

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

In the Matter of	)	
	)	
Amendment of 73.202 (b)	)	MM Docket No. 01-47
Table of Allotments	)	RM-10063
FM Broadcast Stations	)	RM-10119
(Valley Mills, Texas)	)	RM-10120

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau

**COMMENTS OF VALLEY MILLS RADIO BROADCASTING COMPANY**

1. On May 8, 2003, the Commission released a Report and Order for MM Docket No. 00-148 in which it reaffirmed its policy of not entertaining alternative proposals set forth in counterproposals.<sup>1</sup>

2. In the above captioned proceeding, Roy E. Henderson, licensee of Station KBAL-FM, San Saba, Texas and Pecan Bayou Radio, filed a counterproposal with two Options. "Option 1" of the Henderson/ Pecan Bayou counterproposal proposed to upgrade Station KBAL-FM by substituting Channel 237C3 for Channel 291A and changing its community of license from San Saba to Goldthwaite, Texas as its first local service. In "Option 2" the

<sup>1</sup> See *Winslow, Camp Verde, Mayer and Sun City West, Arizona*, 16 FCC Rcd 9551 (MM Bur. 2001).

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Henderson/ Pecan Bayou counterproposal proposed two new FM channel allotments at Richland Springs and Hico, Texas along with KBAL's consent to change channels and transmitter site.

3. On April 16, 2001, Roy E. Henderson and Pecan Bayou Radio withdrew "Option 1" of their counterproposal. They gave no reason for withdrawing "Option 1". In view of the Commission's policy of not accepting optional or alternative proposals presented in either an initial petition for rule making or in a counterproposal, the Henderson/ Pecan Bayou counterproposal was defective when filed on April 9, 2001. The fact that on April 16, 2001, Henderson/ Pecan Bayou withdrew "Option 1" from their counterproposal does not alter the fact that at the time of filing the counterproposal was defective based on the Commission policy of not entertaining optional or alternative counterproposals.

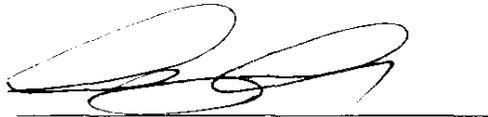
4. Additionally, the other parties to this proceeding would be disadvantaged if the Commission allowed Henderson/ Pecan Bayou to file an optional counterproposal and at a later date and after reviewing the other filings in the proceeding were allowed to choose their best option.

5. Therefore, the Commission should find the Henderson/ Pecan Bayou counterproposal defective and

withdraw it from consideration in this proceeding.

The factual information provided in these Comments is correct and true to the best of my knowledge.

Respectfully submitted,



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June 2, 2003

**CERTIFICATE OF SERVICE**

I, Charles Crawford, DBA Valley Mills Radio Broadcasting Company, hereby certify that on this 2<sup>nd</sup> day of June, 2003, I caused copies of the foregoing "COMMENTS OF VALLEY MILLS RADIO BROADCASTING COMPANY" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

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