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

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 01-131
Table of Allotments	)	RM - 10148
FM Broadcast Stations	)	
(Benjamin, Texas)	)	

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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 01-1482 (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 257A to Knox City, Texas.

The *NPRM* proposed to allot Channel 257C2 to Benjamin, Texas, as the community's first local aural transmission service. The petition to allot Channel 257C2 was filed by Charles Crawford on May 18, 2001. The attached channel study demonstrates that the proposal for Channel 257C2 is short spaced to the prior-filed proposal for Channel 257A at Knox City by 140.60 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

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Public Notice, Report No. 2500 announcing acceptance of the Knox City 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.

Accordingly, the Joint Parties urge the Commission to protect their prior filed and cut-off proposal for Channel 257A at Knox City, Texas and dismiss the proposal for Channel 257C2 at Benjamin, Texas, expeditiously.

Respectfully submitted

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Their Counsel

August 13, 2001

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
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Charles Crawford
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Petitioner for Benjamin, Texas

Lisa M. Balzer

* Hand Delivered

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