DOCKET FILE COPY ORIGINAL

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 01-292
Table of Allotments,	)	RM-10302
FM Broadcast Stations.	)	
(Ballinger, Texas)	)	

RECEIVED & INSPECTED
JUL - 8 2002
FCC - MAILROOM

REPORT AND ORDER
(Proceeding Terminated)

Adopted: June 26, 2002 Released: July 5, 2002

By the Assistant Chief, Audio Division:

1. The Commission considers herein the Notice of Proposed Rule Making ("Notice"), 16 FCC Rcd 18078 (2001), issued in response to a petition filed by Jeraldine Anderson ("petitioner) proposing the allotment of FM Channel 238A to Ballinger, Texas (pop. 4,243),[1] as that community's second local commercial FM transmission service. Petitioner filed comments reiterating her intention to apply for Channel 238A if it is allotted to Ballinger as requested. No other comments were received.

2. In view of the interest expressed in providing an additional local aural transmission service to Ballinger Texas, we will allot Channel 238A to that community, as requested.

3. As stated in the Notice, Channel 238A can be allotted to Ballinger in conformity with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules provided the transmitter site therefor is located at least 12.8 kilometers (8.0 miles) southeast of the community, utilizing reference coordinates 31-38-03 NL and 99-53-13 WL. Additionally, as Ballinger is located within 320 kilometers (199 miles) of the U.S.-Mexico border, concurrence of the Mexican government to the proposed allotment of Channel 238A at that community has been requested, but not yet received. Rather than delay the opportunity to file an application for this allotment, we will allot Channel 238A at Ballinger at this time. However, if a construction permit is granted prior to the receipt of formal concurrence by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement, or if specifically objected to by Mexico."

4. Accordingly, pursuant to the authority contained 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 ORDERED, That effective August 19, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, under Texas, IS AMENDED, to read as follows:

[1] Population figure was taken from the 2000 U.S. Census.

City	Channel No.
Ballinger, Texas	238A, 276C1

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. A filing window for Channel 238A at Ballinger, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent Order.

7. For further information concerning the above, contact Nancy Joyner, Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 238A at Ballinger, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau