

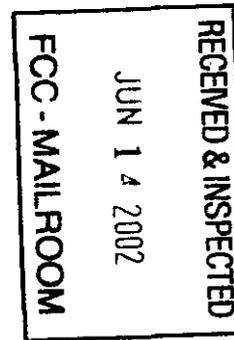
DOCKET FILE COPY ORIGINAL

*Cy Imaging
Center*



Federal Communications Commission
Washington, D.C. 20554

June 14, 2002



Mr. Robert Fabian
4 Hickory Crossing Lane
Argyle, Texas 76226

Dear Mr. Fabian:

This is in response to your petition for rule making filed on December 3, 2001, proposing the allotment of Channel 293C3 at Estelline, Texas, as the community's first local aural transmission service.

Your proposal is unacceptable for consideration at this time. Our engineering analysis indicates that the specified coordinates (34-25-50 NL and 100-18-43 WL) for Channel 293C3 at Estelline are short-spaced to the proposed site for Channel 293C3 at Crowell, Texas, in MM Docket No. 01-210, and the proposed site for Channel 292A at Memphis, Texas.

Based on the reason stated above, we are returning your petition for rule making. You may refile your petition, provided your proposal meets all of the minimum spacing requirements of Section 73.207 of the Commission's Rules.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos".

John A. Karousos
Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau

Enclosures

spm 86

RECEIVED

DEC - 3 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)
)
Amendment of 73.202 (b)) MM Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Estelline, Texas))

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Robert Fabian respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 293C3 at Estelline, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 293C3 to Estelline, Texas, as that community's first local aural broadcast transmission service. Estelline is an incorporated city with a population of 193 people as of January 1, 1998 according to the Texas State Data Center. Estelline has its own mayor, Bob Willaby, its own post office, its own city hall and a number of local churches. The proposed channel 293C3 to Estelline will provide additional diversity and an outlet for local self-expression to Estelline residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 293C3 can be allocated to Estelline, Texas consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). Note: Channel 293C3 allocation to Crowell, Texas was withdrawn on November 29, 2001. (See Exhibit 1, Motion to Dismiss Petition for a new allotment at Crowell, Texas.)

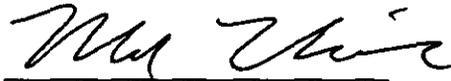
Reference coordinates are:

34 25 50 N
100 18 43 W

Should this petition be granted, and Channel 293C3 be allotted to Estelline, Texas Petitioner will apply for Channel 293C3, and after it is authorized, will promptly construct the new facility.

The information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Robert Fabian
4 Hickory Crossing Lane
Argyle, TX 76226
(940) 241-1204 Tele

December 3, 2001

RFEstelline

MAPFM search of channel 293C3 (106.5 MHz), at N. 34 25 50, W. 100 18 43.

Searching Channel 293C3 (106.5 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KQTZ	HOBART	OK	290	C	U	105.4	96.0	62.4°	9.4
KQTZ	HOBART	OK	290	C	L	105.4	96.0	62.4°	9.4
ALC	CROWELL	TX	293	C3	A	65.4	153.0	136.9°	-87.6
ALC	LUBBOCK	TX	293	C2	U	177.2	177.0	234.5°	0.2
KEJS	LUBBOCK	TX	293	C2	L	177.2	177.0	234.5°	0.2
NEW	JUILLIARD	TX	293	A	A	171.3	142.0	306.0°	29.3
ALC	PADUCAH	TX	296	C3	A	45.9	43.0	179.7°	2.9
ALC	WELLINGTON	TX	296	C3	A	43.7	43.0	8.5°	0.7

Estelline, TX CH. 293C3 3.16mv

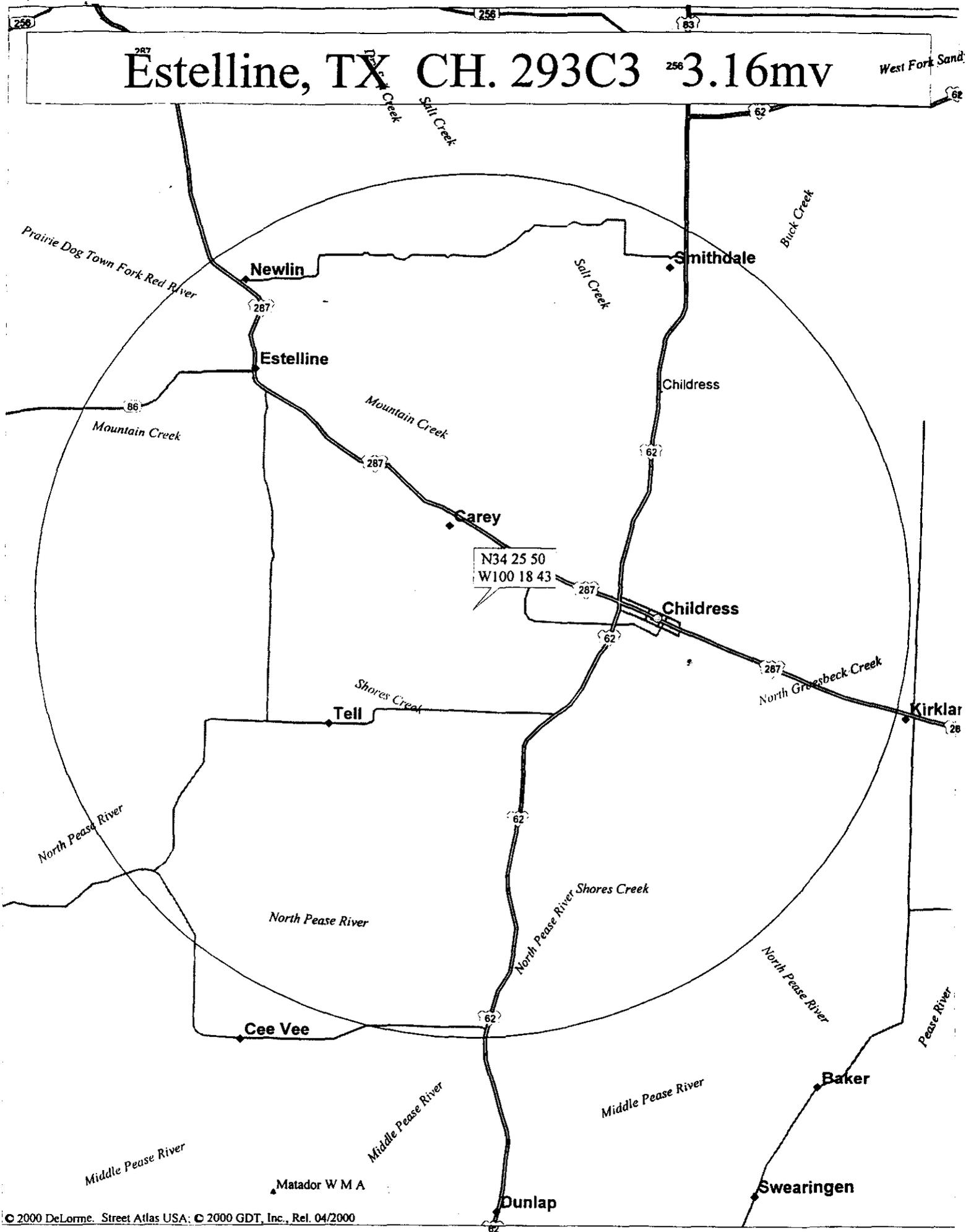


Exhibit 1, Motion to Dismiss Petition/ Crowell, Texas

RECEIVED

NOV 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 29, 2001

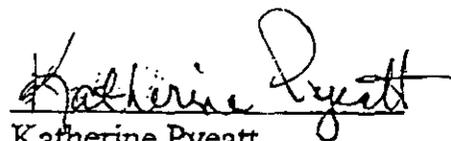
Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Withdrawal of Expression of Interest
Crowell, Texas

Dear Ms. Salas:

Enclosed is an original and four (4) copies of my Motion to Dismiss Petition
for a new allotment at Crowell, Texas.

Respectfully Submitted,


Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030 Tele

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

In the Matter of)	
)	
Amendment of 73.202 (b))	MM Docket No. 01-210
Table of Allotments)	RM-10225
FM Broadcast Stations)	
(Crowell, TX))	

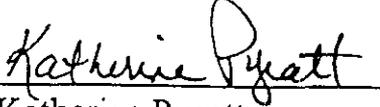
To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

Motion to Dismiss Petition

I, Katherine Pyeatt, respectfully move that the FCC dismiss my Petition, in the above captioned proceeding, filed on or about July 24, 2001, to allot a new FM channel to Crowell, Texas.

An appropriate Affidavit, required by 47 CFR 1.420(j), is attached hereto.

Respectfully submitted,


Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214
(214) 363-6030

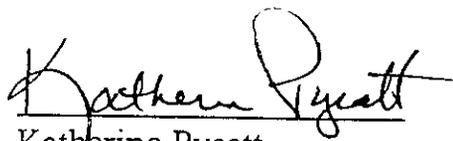
November 29, 2001
CroDis

SWORN AFFIDAVIT

Katherine Pyeatt does state under penalty of perjury:

1. My name is Katherine Pyeatt and I filed a Petition for Rulemaking to allot a new FM channel to Crowell, TX, on or about July 24, 2001.
2. I have concluded to request that the FCC dismiss my Petition/ expression of interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in connection with the dismissal of the Petition/ expression of interest. I declare that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 29th day of November, 2001.


Katherine Pyeatt