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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.	)	
	)	
(Cherokee, Oklahoma)	)	MM Docket No. 01-291
	)	RM-10301
	)	
(Ballinger, Texas)	)	MM Docket No. 01-292
	)	RM-10302
	)	
(Crowell, Texas)	)	MM Docket No. 01-293
	)	RM-10303
	)	
(Eldorado, Texas)	)	MM Docket No. 01-294
	)	RM-10304
	)	
(Jayton, Texas)	)	**MM Docket No. 01-295**
	)	**RM-10305**
	)	

NOTICE OF PROPOSED RULE MAKING

Adopted: October 3, 2001 **Released: October 12, 2001**

Comment Date: December 3, 2001
Reply Comment Date: December 18, 2001

By the Chief, Allocations Branch

1. Before the Allocations Branch for consideration is a multiple docket Notice of Proposed Rule Making setting forth separate proposals to amend the FM Table of Allotments contained in 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:

(1) MM Docket No. 01-291; RM-10301

Petitioner: **Maurice Salsa**
5615 Evergreen Valley Drive
Kingwood, TX 77345

Proposal: Allot Channel 237C2 to Cherokee, Oklahoma, a Census Designated Place, as that community's first local aural transmission service.

Community	Present	Proposed
Cherokee, Oklahoma	--	237C2

Coordinates: 36-39-27 NL; 98-35-45 WL

Additional Information: The allotment proposal requires a site restriction 23.9 km (14.9 mi.) southwest of the community.

FCC Contact: Nancy Joyner, (202) 418-2180

(2) MM Docket No. 01-292; RM-10302

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Proposal: Allot Channel 238A to Ballinger, Texas, as that community's second local commercial FM service.[1]

Community	Present	Proposed
Ballinger, Texas	276C1	238A, 276C1

Coordinates: 31-38-03 NL; 99-53-13 WL

[1] Noncommercial educational Channel 211 (vacant) is also assigned to Ballinger.

Additional Information: The allotment proposal requires a site restriction 12.8 kilometers (8.0 miles) southeast of the community. Additionally, as Ballinger is located within 320 kilometers of the U.S.-Mexico border, concurrence to this proposal by the Mexican government is required.

FCC Contact: Nancy Joyner, (202) 418-2180

(3) **MM Docket No. 01-293; RM-10303**

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Proposal: Allot Channel 250C3 to Crowell, Texas, as that community's potential second local FM transmission service.[2]

Community	Present	Proposed
Crowell, Texas	--	250C3

Coordinates: 33-57-54 NL; 99-44-59 WL

Additional Information: The allotment proposal requires a site restriction 3.1 kilometers (2.0 miles) southwest of the community.

FCC Contact: Nancy Joyner, (202) 418-2180

(4) **MM Docket No. 01-294; RM-10304**

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Proposal: Allot Channel 293A to Eldorado, Texas, as an additional local commercial FM transmission service at that community.[3]

[2]A rule making is pending in MM Docket No. 01-210 to consider the allotment of Channel 293C3 to Crowell as that community's first local aural transmission service (see DA 01-2106, released September 7, 2001).

[3] Noncommercial educational Channel 219 (vacant) is also assigned to Eldorado. Additionally, a rule making request to consider the allotment of Channel 258C1 to Eldorado has been filed.

Community	Present	Proposed
Eldorado, Texas	285A	285A, 293A

Coordinates: 30-51-14 NL; 100-36-43 WL.

Additional Information: The allotment proposal requires a site restriction 1.3 km (0.8 mi.) southwest of Eldorado. Additionally, as Eldorado is located within 320 kilometers of the U.S.-Mexico border, concurrence to this proposal by the Mexican government is required.

FCC Contact: Nancy Joyner, (202) 418-2180

(5) MM Docket No. 01-295; RM- 10305

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

Proposal: Allot Channel 231A to Jayton, Texas, as that community's first local aural transmission service.

Community	Present	Proposed
Jayton, Texas	--	231A

Coordinates: 33-14-53 NL; 100-34-24 WL

Additional Information: The allotment proposal does not require a site restriction.

FCC Contact: Nancy Joyner, (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 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 December 3, 2001, and reply comments on or before December 18, 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 rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b) 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 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 a summary of any new oral information shall be served by the person making the presentation upon other parties to the proceeding 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 this 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 Procedures. 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 proposal(s) 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 Secretary, Federal Communications Commission, Washington, 445 Twelfth Street, SW.; 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 Reference Information Center (Room CY-A257) at its headquarters, 445 Twelfth Street, SW., Washington, D. C.