed comments stating their intention to apply for Channel 272A at Charlotte, Texas. Charlotte Radio Broadcasting Company ("CRBC") and John R. Furr ("Furr") filed comments supporting the allotment of Channel 272A at Charlotte. Reply comments were filed by Kay-Zam.

2. CRBC proposed the allotment of Channel 227A at Charlotte, Texas, which resulted in the issuance of a Notice of Proposed Rule Making in MM Docket No. 99-304. See 14 FCC Rcd 17285 (1999). CRBC takes no position regarding the merits of the allotment of Channel 272A at Charlotte but does request that the FCC take official notice that its proposal for a first local service at Charlotte was filed prior to Kay-Zam's request and that Kay-Zam's request should not be considered as a proposal to provide a first local service to Charlotte.¹ Furr, permittee of Channel 281A at Pearsall, Texas, proposed the substitution of Channel 281C1 for Channel 281A at Pearsall, Texas, and modification of its construction permit accordingly in MM Docket No. 99-342. See 14 FCC Rcd 21133 (1999). Furr supports the allotment of Channel 272A at Charlotte in this proceeding as a first local service over the allotment of Channel 227A at Charlotte as proposed in MM Docket No. 99-304. Furr points out that the proposed allotment of Channel 227A at Charlotte resulted in an IF relationship with its requested upgrade at Pearsall. Furr supports the allotment of

¹ On July 26, 2000, MM Docket No. 99-304 was dismissed at the request of CRBC. See Report and Order released August 4, 2000, DA No. 00-1739.

Channel 272A at Charlotte as there is no adverse effect on the requested upgrade at Pearsall and the allotment will provide the community of Charlotte with its first local service.²

3. We believe the public interest would be served by the allotment of an FM channel at Charlotte, Texas, providing the community with its first local broadcast service. We further believe that the issues raised by CRBC and Furr have been resolved in MM Dockets 99-304 and 99-342. Channel 272A can be allotted to Charlotte, Texas, in compliance with the Commission's spacing requirements with a site restriction 10.7 kilometers (6.7 miles) south of the community.³ The site restriction will prevent conflicts with Station KQXT, Channel 270C1, San Antonio, Texas, and Station KUVA, Channel 272A, Uvalde, Texas. Mexican concurrence is required for the allotment of Channel 272A at Charlotte.⁴

4. 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 November 6, 2000, 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
Charlotte, Texas	272A

5. A filing window for Channel 272A, Charlotte, Texas, will not be opened at this time. Instead, the issue of opening a filing window for the channel will be addressed by the Commission in a subsequent order.

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

² A Report and Order in MM Docket No. 99-342 was released on September 8, 2000, DA No. 00-2056, which granted Furr's request to upgrade Channel 281A at Pearsall.

² The coordinates for Channel 272A at Charlotte are 28-46-00 NL and 98-42-00 WL.

³ Although Mexican concurrence has been requested for Channel 272A at Charlotte, notification has not been received. Therefore, operation with the facilities specified for Charlotte herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico.

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 272A at Charlotte, Texas, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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