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

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In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	
FM Broadcast Stations.	)	
(Antlers, Oklahoma)	)	MM Docket No. 01-269
	)	RM-10249
	)	
(Matador, Texas)	)	MM Docket No. 01-270
	)	RM-10277
	)	
(Post, Texas)	)	MM Docket No. 01-271
	)	RM-10278
	)	
(Turkey, Texas)	)	MM Docket No. 01-272
	)	RM-10279
	)	
(Eldorado, Texas)	)	MM Docket No. 01-273
	)	RM-10284
	)	
(Richland Springs, Texas)	)	MM Docket No. 01-274
	)	RM-10286

NOTICE OF PROPOSED RULE MAKING

Adopted: September 19, 2001 **Released: September 28, 2001**

Comment Date: November 19, 2001
Reply Comment Date: December 4, 2001

By the Chief, Allocations Branch:

1. Before the Commission for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each petitioner has stated that it will apply for its requested channel, if allotted. We believe that each proposal warrants consideration because it complies with our technical requirements and would serve the public interest.

2. This is a multiple docket Notice of Proposed Rule Making issued in response to a Commission Public Notice released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single Notice of Proposed Rule Making. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the Public Notice, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We request comments and/or counterproposals to the following proposals:

A. MM Docket No. 01-269; RM-10249

Petitioner: Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205

Proposal: Allot Channel 284A at Antlers, Oklahoma, as potentially the community's third local FM transmission service.

Community	Present	Proposed
Antlers, Oklahoma	222C2, 272A	222C2, 272A, 284A

Coordinates: 34-17-16 NL and 95-36-14 WL

Additional Information: This allotment requires a site restriction of 6.6 kilometers (4.0 miles) north to avoid a short-spacing to the proposed site for Channel 282C3 at Boswell, Oklahoma.

FCC Contact: Sharon P. McDonald, (202) 418-2180

B. MM Docket No. 01-270; RM-10277

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

Proposal: Allot Channel 221C2 at Matador, Texas, as the community's first local aural transmission service.[1]

[1] In support of her proposal, petitioner states that Matador is an incorporated city with a population exceeding 670 persons (the 2000 U.S. Census population is 740 persons). Matador has its own mayor, post office, school district,

Community	Present	Proposed
Matador, Texas	---	221C2

Coordinates: 34-03-56 NL and 100-36-43 WL

Additional Information: This allotment requires a site restriction of 20.3 kilometers (12.6 miles) east to avoid a short-spacing to the application site for Channel 220C1 at Morton, Texas.

FCC Contact: Sharon P. McDonald, (202) 418-2180

C. MM Docket No. 01-271; RM-10278

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

Proposal: Allot Channel 249C2 at Post, Texas, as the community's second local FM transmission service.

Community	Present	Proposed
Post, Texas	297C2	249C2, 297C2

Coordinates: 33-14-22 NL and 101-13-06 WL

Additional Information: This allotment requires a site restriction of 15.8 kilometers (9.8 miles) east to avoid a short-spacing to the construction permit site for Station KHDY(FM), Channel 247C1, Plainview, Texas.

FCC Contact: Sharon P. McDonald, (202) 418-2180

fire department, and a number of local churches.

D. MM Docket No. 01-272; RM-10279

Petitioner: Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

Proposal: Allot Channel 244C2 at Turkey, Texas, as the community's first local aural transmission service.[2]

Community	Present	Proposed
Turkey, Texas	--	244C2

Coordinates: 34-10-06 NL and 100-46-46 WL

Additional Information: This allotment requires a site restriction of 27.1 kilometers (16.9 miles) southeast to avoid a short-spacing to the licensed site of Station KMML-FM, Channel 245C1, Amarillo, Texas.

FCC Contact: Sharon P. McDonald, (202) 418-2180

E. MM Docket No. 01-273; RM-10284

Petitioner: Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219

Proposal: Allot Channel 258C1 at Eldorado, Texas, as the community's second FM transmission service.

Community	Present	Proposed
Eldorado, Texas	285A	258C1, 285A

Coordinates: 30-47-49 and 100-37-29 WL

[2] In support of her proposal, petitioner states that Turkey is an incorporated city with a population exceeding 550 persons (the 2000 U.S. Census population is 494 persons). Turkey has a mayor, post office, school district, volunteer fire department, city hall, and a number of local churches.

Additional Information: This allotment requires a site restriction of 7.4 kilometers (4.8 miles) south to avoid a short-spacing to the licensed site of Station KYZZ(FM), Channel 261C2, San Angel, Texas. Since Eldorado is located within 320 kilometers (199 miles) of the U.S-Mexican border, concurrence of the Mexican government has been requested.

FCC Contact: Sharon P. McDonald (202) 418-2180

F MM Docket No. 01-274; RM-10286

Petitioner: Linda Crawford
3500 Maple Ave., #1320
Dallas, Texas 75219

Proposal: Allot Channel 252A at Richland Springs, Texas, as potentially the second local FM transmission service.[3]

Community	Present	Proposed
Richland Springs, Texas	---	252A, 291A[4]

Coordinates: 31-16-10 NL and 98-56-41 WL

Additional Information: This allotment is located at city reference coordinates and does not require a site restriction. Since Richland Springs is located within 320 kilometers (199 miles) of the U.S.-Mexican-border, concurrence of the Mexican government has been requested.

FCC Contact: Sharon P. McDonald, (202) 418-2180

3. Comments, reply comments, counterproposals and other pleadings filed in response to this multiple docket Notice of Proposed Rule Making should reference **only** the specific docket to which the filing pertains. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are

[3] In support of her proposal, petitioner states that Richland Springs is an incorporated city with a 2000 U.S. Census population of 350 persons. Richland Springs has a mayor, school system, post office, volunteer fire department, city hall, and a number of local churches.

[4] On April 9, 2001 a counterproposal was filed by Roy E. Henderson in MM Docket 01-47 requesting the allotment of Channel 291A at Richland Spring, Texas. See 16 FCC Rcd 3522 (2001); and Public Notice, Report No. 2488, June 1, 2001.

incorporated by reference herein. In particular, we note that a showing of continuing interest is required in paragraph 2 of the Appendix before a channel will be allotted.

4. Interested parties may file comments on or before **November 19, 2001**, and reply comments on or before **December 4, 2001**, and are advised to read the Appendix for the proper procedure. Additionally, a copy of any filing should be served on the petitioner listed for the particular docket.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to a rule making proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Section 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules. 46 FR 11549 (February 9, 1981).

6. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in particular docket unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

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

APPENDIX

1. Pursuant to authority found 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 PROPOSED TO AMEND the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall

be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., TW-A325, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Information Reference Center (Room CY-A257) at its headquarters, 445 12th Street, S.W., Washington, D.C. 20554.