

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

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Mason, Texas))

MM Docket No. 01-133 /
RM - 10143
RM - 10150

RECEIVED

AUG 13 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS

First Broadcasting Company, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX Limited Partnership, and Clear Channel Broadcasting Licenses, Inc. ("Joint Parties"), by their respective counsel, hereby submit their Comments to the *Notice of Proposed Rule Making* ("NPRM"), DA 01-1484 (rel. June 22, 2001) in the above-captioned proceeding. The Joint Parties' interest in this proceeding stems from the Counterproposal they filed in MM Docket No. 00-148. The comment date in that proceeding was October 10, 2000. One of the proposals in that Counterproposal was the allotment of Channel 249C1 to Converse, Texas as its first local service.

The *NPRM* proposed two new allotments at Mason, Texas: Channel 249C3 and Channel 269C3. The petition to allot Channel 249C3 was filed by Charles Crawford on May 25, 2001. The attached channel study demonstrates that the proposal for Channel 249C3 is short spaced to the prior-filed proposal for Channel 249C1 at Converse by 50.45 km. The Commission may have failed to identify this short spacing when it issued the *NPRM* in this proceeding because it appears that the Commission had not at that time entered all of the proposals in MM Docket 00-148 into its data base. However, on August 3, 2001, the Commission issued a Public Notice, Report No. 2500

announcing acceptance of the Converse rule making proposal. Accordingly, the Commission should rescind the Notice of Proposed Rule Making as late filed to a pending rule making proceeding. See e.g., Comfort, Texas, DA 01-1864 released August 3, 2001.

The Joint Parties' have no objection to the allotment of Channel 269C3 to Mason as its sixth local service. Mason is a community of 2,100 and will be well served with six stations.

Accordingly, the Joint Parties urge the Commission to protect their prior filed and cut-off proposal for Channel 249C1 at Converse, Texas and dismiss the proposal for Channel 249C3 at Mason expeditiously.

Respectfully submitted

FIRST BROADCASTING COMPANY L.P.
RAWHIDE RADIO L.L.C.

By: 
Mark N. Lipp
J. Thomas Nolan
Shook Hardy & Bacon LLP
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Their Counsel

NEXT MEDIA LICENSING, INC.

By: Joseph A. Belisle (by HNC)
Matthew L. Leibowitz
Joseph A. Belisle
Leibowitz & Associates, P.A.
One Southeast Third Avenue
Suite 1450
Miami, FL 33131-1715
(305) 530-1322

Its Counsel

CAPSTAR TX LIMITED PARTNERSHIP
CLEAR CHANNEL BROADCASTING LICENSES, INC.

By: Gregory L. Masters (by HNC)
Gregory L. Masters
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006
(202) 719-7370

Their Counsel

August 13, 2001

Ch 249C1 Converse, TX

Of Note: Add 249C3 at Mason, TX is in conflict with original counterproposal

29 25 07 N.	Class C1						Search Date
98 29 02 W.	Current rules spacings						08-06-01
-----			Channel 249 -	97.7 MHz			-----
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
RADD	249C1	Converse	TX	0.0	0.00	245.0	-245.00 *
RADD	249C1	Mcqueeney	TX	0.0	0.00	245.0	-245.00 *
ALLO	249C1	Mcqueeney	TX	94.9	79.95	245.0	-165.05 *
KVCQ.A	249C1	Mcqueeney	TX	95.7	81.78	245.0	-163.22 *
RADD	249C2	Luring	TX	81.1	82.35	224.0	-141.65 *
RDEL	249C2	Mason	TX	333.4	136.18	224.0	-87.82 *
RDEL	249C2	Mason	TX	333.4	136.18	224.0	-87.82 *
RDEL	249C3	Cuero	TX	107.5	126.92	211.0	-84.08 *
KVCQ	249C3	Mcqueeney	TX	107.5	126.92	211.0	-84.08 *
KAJA	247C	San Antonio	TX	296.6	26.00	105.0	-79.00 *
KAJA	247C	San Antonio	TX	329.1	27.72	105.0	-77.28 *
RDEL	249A	Cotulla	TX	215.1	123.60	200.0	-76.40 *
ALLO	252C1	Schertz	TX	296.6	26.00	82.0	-56.00 *
RADD	249C3	Mason	TX	334.6	160.55	211.0	-50.45 *
Of Note:							
Filing that is in conflict with original counterproposal							
KYTX	250C2	Beeville	TX	157.1	125.48	158.0	-32.52 *
RDEL	252A	Pleasanton	TX	185.6	46.58	75.0	-28.42 *
RADD	250A	Batesville	TX	246.6	109.41	133.0	-23.59 *
ALLO	248C	San Carlos	CI	259.6	238.85	240.0	-1.15 *
RDEL	252A	Bandera	TX	309.6	76.16	75.0	1.16 *
KEEP	252A	Bandera	TX	309.5	76.16	75.0	1.16 *
RADD	249A	Nolanville	TX	25.1	205.04	200.0	5.04 *
KVETFM	251C1	Austin	TX	35.4	109.46	82.0	27.46
KFTX	248C1	Kingsville	TX	155.1	204.94	177.0	27.94
KWTXFM	248C	Waco	TX	28.0	239.00	209.0	30.00
KWTXFM	248C	Waco	TX	27.9	240.78	209.0	31.78
KWTXFM	248C	Waco	TX	27.9	240.82	209.0	31.82
KVETFM	251C1	Austin	TX	33.5	119.60	82.0	37.60
RADD	247C1	Lakeway	TX	34.6	119.75	82.0	37.75
KVETFM	251C1	Austin	TX	33.4	120.10	82.0	38.10

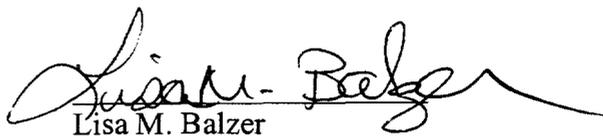
CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 13th day of August, 2001 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Comments" to the following:

* Ms. Sharon McDonald
Federal Communications Commission
Mass Media Bureau
445 12th Street, SW
Room 3-A226
Washington, DC 20554

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205
Petitioner for Mason, Texas

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
Petitioner for Mason, Texas


Lisa M. Balzer

* Hand Delivered