

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

MAY 14 2003

In the Matter of)	
)	DOCKET FILE COPY ORIGINAL
Amendment of Section 73.202(b))	
Table of Allotments,)	
FM Broadcast Stations.)	
(Dalhart, Texas))	MB Docket No. 03-52
)	RM-10657
)	
(Kermit, Texas))	MB Docket No. 03-53
)	RM-10658
)	
(Leakey, Texas))	MB Docket No. <u>03-54</u>
)	RM-10659
)	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 28, 2003

Released: May 30, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division has before it *Notices of Proposed Rule Making*,¹ specified below, setting forth three separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. Each petitioner filed comments in support of its proposal reaffirming its intention to apply for the requested channel, if allotted. Each proposal complies with all Commission technical requirements and we continue to believe each proposal would serve the public interest. There were no additional comments or counterproposals received in response to the above-listed dockets. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MB Docket No. 03-52; RM-10657

Action: At the request of Linda Crawford, we are allotting Channel 261C at Dalhart, Texas, as that community's second FM commercial aural transmission service.²

Coordinates: The reference coordinates for Channel 261C at Dalhart are 36-14-36 North Latitude and 102-52-36 West Longitude.

Additional Information: The allotment requires a site restriction 38.6 kilometers (24 miles) northwest to avoid a short-spacing to the license site of Station KOMX, Channel 262C2, Pampa, Texas.

FCC Contact: Rolanda F. Smith (202) 418-2180.

¹ *Dalhart, Kermit, and Leakey, Texas*, 18 FCC Rcd 3215 (MB 2003)

² Station KXIT(AM) and Station KXIT-FM is currently assigned to Dalhart.

B. MB Docket No. 03-53; RM-10658

Action: At the request of Al Boyd, we are allotting Channel 229A at Kermit, Texas as that community's second FM commercial aural transmission service.³

Coordinates: The reference coordinates for Channel 229A are 31-51-27 North Latitude and 103-05-32 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction. Although concurrence has been requested for Channel 229A at Kermit, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Kermit 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."

In compliance with § 1.52 of the Commission's rules, petitioner was requested to include with its comments verification that the statements contained in the petition are accurate to the best of its knowledge. Petitioner has complied with this request.

FCC Contact: Rolanda F. Smith (202) 418-2180.

C. MB Docket No. 03-54; RM-10659

Action: At the request of Katherine Pyeatt, we are allotting Channel 257A at Leakey, Texas as that community's fifth local aural transmission service.

Coordinates: The reference coordinates for Channel 257A at Leakey are 29-44-41 North Latitude and 99-52-40 West Longitude.

Additional Information: This allotment requires a site restriction 11.4 kilometers (7.1 miles) west of Leakey.⁴ Although concurrence has been requested for Channel 257A at Leakey, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Operation with the facilities specified for Leakey 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."

FCC Contact: Rolanda F. Smith (202) 418-2180

³ Station KERB(AM) and Station KERB-FM is currently assigned to Kermit.

⁴ In MM Docket No. 99-214, a *Report and Order* was issued in response to a Petition for Rule Making filed by La Radio Cristiana Network, Inc., licensee of Station KAYG. The *Report and Order* ordered Station KAYG to specify operation on Channel 251C3 in lieu of Channel 256A at Camp Wood, Texas. See *CampWood and Rocksprings, Texas*, 15 FCC Rcd 10349.

2. Accordingly, pursuant to the authority found 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 **July 14, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Dalhart, Texas	241C3, 261C
Kermit, Texas	229A, 292A
Leakey, Texas	226A, 257A, 275A, 282A, 299A

3. The window period for filing applications for these allotments 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. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

5. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau