

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

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FEDERAL COMMUNICATIONS COMMISSION

In the matter of)	
)	
Amendment of Section 73.202(b))	
FM Table of Allotments,)	
FM Broadcast Stations)	
(Junction, Texas)	)	MM Docket No. 01-263
	)	RM-10280
)	
(Chino Valley, Arizona)	)	MM Docket No. 01-264
	)	RM-10281
)	
(Arkadelphia, Arkansas)	)	MM Docket No. 01-265
	)	RM-10282
)	
(Aspermont, Texas)	)	MM Docket No. 01-266 ✓
	)	RM-10283
)	
(Cotulla, Texas)	)	MM Docket No. 01-267
	)	RM-10289

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 16, 2002

Released: October 25, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein a multiple docket *Notice of Proposed Rule Making* setting forth five separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each proposal involves adding a community to the FM Table of Allotments. Each petitioner, Maurice Salsa (Junction Texas), Charles Crawford (Arkadelphia, Arkansas and Chino Valley, Arizona), and Jeraldine Anderson (Aspermont and Cotulla, Texas) states that it will file an application for construction permit at each locality and bid at auction if the channel is allotted.

2. This is a multiple docket Report and Order 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 *Report and Order*. 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 discuss the following proposals:

A. MM Docket No. 01-263, RM-10280

Petitioner: Maurice Salsa
5615 Evergreen Valley Drive
Kingwood, Texas 71345

Determination: Allot Channel 292A at Junction, Texas as the community's second commercial FM transmission service.'

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 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective, December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Junction, Texas	228C2, 292A

Coordinates: 30-29-21 NL and 99-46-18 WL.

Additional Information: Channel 292A is allotted at Junction without a site restriction. Petitioner filed comments reiterating its support of the allotment, pledging to apply for the channel, when allotted, and if authorized, promptly build the facility. Because this proposal is within 320 kilometers (200 miles) of the Mexican border, Mexican concurrence has been received for this allotment.

FCC Contact: Victoria M. McCauley (202) 418-2180.

B. MM Docket No. 01-264, RM-10281

Petitioner: Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205

Determination: Allot Channel 223A at Chino Valley, Arizona as the community's second commercial FM transmission service.

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 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective, December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Chino Valley, Arizona	280B, 223A

Coordinates: 34-46-10 NL and 112-31-03 WL

Additional Information: Channel 223A is allotted at Chino Valley at a site 6 kilometers (3.7 miles) west of the community. Petitioner filed comments reiterating its support of the allotment, pledging to apply for the channel, when allotted, and if authorized, promptly build the facility. Since this proposal is within 320 kilometers (200 miles) of the Mexican border, Mexican concurrence has been requested but not yet received for this allotment. Rather than delay the opportunity to file an application for this allotment, we will allot Channel 223A at Chino Valley at this time. However, if a construction permit is granted prior to the receipt of formal concurrence by the Mexican government, the construction permit

¹ We note that also pending are proposals to allot Channels 277C3, 284A and 297A at Junction. In addition, vacant NCE Channel 212A is allotted at Junction and NCE Station KOOK (FM) is also licensed to the community.

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."

FCC Contact: Victoria M. McCauley (202) 418-2180.

C. MM Docket No. 01-265, RM-10282

Petitioner: Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205

Determination: Allot Channel 228A at Arkadelphia, Arkansas, as the community's second commercial FM transmission service?

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 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective, December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Arkadelphia, Arkansas	265A, 228A

Coordinates: 34-07-10NL and 93-1043 WL.

Additional Information: Channel 228A can be allotted at Arkadelphia with a site restriction of 11.5 kilometers (7.2 miles) west of the community. Petitioner filed comments reiterating its support of the allotment, pledging to apply for the channel, when allotted, and if authorized, promptly build the facility.

FCC Contact: Victoria M. McCauley (202) 418-2180.

D. MM Docket No. 01-266. RM-10283

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Determination: Allot Channel 226C2 at Aspermont, Texas, as the community's first local aural transmission service.

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 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective, December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Aspermont, Texas	226C2

² NCE Station KSWH-FM is also licensed to the community of Arkadelphia.

Coordinates: 33-11-27 NL and 100-14-50 WL

Additional Information: We received no opposing comments on the community status of Aspermont, and we therefore take official notice that Aspermont is a community for allotment purposes. It is an incorporated city, the county seat of Stonewall County, and has a population exceeding 1,000 persons. It has a ~~mayor~~. volunteer ~~fire~~ department, post office, school district and churches.

Channel 226C2 is allotted at Aspermont with a site restriction of 6.7 kilometers (4.1 miles). Petitioner filed comments reiterating its support of the allotment, pledging to apply for the channel, when allotted, and if authorized, promptly build the facility.

FCC Contact: Victoria M. McCauley (202) 418-2180.

E. MM Docket No. 01-267, RM-10289

Petitioner: Jeraldine Anderson
1702 Cypress Drive
Irving, Texas 75061

Determination: Allot Channel 289A at Cotulla, Texas, as the community's second local aural service.

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 0.61, 0.204(b) and 0.283 of the Commission's Rules. **IT IS ORDERED** That effective, December 9, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Cotulla, Texas	242A, 289A

Coordinates: 28-24-57 NL and 99-16-49 WL.

Additional Information: Channel 289A is allotted at Cotulla with a site restriction of 5.0 kilometers (3.1 miles) southwest of the community. Petitioner filed comments reiterating its support of the allotment, pledging to apply for the channel, when allotted, and if authorized, promptly build the facility. Since this proposal is within 320 kilometers (200 miles) of the Mexican border, Mexican concurrence has been received for this allotment.

FCC Contact: Victoria M. McCauley (202) 418-2180.

3. Filing windows for Channels will not be opened at this time. Instead the issue of opening these allotments for auction will be addressed by the Commission in a subsequent Order.

4. For further information regarding a proceeding listed above, contact the FCC contact listed for that proceeding. Questions related to the application process should be addressed to the Audio Division, Media Bureau (202) 418-2700.

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau