

F. W. HANNEL & ASSOCIATES

Registered Professional Engineers

Internet
http://www.fwhannel.com
Email: fred@fwliannel.com

10733 East Butherus Drive
Scottsdale, AZ 85255
(480) 585-7475
(800) 868-6592

FAX
(815)-327-9559

October 19, 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
Portals II
445 12th Street SW
Washington, DC 20554

RECEIVED

OCT 21 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Comments and Counterproposal
MM Docket 02-260
Freer. Texas

Dear Ms. Dortch,

Transmitted herein is an original and 5 copies of a filing styled "Comments and Counterproposal" to be filed in the above captioned proceeding.

Kindly file stamp one of the copies and return to this office in the enclosed self addressed stamped envelope.

Should there be any questions regarding the enclosed material, please contact this office.

Very truly yours,



F. W. Hannel, PE

014

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.**

ORIGINAL

In the Matter of)
)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
Freer, Orange Grove and)
Hebbronville, Texas')

MM Docket No. 02-260

RECEIVED

OCT 21 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Allocations Branch Policy and Rules Division
Mass Media Bureau

COMMENTS AND COUNTERPROPOSAL

Now comes La Nueva Cadena Radio Luz, Inc. (hereafter "LNCR"), licensee of Radio Station KEKO(FM), Hebbronville, Texas by its president, Israel Tellez, pursuant to Sections 1.415 and 1.420 of the Commission's Rules hereby files the instant Comments and Counterproposal in response to the Notice of Proposed Rulemaking released on August 30, 2002

In the Notice of Proposed Rulemaking Linda Crawford' proposed the allotment of FM Channel 271A to the community of Freer, Texas as its third aural service³ as was noted in the Notice of Proposed Rulemaking. Freer is an unincorporated community with total population of 3,480 persons and it is the position of LNCR that the public interest is not well served by the allotment of a third aural service to a small community such as Freer, Texas and that this instant Counterproposal provides a more equitable distribution of the aural services.

As a counterproposal in this proceeding, LNCR requests that the Commission amend the operating authority of Radio Station KEKO(FM)⁴ to specify operation on FM

¹ Hebbronville and Orange Grove, Texas have been added to the caption.

² This proposal appears to be another of a large number of rulemaking proposals filed by this individual seeking new assignments at various communities.

³ Freer is served by Radio Station KBRA(FM) operating on FM Channel 240 and FM Channel 288 has been assigned to the community in MM Docket 01-243. The assignment of FM Channel 271A would be the third commercial service to Freer, Texas as is noted in the Notice of Proposed Rulemaking.

⁴ Hebbronville is served by Radio Station KAZF(FM), it has an allotment on FM Channel 254A, and a pending rulemaking seeking the additional assignment of FM Channel 254A to the community.

Channel 269C2 at the community of Orange Grove, Texas'. The proposed allotment of FM Channel 269C2 to that community would provide it with its first local service which is a higher priority than the addition of a third commercial channel to small community of Freer, Texas.

The community of Orange Grove, Texas has a population of 1,288 persons and it is located in Jim Wells County which has a population of 39,326 persons⁶. The assignment of FM Channel 269C2 would provide a first local aural service to the deserving community of Orange Grove, Texas. The city of Orange Grove, Texas community is not located within or near an urbanized area, the city grade contour does not penetrate any urbanized area, therefore, no Section 307(b) comparisons are required in connection with this proposal.

The community of Orange Grove, Texas is clearly qualified as a community for allotment purposes. The Community was first established over 100 years ago and it has continuously remained a primary commercial and cultural center in Jim Wells County since its inception. It has its own school system', numerous businesses, at least one bank, Post Office, City Hall, several real estate agencies, a number of service business such as beauty shops, automobile service and sales, as well as at least 5 churches. Additionally, Orange Grove has its own fire department, police department, post office and chamber of commerce'. It is obvious that Orange Grove is a vibrant community and possesses all the required attributes necessary and required by the Commission to be fully qualified as a community under the Commission's Rules and is deserving of a first local aural service as is proposed by LNCR.

Attached is an engineering statement which demonstrates that the assignment of FM Channel 269C2 can be made to Orange Grove, Texas consistent with all of the Commission's technical standards, including the mileage separation and city grade coverage requirements of the Commission's Rules.

⁵ The assignment of FM Channel 269C2 at Orange Grove, Texas is mutually exclusive with the assignment of FM Channel 269A at Hebbronville, Texas. The new assignment at Orange Grove, Texas would not be subject to outside expressions of interest.

⁶ Population figures are from the 2000 US Census.

⁷ One of the major indicators of the vibrancy of a community is the school system. As is shown in attachment A, the Orange Grove School system was recognized by the Texas Association of School Boards when Orange Grove received a 2001 School Design Award for the construction of a school in its independent district for Value and for Design.

⁸ See Attachment A for a partial listing of municipal offices and local businesses.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Allotments as follows:

| City | Present | Proposed |
|---------------------|---------------------------|------------------|
| Orange Grove, Texas | ---- | 269C2 |
| Hebbronville | 220A, 232A, 254A, 269A | 220A, 232A, 254A |

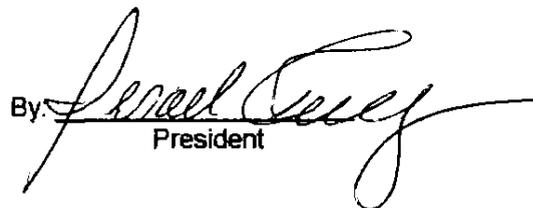
If the Commission assigns Channel 269C2 to Orange Grove, Texas LNCR will apply for the channel and, when authorized, will promptly construct the facility at Orange Grove, Texas.

The undersigned certifies that the statements made in this **P**etition For Rulemaking are **true** and correct to the best of his knowledge and are made in good faith.

WHEREFORE, in accordance with the above, La Nueva Cadena Radio Luz, Inc.. respectfully requests that Channel 269C2 be assigned to Orange Grove, Texas; that the operating authority of Radio Station KEKO(FM) **be** amended to specify operation **on** the newly assigned channel and that the rulemaking **petition** of Linda Crawford seeking the assignment of FM Channel 271A at Freer, Texas **be** denied.

October 18,2002

Respectfully Submitted,
La Nueva Cadena Radio Luz, Inc.

By 
President

La Nueva Cadena Radio Luz. Inc.
Attention: Israel Tellez
2702 Pine Street
Laredo. TX 78046
(956) 726-4738

La Nueva Cadena Radio Luz, Inc.
2702 Pine Street
Laredo, TX 78046

Comments and Counterproposal
MM Docket 02-260

Engineering Statement

This firm has been retained by La Nueva Cadena Radio Luz, Inc., ("LNCR") licensee of Radio Station KEKO(FM), Hebbronville, Texas to prepare this engineering statement in support of its Comments and Counterproposal in the above captioned proceeding. The Commission is seeking comments on a proposal to allot FM Channel 271A to the Community of Freer, Texas as that community's third aural service. LNCR is requesting that the proposal to add an additional channel at Freer, Texas be denied that FM Channel 269C2 be allotted to Orange Grove, Texas as a first local service and that the license of KEKO(FM) be modified to specify operation on the upgraded channel at Orange Grove, Texas..

The community of Orange Grove, Texas is located in Jim Wells County in southeast Texas. The city has a population of 1,299 persons and the county has a population of 39,326⁹ persons and the community is not located in an urbanized area and the 70 dbu contour will not penetrate an urbanized area.

The proposed allotment of FM Channel 269C2 to Orange Grove, Texas as its first local aural service and the removal of FM Channel 269A from Hebbronville, Texas would not deprive that community of its lone an aural service."

The assignment of FM Channel 269C2 can be made to the community of Orange Grove, Texas at allotment reference coordinates N28-00-01, W98-13-24 in full compliance with the Commission's minimum mileage separation and city grade illumination requirements. The allotment site is 28 km west of the community of Orange Grove, Texas, (USAtlas coordinates N27-57-22, W97-56-12), **and a transmitter** operating from this site will fully illuminate the entire city of Orange Grove with the required 70 dbu city grade coverage. Attached as Exhibit E-I is an FM Channel Study

⁹ Populations are from the 2000 US Census.

¹⁰ Hebbronville is served by Radio Station KAZF(FM) and KEKO(FM). Additionally it has an allotment on FM Channel **254A** and a pending allotment on FM Channel 232A.

which shows that the assignment can be made in compliance with the Section 73.207 of the Commission's Rules. It should be noted that the requested assignment at Orange Grove is mutually exclusive with the present assignment of FM Channel 269A at Hebbronville, Texas and, therefore, the assignment of FM Channel 269C2 at Orange Grove, Texas will not be subject to outside expressions of interest.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Allotments as follows:

| City | Present | Proposed |
|---------------------|---------------------------|------------------|
| Orange Grove, Texas | ----- | 269C2 |
| Hebbronville | 220A, 232A, 254A, 269A | 220A, 232A, 254A |

The proposal of LNCR to add a first local service to the deserving community of Orange Grove, Texas is comparatively superior to the proposal to add a third aural service to Freer, Texas since the addition of a first local service carries more public interest benefits than the addition of a third aural service at Freer, Texas. The Counterproposal of LNCR should be granted and the proposal of Linda Crawford to add a third aural service to Freer, Texas should be denied.

The undersigned certifies, under penalty of perjury, that the foregoing statements are true, correct and complete to the best of his knowledge. My qualifications are a matter of record with the Commission.

Respectfully,



F. W. Hannel, PE

F. W. Hannel & Associates
10733 East Butherus Drive
Scottsdale, AZ 85255
(480) 585-7475
<http://www.fwhannel.com>

La Nueva Cadena Radio Luz, Inc.
2702 Pine Street
Laredo, TX 78046

Comments and Counterproposal
MM Docket 02-260

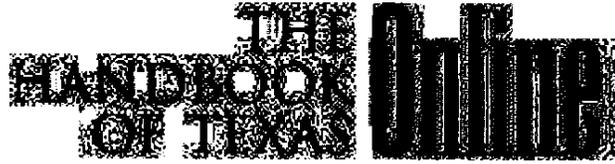
FM Channel Study
FM Channel 269C2

N28-00-01 W98-13-24

| Call Sign | State | City | Freq | Class | D/km | Sep | Clr |
|-----------|-------|----------------|-------|-------|--------|-----|--------|
| New | TX | Orange Grove | 101.7 | C2 | 0 | 0 | 0 |
| KEKO | TX | HEBBRONVILLE | 101.7 | A | 07.73 | 166 | -70.27 |
| KEKO | TX | HEBBRONVILLE | 101.7 | A | 87.57 | 166 | -78.43 |
| | TX | FREER | 102.1 | A | 35.65 | 55 | -19.35 |
| KNCN | TX | SINTON | 101.3 | C1 | 79.12 | 79 | 0.12 |
| KXGJ | TX | BAY CITY | 101.7 | C1 | 224.23 | 224 | 0.23 |
| KQXT-FM | TX | SAN ANTONIO | 101.9 | C1 | 159.26 | 158 | 1.26 |
| KXGJ | TX | BAY CITY | 101.7 | C1 | 227.51 | 224 | 3.51 |
| KQXT-FM | TX | SAN ANTONIO | 101.9 | C1 | 173.23 | 158 | 15.23 |
| XHAVOF | TA | RIO BRAVO | 101.5 | C1 | 222.44 | 195 | 27.44 |
| XHAVOF | TA | RIO BRAVO | 101.5 | B | 224.52 | 193 | 31.52 |
| XHASFM | TA | NUEVO LAREDO | 101.5 | A | 137.71 | 105 | 32.71 |
| XHASFM | TA | NUEVO LAREDO | 101.5 | A | 137.71 | 105 | 32.71 |
| XHCAOF | TA | CIUDAD CAMARGO | 101.7 | A | 196.03 | 163 | 33.03 |
| XHCAOF | TA | CIUDAD CAMARGO | 101.7 | A | 196.03 | 163 | 33.03 |

All Distances in kilometers

**Attachment A
Community Data**



ORANGE GROVE, TEXAS. Orange Grove is at the intersection of State Highway 359 and Farm Road 624, eighteen miles north of Alice in northeastern Jim Wells County. The site was part of the Ventana Ranch owned by George and Hannah (Compton) Reynolds. In March 1889, when the San Antonio and Aransas Pass Railway reached the area, the Reynoldses donated fifty-one acres of land to the railroad company as an inducement to build a stop on the ranch. In 1908 Fennell Dibrell and Max Starcke^{qv} were hired by George Reynolds, Jr., and Ernest Miller to subdivide and sell 2,500 acres cut from the Ventana Ranch and from Miller's ranch. Dibrell and Starcke platted streets, which they named for their friends. They then sold a large portion of the land to German settlers from other German Texas towns. The developers chose the name Orange Grove for the new town, hoping to lure more settlers to the area by evoking the booming and profitable citrus industry in the Lower Rio Grande Valley. The Orange Grove post office was opened in 1909, and that year the first store was established by L. W. Mumme, who accepted produce as payment on accounts. The Orange Grove Rifle Club was organized in 1911 and by 1912 had its own hall. By 1914 Orange Grove had an estimated population of 200, a bank, a cotton gin, four general stores, and a weekly newspaper, the Orange Grove Record. A line and a station, as promised to the Reynoldses, were finally constructed at Orange Grove by the railroad in 1914. In 1925 the town had a population of 300, and by 1931, some 1,000. During the 1940s the Orange Grove Rifle Club Hall became the social center for the community, with the Annual May Feast and the Annual Harvest Feast held there. The predominant language in Orange Grove continued to be German. In 1939 the population was estimated at 750, and by the early 1940s had increased to 906. By the early 1960s it had risen to about 1,100, then dropped to 1,000 by the mid-1970s. By the early 1990s Orange Grove had an estimated population of 1,175.

BIBLIOGRAPHY: Neva Virginia Pollard, *The History of Jim Wells County* (M.A. thesis, Texas A&I University, 1945).

Orange Grove High School

Orange Grove, Texas

Architect: WKMC Architects, Inc.

Case Study Number EU020533

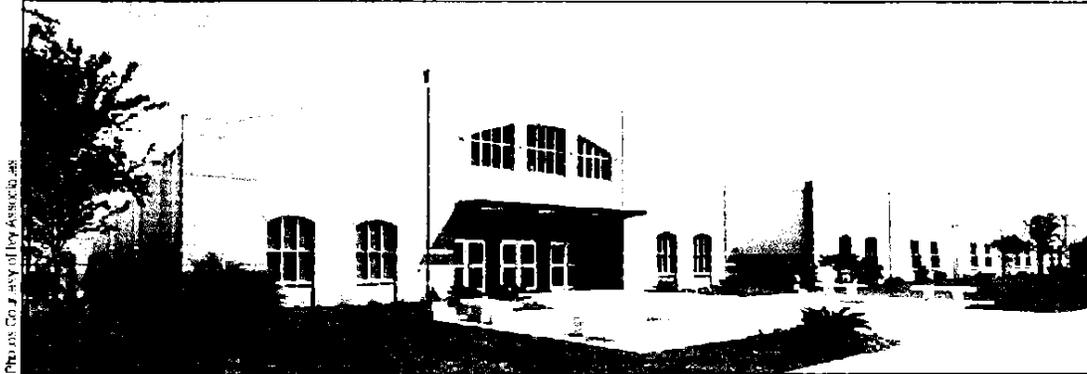


Photo Courtesy of WKMC Architects, Inc.

When the Orange Grove Independent School District began the task of planning this new 750-student high school, they insisted the new facilities be designed to be more than the center of this south Texas community; they asked the design team to create a place that reflected the culture and history of the town and the region. The 2,000-student population of this largely rural school district exceeds the population of the city, so the community schools also function as the main public facilities in the community.

The planning of the school was largely driven by the need for a number of the spaces to operate independently and serve a variety of after-hours uses. The library and computer laboratories serve as the city's public library on evenings and weekends. The computer labs are also used for adult education and literacy classes. This area of the building can be isolated and operated independently. The school cafeteria is the only assembly space with usage for a thirty-mile radius.

Athletic and band facilities are also

designed to accommodate independent after-school usage while maintaining a secure campus.

Corridor space is kept to a minimum by providing access to and between the various buildings on the campus via covered walkways flanking an outdoor courtyard. The kitchen serves as the district's central kitchen and provides food services to three other school campuses.

The site design of the campus strictly separates the various types of vehicle traffic and accommodates a large number of buses for this rural district. Student parking is separate and located in also serves the future football stadium. Service drives and bus access is also separated from the student and visitor areas.

The building's architecture draws from a number of historical and regional references. The brickwork is reminiscent of that created by German immigrants who settled many central and south Texas communities. The use of galvanized steel roofing and wall panels mimics many agricultural structures in the area. The use of stone and tile as materials evoke fa-

miliar images of architecture along the Texas-Mexico border region. The campus design fits nicely into its mesquite brush country location and creates a strong sense of identity for the school district and the entire community.

The town of Orange Grove was originally founded in the 1800s by land speculators who chose the tropical sounding name as a draw for early settlers. There was never actually any grove of orange trees. The exterior courtyard, which is central to the campus, has been dubbed as "The Grove". It too is missing any orange trees, thereby maintaining another piece of the community's history and tradition.

The Texas Association of School Boards recognized this project in their 2001 School Design Awards Program with awards for Value and for Design.

MANUFACTURERS/SUPPLIERS

DIV 07: *Manufactured Roofing & Siding:* Fabral; *Insulation:* Certainteed; *EIPS:* STO; *Lath:* Arco.

DIV 08: *Steel Doors & Frames:* DECO; *Wood Doors:* Buell Door Company; *Hardware:* Yale Security; *Rolling Colling Doors:* Cornall Iron Works; *Insulated Sectional Doors:* Windsor Door Company.

DIV 09: *Metal Support Systems:* Districh; *Drywall:* United States Gypsum; *Wall Panels:* Kemlite FRP; *Sports Flooring:* Action Flooring, Inc.; *Tile:* Dal-Tile; *Grid, Threshold:* Laticrete; *VCT:* Tarkett.

DIV 10: *Lockers:* Superior Lockers.

EXTENDED PRODUCT INFORMATION

Exterior Walls, Roof —
Manufactured Roofing & Siding: Fabral.
See advertisement on page 32.



Design Case Book/May/June 2002

Governmental Units

Police Dept

Orange Grove, TX 78372
(361) 384-2844

Jim Wells County Sheriff Substation

500 E Orange Ave
Orange Grove, TX 78372
(361) 384-0708

Orange Grove Chamber of Commerce & Area Museum

119 S Eugenia
Orange Grove, TX 78372
(361) 384-1300

United States Government

Us Naval Auxiliary Landing Field
Orange Grove TX 78372
(361) 664-7391

United States Government Offices

Post Office
Orange Grove, TX 78372
(361) 384-2301

Orange Grove City Of

City Hall
-- Municipal Judge
Orange Grove, TX 78372
(361) 384-9311

Orange Grove City Of

Orange Grove City Hall
-- Police Department
Orange Grove, TX 78372
(361) 384-2844

Oranae Grove City Of

Orange Grove, TX 78372
(361) 384-2322

Orange Grove City Of

City Water Works
Orange Grove, TX 78372
(361) 384-2890

Orange Grove City Of

City Hall
-- Fire Department
Orange Grove, TX 78372
(361) 384-2681

Orange Grove City Of

Orange Grove City Hall
-- Fire Deaparhent
Orange Grove, TX 78372
(361) 384-2681

Orange Grove City Of

City Water Works
Orange Grove, TX 78372
(361) 384-2890

Orange Grove City Of

City Hall
-- Fire Department
Orange Grove, TX 78372
(361) 384-2681

Orange Grove City Of

Orange Grove Crly Hall
Orange Grove, TX 78372
(361) 384-2322

Orange Grove City Of

City Water Works
-- Waste Water Plant
Orange Grove, TX 78372
(361) 384-2812

Orange Grove City Of

Orange Grove City Hall
-- Municipal Judge
Orange Grove, TX 78372
(361) 384-9311

Orange Grove City Of

City Hall
-- Police Department
Orange Grove, TX 78372
(361) 384-2844

Orange Grove City Of

Orange Grove City Hall
Orange Grove, TX 78372
(361) 384-2322

Churches

Faith Church U C C

Orange Grove, TX 78372
(361)384-2414

First Baptist Church

712 Dibrell
Orange Grove, TX 78372
(361)384-2582

St John of The Cross Catholic Rectory

Orange Grove, TX 78372
(361)384-2795

Faith Church U C C

Orange Grove, TX 78372
(361)384-2414

St John of The Cross Catholic Rectory

Orange Grove, TX 78372
(361)384-2246

First Baptist Church

712 Dibrell
Orange Grove, TX 78372
(361)384-2582

Representative Business Listing

Tangles Styling Salon
123 County Road 350
Orange Grove, TX 78372
(361) 384-9267

Brass Nail Restaurant
530 Hwy 624 E
Orange Grove, TX 78372
(361) 384-9051

Dairy Queen of Orange Grove
Fm Rd 624 E
Orange Grove, TX 18312
(361) 384-9013

Mi Casita Restaurant & Bakery
201 W Orange Av
Orange Grove, TX 78372
(361) 384-2109

R & R Crossroads Grill
400 E Orange Av
Orange Grove, TX 78372
(361) 384-0130

Rays Roundup & Quick stop
Hwy 281
Orange Grove, TX 78372
(361) 384-3025

Orange Grove Arts & Crafts Mall
303 S Reynolds St
Orange Grove, TX 78372
(361) 384-1719

Valuebank Texas
Orange Grove, TX 78372
(361) 384-2433

Fuhrken Insurance Agency
Orange Grove, TX 76372
(361) 384-2758

Fuhrken Insurance Agency
514 E Orange Ave
Orange Grove, TX 78372
(361) 384-9454

Hochheim Prairie Farm Mutual Ins Assn
Orange Grove, TX 78372
(361) 384-9240

Adolphs Garage & Machine Serv
Orange Grove, TX 78372
(361) 364-9006

Barrys Automotive
200 W Josephine Av
Orange Grove, TX 78372
(361) 384-9152

Myers Auto Parts & Service
114 S Eugenia St
Orange Grove, TX 78372
(361) 384-2451

Anas Hair Salon
Hwy 624
Orange Grove, TX 78372
(361) 384-5449

Debbies Natural Salon
108 Pundt Ave
Orange Grove, TX 78372
(361) 384-3630

Hair Sculptures
203 N Eugenia St
Orange Grove, TX 78372
(361) 384-1154

Major Image Salon
PO box 82
Hebbronville, TX 78372
(361) 527-3088

New Image Hair & Body Spa
Fm Rd 624
Orange Grove, TX 78372
(361) 384-9145

Precision Cuts
678 County Road 3061
Orange Grove, TX 78372
(361) 384-3252

Care Pharmacy
407 E Orange Av
Orange Grove, TX 78372
(361) 384-2665

Orange Grove Insurance
Orange Grove, TX 78372
(361) 384-2657

Tangles Styling Salon
123 County Road 350
Orange Grove, TX 78372
(361) 384-9267

Brass Nail Restaurant
530 Hwy 624 E
Orange Grove, TX 78372
(361) 384-9051

Dairy Queen of Orange Grove
Fm Rd 624 E
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(361) 384-2109

R & R Crossroads Grill
400 E Orange Av
Orange Grove, TX 78372
(361) 384-0130

Rays Roundup & Quick Stop
Hwy 281
Orange Grove, TX 78372
(361) 384-3025

Armstrong Properties
514 W Orange Av
Orange Grove, TX 78372
(361) 384-2888

G D H Properties
Orange Grove, TX 78372
(361) 384-1052

Hranicky Roy E Real Estate Real Est Dev
Hwy 624
Orange Grove, TX 78372
(361) 384-9024

Hranicky Roy E Real Estate Real Est Dev
Hwy 624
Orange Grove, TX 78372
(361) 384-2559

Orange Grove Insurance
Orange Grove, TX 78372
(361) 384-9240

CERTIFICATE OF SERVICE

I, Fred Hannel, do hereby certify that copies of the foregoing Comments and Counterproposal have been served by United States mail, postage prepaid this 19th day of October, 2002, upon the following:

Rolanda F. Smith, **Esg.**
Federal Communications Commission
Mass Media Bureau
Portals II, Room 3-A266
445 12th Street SW
Third Floor
Washington, D.C. 20024
(Via Federal Express)

Linda Crawford
3500 Maple Avenue #1320
Dallas, **TX** 75219
(Via US Mail)



F. W. Hannel, PE