

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

CALL ROOM
2001-12-14

In the Matter of)
)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Quannah, Archer City, Converse, Flatonia,)
Georgetown, Ingram, Keller, Knox City,)
Lakeway, Lago Vista, Llano, McQueeney,)
Nolanville, San Antonio, Seymour, Waco and)
Wellington, Texas, and Ardmore, Durant,)
Elk City, Healdton, Lawton and Purcell,)
Oklahoma.)

MM Docket No. 00-148
RM-9939
RM-10198

ORDER TO SHOW CAUSE

Adopted: December 5, 2001

Released: December 7, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Counterproposal filed by First Broadcasting Company, L.P., Rawhide Radio, L.L.C., Next Media Licensing, Inc., Capstar TX Limited Partnership and Clear Channel Broadcast Licenses, Inc. ("Joint Parties") in response to the Notice of Proposed Rule Making in this proceeding. 15 FCC Rcd 15809 (2000). The Counterproposal involved interrelated channel substitutions at twenty communities in Texas and Oklahoma. Included in that Counterproposal was a proposal to substitute Channel 248C for Channel 248C2 at Durant, Oklahoma, reallocate Channel 248C to Keller, Texas, and modify the Station KLAJ license to specify operation on Channel 248C at Keller. This upgrade conflicts with the Station KRZB construction permit for Channel 248C1 at Archer City, Texas. In the Counterproposal, the Joint Parties propose the substitution of Channel 230C2 for Channel 248C1 and modification of the Station KRZB construction permit to specify operation on Channel 230C1. For the reasons discussed below, we are issuing this Order to Show Cause directed to Texas Grace Communications, permittee of Station KRZB, Channel 248C1, Archer City, Texas.

2. In order to proceed with our analysis of the Counterproposal and the ultimate resolution of this proceeding, it is first necessary to issue this Order to Show Cause directed Texas Grace Communications to show cause why its Station KRZB construction permit should not be modified to specify operation on Channel 230C1 in lieu of Channel 248C1 at Archer City. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987). In this instance, the substitution of Channel 230C1 at Archer City will accommodate the Station KLAJ reallocation and upgrade as well as possible first local services at four other communities. The substitutions proposed in this proceeding will also result in a net gain in service to 4,369,991 persons. We consider these to be significant public interest benefits.

3. The Station KRZB construction permit at Archer City can be modified to specify operation on Channel 230C1 at its currently authorized transmitter site.¹ The Joint Parties have agreed to reimburse Texas Grace Communications for the reasonable costs incurred in connection with the change of the Station KRZB channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Texas Grace Communications, permittee of station KRZB, Archer City, Texas, SHALL SHOW CAUSE why its construction permit should not be changed to specify operation on Channel 230C1 in lieu of Channel 248C1.

5. Pursuant to Section 1.87 of the Commission's Rules, Texas Grace Communications may, no later than January 17, 2002, file a written statement showing with particularity why its construction permit should not be modified as proposed in this Order to Show Cause. The Commission may call upon the permittee to furnish additional information. If the permittee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the permittee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Texas Grace Communications
P.O. Box 398
Wichita Falls, Texas 76307

7. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177,

FEDERAL COMMUNICATIONS COMMISSION

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

¹ The reference coordinates for the Channel 230C1 allotment at Archer City, Texas, are 33-36-58 and 98-51-42.