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Before the  
FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

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MAR - 6 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MMDocket No. 01-216
FM Table of Allotments	)	RM-I 0223
FM Broadcast Stations	)	
(Valliant, Oklahoma)	)	
	)	
Application for Modification of Facilities	)	File No. BPH-20010830ABN
For Radio Station KTXQ-FM	)	
Gainesville, Texas	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Media Bureau

**REQUEST FOR EXPEDITED CONSIDERATION**

Radio One Licenses, LLC. ("ROL"), licensee of Radio Station KTXQ-FM (now KSOC-FM) at Gainesville, Texas, and Maurice Salsa, Jeraldine Anderson, and Charles Crawford (collectively, "the Petitioners"), by their respective counsel, hereby request that the Commission expedite its consideration of the resolution and termination of the above-captioned rule making proceeding and promptly grant the above-captioned application for modification of Station KTXQ-FM. In support hereof, ROL and the Petitioners respectfully state as follows

1. Maurice Salsa ("Salsa") is the proponent of a new allotment on Channel 234C3 at Valliant, Oklahoma in the above-referenced docket. On August 31, 2001, the Commission released a Notice of Proposed Rule Making ("NPRM") to allot the channel Salsa requested. However, on August 30, 2001, ROL had filed an application for minor change to its existing, operating facilities (FCC File No. BPH-20010830ABN) ("KTXQ Modification"). Because the

*CTF*

Salsa proposal to allot Channel 234C3 at Valliant conflicts with the KTXQ Modification, ROL tiled Comments and Counterproposal in this docket on October 22, 2001, and Reply Comments on November 6, 2001. Salsa opposed the alternatives suggested by ROL in its Comment and Reply, in part because of other petitions for rule making filed by the Petitioners to allot channels to other communities, each of which was premised upon the allotment of Channel 234C3 at Valliant. Since that time, numerous pleadings have been filed by ROL, Salsa and the Petitioners in this, and several other directly impacted or tangentially related dockets, creating a complex web of new proposals and counterproposals involving a number of proponents and communities.

2. On February 11, 2003, ROL and Petitioners, at the request of Commission staff reviewing MM Docket No. 01-216, submitted a joint memorandum ("Joint Memo") outlining a solution that if approved, allows the Commission to: 1) allot a first local service to Valliant on the channel originally requested by Salsa (with a slight site restriction); 2) terminate the proceedings in MM Docket No. 01-216; and 3) grant the KTXQ Modification. A copy of the Joint Memo is attached hereto for case of reference.

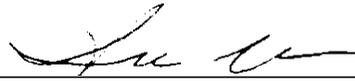
3. ROL and Petitioners hereby submit that immediate action by the Commission to resolve MM Docket No. 01-216 is in the public interest. Allocation of Channel 234C3 at the site-restricted location identified in ROL's Counterproposal will provide a first local service in Valliant to approximately 7,500 more people than the site originally proposed by Salsa. Approval of the proposed allotment scheme will also allow the Commission to approve the KTXQ Modification, thereby improving the technical facilities and service provided by ROL to its listening audience.

4. Accordingly, ROL and Petitioners respectfully request that the Commission act expeditiously to consider the Joint Memo filed in connection with MM Docket No. 01-216, and

thus **DISMISS** the Petition for Rule Making in MM Docket No. 02-301, **GRANT** the Counterproposal set forth by ROL in MM Docket No. 01-216, **GRANT** the KTXQ Modification and **TERMINATE** MM Docket No. 01-216.

Respectfully submitted,

**RADIO ONE LICENSES, LLC**

By:   
Pamela C. Cooper  
DAVIS WRIGHT TREMAINE LLP  
1500 K Street, N.W, Suite 450  
Washington, DC 20005  
(202) 508-6600  
Its Attorney

**MAURICE SALSA, JERALDINE ANDERSON,  
AND CHARLES CRAWFORD**

By: \_\_\_\_\_  
Gene Bechtel  
LAW OFFICE OF GENE BECHTEL., P.C  
1050 17<sup>th</sup> Street, NW, Suite 600  
Washington, DC 20036  
(202) 496-1289  
Their Attorney

March 5, 2003

thus DISMISS the Petition for Rule Making in MM Docket No. 02-301, GRANT the Counterproposal set forth by ROL in MM Docket No. 01-216, GRANT the KTXQ Modification and TERMINATE MM Docket No. 01-216

Respectfully submitted

**RADIO COM LICENSES, LLC**

By: \_\_\_\_\_  
Pamela C. Cooper  
DAVIS WRIGHT TREMAINE LLP  
1500 K Street, N.W., Suite 450  
Washington, DC 20005  
(202)508-6600  
Its Attorney

**MAURICE SALSA, JERALDINE ANDERSON,  
AND CHARLES CRAWFORD**

By:  \_\_\_\_\_  
Gene Bechtel  
LAW OFFICE OF GENE BECHTEL, P.C.  
1050 17<sup>th</sup> Street, NW, Suite 600  
Washington, DC 20036  
(202)496-1289  
Their Attorney

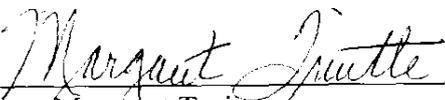
March 5, 2003

CERTIFICATE OF SERVICE

I, Margaret Truitte, a secretary in the law firm of Davis Wright Tremaine LLP, do hereby certify that I have on this 6th day of March, 2003, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Request for Expedited Consideration" to the following:

John Karousos  
Chief, Allocations Branch  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

R. Barthen Gorman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Room 3-A224  
Washington, DC 20554

  
\_\_\_\_\_  
Margaret Truitte

# Davis Wright Tremaine LLP

WASHINGTON DC OFFICE

## MEMORANDUM

**TO:** Bart Gorman  
John Karousos

**FROM:** Pamela C. Cooper, Esq.   
(on behalf of Radio One Licenses, LLC)  
Gene Bechtel, Esq.  
(on behalf of Maurice Salsa, Jeraldine Anderson and Charles Crawford)

**DATE:** February 11, 2003

**RE:** FCC File No. BPH-20018030ABN  
Station KTXQ-FM, Gainesville, Texas  
RM-10495  
RM-10496  
MM Docket No. 01-216, RM-10223  
Valliant, Oklahoma

---

This memorandum is submitted on behalf of Radio One Licenses, LLC (“ROL”), licensee of Radio Station KTXQ-FM (now KSOC-FM)<sup>1</sup> at Gainesville, Texas (“KTXQ-FM”), and Maurice Salsa, Jeraldine Anderson, and Charles Crawford (collectively, “the Petitioners”). The above-referenced rule making proceeding, in which the allotment of Channel 234C3 at Valliant, Oklahoma has been proposed, is currently pending before the Allocations Branch. The purpose of this memo is to demonstrate that this rule making can be resolved simply, quickly, and in the public interest.

Maurice Salsa (“Salsa”) is the proponent of the new allotment at Valliant (MM Docket No. 01-216). On August 31, 2001, the Commission released a Notice of Proposed Rule Making (“NPRM”) to allot the channel Salsa requested, Channel 234C3. However, on August 30, 2001, ROL had filed an application for minor change to its existing, operating facilities (FCC File No. BPH-20010803ABN). Because the Salsa proposal to allot Channel 234C3 at Valliant conflicts with KTXQ-FM minor change application, ROL filed Comments and Counterproposal in this docket on October 22, 2001, and Reply Comments on November 6, 2001. Salsa opposed the alternatives suggested by ROL in its Comments and Reply, in part because of other petitions for rule making filed by the Petitioners to allot channels to other communities, each of which was premised upon the allotment of Channel 234C3 at Valliant. Since that time, numerous pleadings have been filed by ROL, Salsa and the Petitioners in this, and several other directly impacted or tangentially related dockets, creating a complex web of new proposals and counterproposals involving a number of proponents and communities.

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<sup>1</sup> The call letters for the Station were changed effective June 6, 2002. For ease of reference, the former call letters for the Station will be used herein as they have been used in each of the pleadings pending before the Commission.

Davis Wright Tremaine LLP  
WASHINGTON DC OFFICE

MEMORANDUM

TO: Bart Gorman  
John Karousos

FROM: Pamela C. Cooper, Esq.  
(on behalf of Radio One Licenses, LLC)  
Gene Hechtel, Esq.  
(on behalf of Maurice Salsa, Jeraldine Anderson and Charles Crawford)

DATE: February 11, 2003

RE: FCC File No. BPH-20018030ABN  
Station KTXQ-FM, Gainesville, Texas  
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---

<sup>1</sup> The call letters for the Station were changed effective June 6, 2002. For ease in reference, the former call letters for the Station will be used herein as they have been used in each of the pleadings pending before the Commission.

The most recently docketed rule making proceeding that impacts the Valliant allotment was filed by Jeraldine Anderson. Anderson petitioned the Commission to add a third local channel to Broken Bow, Oklahoma in MM Docket No. 02-301. ROL filed Comments and Counterproposal and Reply Comments in this proceeding, reiterating its contention that the Section 307(b) benefits of allotting a **first** local service at Valliant and improving the facilities of KTXQ-FM far outweighed the benefits of allotting a **third** channel to Broken Bow.

Anderson is willing to dismiss her Broken Bow proposal to achieve a solution in the Valliant rule making proceeding provided the Commission will still consider the proposed allotment of a second channel at Broken Bow in MM Docket No. 01-209.<sup>2</sup> See, Statement of Jeraldine Anderson and Supplement to Statement of Jeraldine Anderson, filed in MM Docket No. 02-301, copies of which are attached hereto. Thus, ROL and the Petitioners submit that a procedural solution is available that will permit the Commission to **immediately** resolve the Valliant docket in light of Anderson's willingness to dismiss her proposal for a third channel at Broken Bow.

If the Commission grants Anderson's request for dismissal of her petition in MM Docket No. 02-301, it can grant the original counterproposal set forth by ROL in October of 2001. That proposal provides for the allotment of a first local service to Valliant, Oklahoma on the channel originally requested by Salsa in the Valliant proceeding (Channel 234C3 with a site restriction) and the immediate grant of ROL's application to modify the facilities of KTXQ-FM. As set forth in ROL's Comments and Counterproposal, the KTXQ-FM modification is short-spaced to the proposed Valliant allotment by 7 kilometers. By adopting a 7.3 kilometer North-Northeast site restriction for Channel 234C3 at Valliant, the Commission can eliminate the conflict. See, Comments and Counterproposal of ROL, filed October 22, 2001, a copy of which is attached hereto. This solution initially was not supported by Salsa in Reply Comments filed in the Valliant docket because it was short-spaced to the then-undocketed Petition for Rule Making filed by Anderson for the allotment of Channel 232A at Broken Bow. However, with the termination of MM Docket No. 02-301 that conflict is eliminated. In addition to allotting a first local service at Valliant, the public will further benefit as a result of this solution because operation of a new Valliant station from the site-restricted Channel 234C3 will provide service to approximately 7,500 more people than the site originally proposed for the channel by Salsa. See, Reply Comments of ROL at p. 9.

Thus, the single Commission action to dismiss Anderson petition in MM Docket No. 02-301 will enable the Commission to **PROMPTLY**:

1. Grant the Counterproposal set forth by ROL in MM Docket No. 01-216 and allot a site-restricted Channel 234C3 as a first local service at Valliant, OK;
2. Grant ROL's application for modification of KTXQ-FM;
3. Terminate MM Docket No. 01-216

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<sup>2</sup> Anderson has submitted an appropriate Sworn Affidavit in her "Supplement to Statement" stating that she has received no compensation in exchange for her request for dismissal.

Following termination of MM Docket No. 01-216, the Commission can also proceed to allot either Channel 265A or 285A at Broken Bow in MM Docket No. 01-209.<sup>3</sup> If Channel 265A is allotted, the Commission may also approve the Counterproposal of the licensee of Station KTCY(FM) to upgrade the station on Channel 285C0 at Pilot Point, Texas. Similarly, with the Valliant docket terminated, the Commission would be able to act upon the request to allot Channel 226.4 at Wright City, Oklahoma in MM Docket No. 01-255. See, Chart I hereto.

ROL and the Petitioners urge the Commission to expeditiously **GRANT** Anderson's request for dismissal of her petition to allot Channel 232A to Broken Bow. By **TERMINATING** MM Docket No. 02-301, the public interest will be served by the Commission's **GRANT** of a first local service (Channel 234C3) to Valliant, Oklahoma and **GRANT** ROL's pending application to modify and improve the facilities of Station KTXQ-FM at Gainesville, Texas (File No. BPH-20010803ABN).

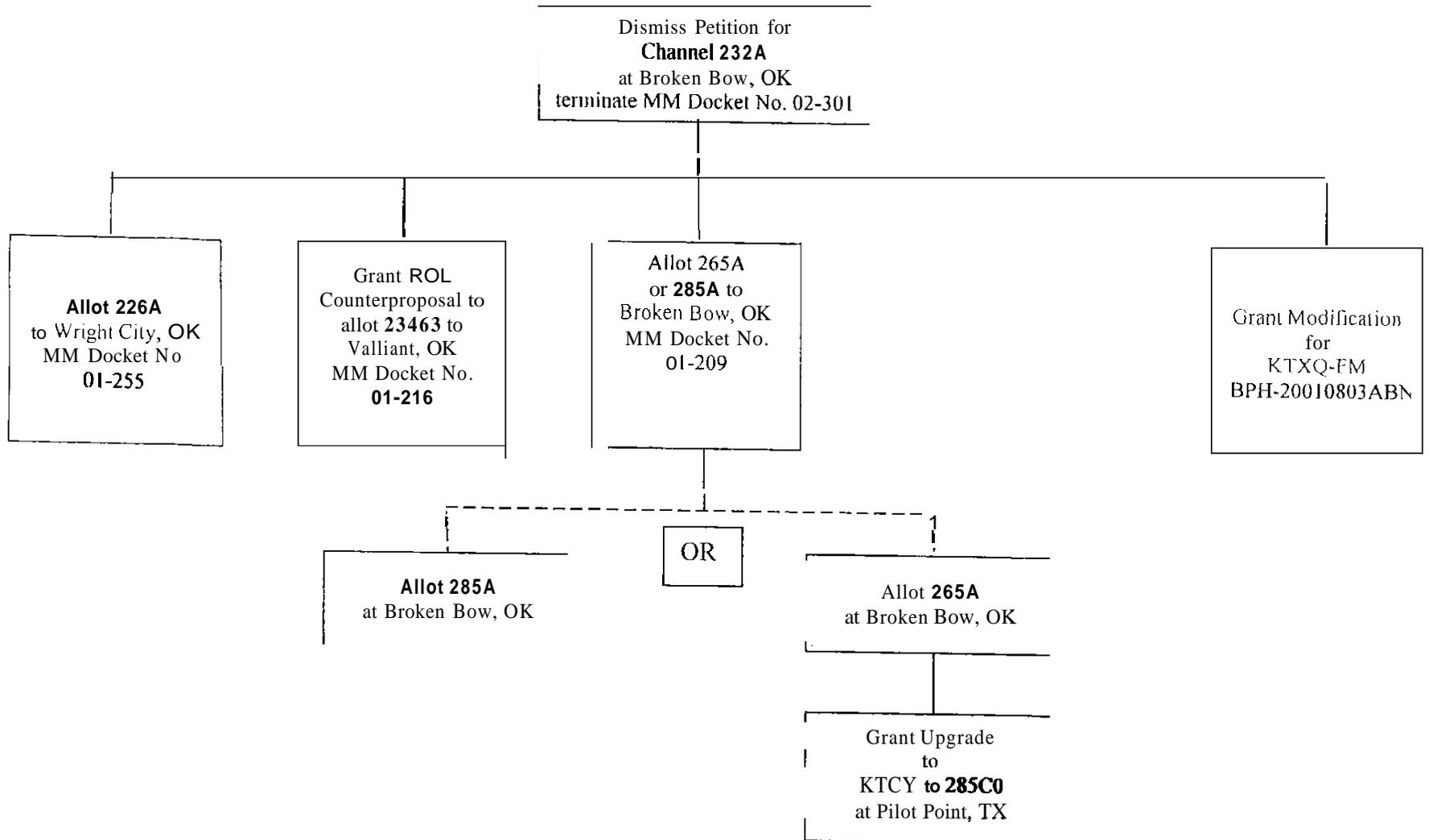
Please feel free to contact us (Pam Cooper at 202-508-6600; Gene Bechtel at 202-496-1289) should you require additional information concerning these matters.

---

<sup>3</sup> Following the grant of its modification application for KTXQ-FM, ROL will, if necessary, withdraw its Comments, Counterproposals and Reply Comments in all of the remaining proceedings in which it has participated related to the allotment at Valliant, Oklahoma.

CHART I

TERMINATE MM DOCKET NO. 02-301



**ATTACHMENT A**  
**STATEMENT OF**  
**JERALDINE ANDERSON, DATED DECEMBER 11,2002**

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

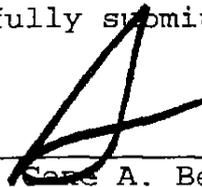
In the Matter of )  
 )  
Amendment of §73.202(b) ) MM Docket No. 02-301  
FM **Table** of Allotments ) **RM-10578**  
FM Broadcast Stations )  
(Broken Bow, Oklahoma) )

John Karousos, Assistant Chief  
Audio Division, Media Bureau

MOTION FOR LEAVE TO FILE  
STATEMENT OF JERALDINE ANDERSON

The Statement of Jeraldine Anderson tendered with this motion clears the way for immediate consideration of either of two choices of global allotments resolving MM Dockets 01-209, 01-216 and 01-301 resulting in a number of 307(b) enhancements. Accordingly, the public interest is served by acceptance of the statement, for which no consideration has been paid or promised as attested to by Ms. Anderson.

Respectfully submitted,



Gene A. Bechtel

Law Office of Gene Bechtel, P.C.  
Suite 600, 1050 17th Street, N.W  
Washington, D.C. 20036  
Telephone 202-496-1289  
Telecopier 301-762-0156

Counsel for Jeraldine Anderson

*December 11, 2002*

Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
**Amendment of §73.202(b)** ) **MM Docket** No. 02-301  
FM Table of Allotments ) RM-10578  
FM Broadcast Stations )  
(Broken Bow, Oklahoma) )

John Karousos, Assistant Chief  
Audio Division, Media Bureau

STATEMENT OF JERALDINE ANDERSON

1. In MM Docket Nos. 01-216 and 01-209, Ms. Anderson has supported an alternative resolution of proceedings that is now also reflected here (a) in the Counterproposal of Radio One Licenses, L.L.C. ("Radio One") dated November 18, 2002, and (b) in Part IV of the Reply Comments of Radio One dated December 3, 2002.

2. Part III of the Reply Comments addresses the 307(b) attributes of another, earlier proposal for resolution of proceedings that has been blocked pending consideration of Ms. Anderson's petition to allot a channel to Broken Bow, Oklahoma, in the instant rulemaking proceeding. While Ms. Anderson does not concede the accuracy of the procedural and other arguments made in Parts I and II of the Reply Comments, she does concur that her proposed allotment of a third channel in Broken Bow is outweighed by 307(b) considerations set forth in Part III of the Reply Comments. Those 307(b) considerations include allotting a second channel for Broken Bow; it is also important that they do not involve the use of a frequency to add still another "local

station" to a large market that siphons spectrum which might otherwise be used for smaller communities outside of large markets. Accordingly, **Ms.** Anderson supports the earlier resolution of proceedings referred to in Part III of the **Reply** Comments, recognizing that this calls for denial of the subject petition for a third channel for Broken Bow.

3. The attached declaration of Ms. Anderson attests to the absence of any consideration for the filing of this statement.

Respectfully submitted,



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Gene A. Bechtel

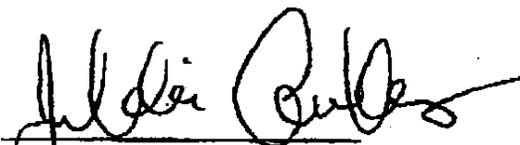
Law Office of Gene Bechtel, P.C.  
Suite 600, 1050 17th Street, N.W.  
Washington, D.C. 20036  
Telephone 202-496-1289  
Telecopier 301-762-0156

Counsel for Jeraldine Anderson

December 11, 2002

**DECLARATION**

I, Jeraldine Anderson, declare under penalty of perjury that I have not been paid or promised, directly or indirectly, any consideration for filing the foregoing statement in support of an alternative resolution of the proceedings proposed by Radio One which alters positions taken in pleadings that have previously been filed by me.

  
Jeraldine Anderson

December 11, 2002

CERTIFICATE OF SERVICE

I certify that on this 11th day of October, 2002, I **am** causing copies of the foregoing MOTION FOR LEAVE TO FILE STATEMENT OF JERALDINE ANDERSON and the STATEMENT OF JERALDINE ANDERSON to be placed in the United States mails, first class, postage prepaid, addressed to:

Pamela **C. Cooper, Esq.**  
Davis Wright Tremaine LLP  
1500 K Street, N.W., Suite 450  
Washington, D.C. 20005  
Counsel for Radio One Licenses, LLC

Barry A. Friedman, **Esq.**  
Thompson Hine LLP  
Suite 800, 1920 L Street, N.W.  
Washington, D.C. 20036  
Counsel for KTYC(FM), Pilot Point, Texas  
Entravision Holdins, LLC

  
\_\_\_\_\_  
/Gene A. Bechtel

**ATTACHMENT B**

**SUPPLEMENT TO STATEMENT OF  
JERALDINE ANDERSON, DATED DECEMBER 27, 2002**

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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of §73.202(b) ) MM Docket No. 02-301  
FM Table of Allotments ) RM-10578  
FM Broadcast Stations )  
[Broken **Bow**, Oklahoma) )

John Karousos, Assistant Chief  
Audio Division, Media Bureau

SUPPLEMENT TO  
STATEMENT OF JERALDINE ANDERSON

1. As indicated in the Statement of Jeraldine Anderson filed December 11, 2002 -- in MM Docket Nos. 01-216 and 01-209, Ms. Anderson has supported an alternative resolution of proceedings that is now also reflected in the instant proceeding (a) in the Counterproposal of Radio One Licenses, L.L.C. ("Radio One") dated November 18, 2002, and (b) in Part IV of the Reply Comments of Radio One dated December 3, 2002.

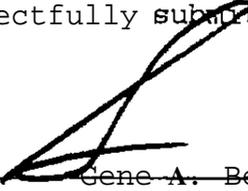
2. Part III of the Reply Comments addresses the 307(b) attributes of another, earlier proposal for resolution of proceedings that has been blocked pending consideration of Ms. Anderson's petition to allot a channel to Broken **Bow**, Oklahoma, in the instant rulemaking proceeding. While Ms. Anderson did not concede the accuracy of the procedural and other arguments made in Parts I and II of the Reply Comments, she did concur that her proposed allotment of a third channel in Broken Bow is outweighed by 307(b) considerations set forth in Part III of the Reply Comments. Those 307(b) considerations include allotting a second channel for Broken Bow; it was also important that they do not involve the use of a frequency to add still another "local

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station" to a large market that siphons spectrum which might otherwise be **used** for smaller communities outside of large markets. Accordingly, **Ms.** Anderson supported the resolution of proceedings referred to in Part III **of** the Reply Comments, recognizing that this calls for denial of the subject petition for a third channel for Broken Bow.

3. That statement is supplemented to request the Commission to dismiss Ms. Anderson's petition concurrently with adoption of the resolution **of** proceedings referred to in Part III of the Reply Comments. The attached declaration **of Ms.** Anderson attests to the absence of any consideration for the filing **of** this supplemental statement.

Respectfully submitted,

  
\_\_\_\_\_  
Gene A. Bechtel

Law Office of Gene Bechtel, P.C.  
Suite 600, 1050 17th Street, N.W.  
Washington, D.C. 20036  
Telephone 202-496-1289  
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Counsel for Jeraldine Anderson

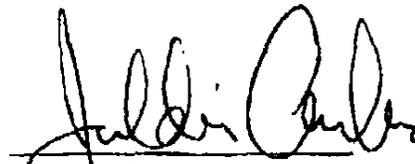
December 27, 2002

**SWORN AFFIDAVIT**

Jeraldine Anderson does state under penalty of perjury:

1. My name is Jeraldine Anderson and I filed a Petition for a Rulemaking to allot a new FM channel to Broken Bow, Oklahoma, (MB Docket No. 02-301) on or about October 17, 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 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 27<sup>th</sup> day of December, 2002.



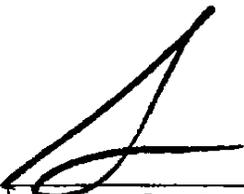
Jeraldine Anderson

CERTIFICATE OF SERVICE

I certify that on this 27th day of December, 2002, I have caused copies of the foregoing SUPPLEMENT TO STATEMENT OF JERALDINE ANDERSON to be placed in the United States mails, first class, postage prepaid, addressed to:

Pamela C. Cooper, Esq.  
Davis Wright Tremaine LLP  
1500 K Street, N.W., Suite 450  
Washington, D.C. 20005  
Counsel for Radio One Licenses, LLC

Barry A. Friedman, Esq.  
Thompson Hine LLP  
Suite 800, 1920 L Street, N.W.  
Washington, D.C. 20036  
Counsel for KTYC(FM), Pilot Point, Texas  
Entravision Holdins, LLC

  
\_\_\_\_\_  
Gene A. Bechtel