

*Ernie Carter
C/Exec*



Federal Communications Commission
Washington, D.C. 20554

FCC MAIL ROOM

November 6, 2000

2000 NOV -9 P 3: 21

Henry E. Crawford
Smithwick & Belendiuk, PC
1990 M Street, N.W.; Suite 510
Washington, D.C. 20036

LIVED

Dear Mr. Crawford:

This is in response to the Petition for Rule Making you filed on behalf of Roy E. Henderson, licensee of Station KBAL-FM, Channel 291A, at San Saba, Texas, proposing the substitution of Channel 237C3 for Channel 291A at San Saba, Texas; the substitution of Channel 293A for Channel 237A at Brady, Texas; the substitution of Channel 294A for Channel 293A at Llano, Texas, and the reallocation of Channel 294A from Llano to Hewitt, Texas. The foregoing proposals are mutually contingent.

Mr. Henderson's request for the substitution of Channel 237C3 for Channel 291A at San Saba, Texas, is unacceptable. The transmitter site which he specifies in his proposal for San Saba (31-11-30 and 98-55-00) would be short-spaced to an application (File No. BPH-20000824AAU) filed by the licensee of Channel 236C1, Station KAGT(FM), at Baird, Texas. Because the KAGT application was filed before you filed the Petition for Rule Making on behalf of Mr. Henderson, his rulemaking petition was required to protect KABT's previously filed application under Section 73.208(a)(1)(i) and (a)(3) of the Commission's Rules. See Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, 8 FCC Rcd 4743 (1992), recon. granted in part and denied in part, 8 FCC Rcd 4735 (1993).

In light of the foregoing, we are returning Mr. Henderson's petition for rule making.

Sincerely,

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