

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
 )  
Reclassification of License of FM ) RM-10780  
Station KNUE(FM), Tyler, Texas )

Federal Communications Commission  
Office of Secretary

To: Secretary to forward to Assistant Chief, Audio Division, Media Bureau

**STATEMENT IN RESPONSE TO ORDER TO SHOW CAUSE**

Capstar TX Limited Partnership ("Capstar"), the licensee of Station KNUE(FM), Channel 268C, Tyler, Texas (Facility ID No. 25585), by its attorneys, hereby responds to the Order to Show Cause, DA 04-3229 (released October 15, 2004) in the above-captioned proceeding (the "*Order to Show Cause*").

The *Order to Show Cause* stated that a petition for rule making to allot Channel 267A at Rosebud, Texas, filed by Charles Crawford ("Crawford") proposes the reclassification of Station KNUE(FM), Tyler, Texas, from Class C to a Class C0, pursuant to note 2 of Section 1.420(g) of the Commission's Rules. The *Order to Show Cause* provides Capstar the opportunity until November 29, 2004, to file a written statement as to why the license for Station KNUE(FM) should not be modified to a Class C0 facility as proposed.

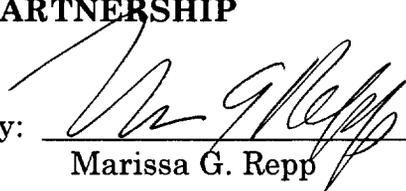
This written statement responds to the *Order to Show Cause*. Pursuant to note 2 of Section 1.420(g), note 4 of Section 73.3573, and Section 1.87 of the Commission's Rules, Capstar hereby states its intent to seek to modify Station

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KNUE(FM)'s facilities by the filing of an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT and specifying an effective radiated power of 100 kW. Capstar intends to file such an application with the Commission within 180 days of November 29, 2004, as provided by the Commission's Rules. Consequently, the license of Station KNUE(FM) should *not* be reclassified as requested by Crawford. Moreover, as set forth in note 2 of Section 1.420(g) of the Commission's Rules, Crawford's petition must be dismissed upon the filing by Capstar of an acceptable construction permit application to increase the antenna height of Station KNUE(FM) to at least 451 meters HAAT.

Respectfully submitted,

**CAPSTAR TX LIMITED  
PARTNERSHIP**

By: 

Marissa G. Repp

HOGAN & HARTSON L.L.P.  
555 Thirteenth Street, N.W.  
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(202) 637-6845

Its Attorneys

November 29 , 2004

**DECLARATION**

I, Jeff Littlejohn, declare as follows:

1. I am Senior Vice President of Capstar TX Limited Partnership ("Capstar").
2. Capstar hereby states its intent to seek to modify the facilities of Station KNUE(FM), Channel 268C, Tyler, Texas (Facility ID No. 25585), by the filing of an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT and specifying an effective radiated power of 100 kW. Capstar intends to file such application with the Commission within 180 days of November 29, 2004, as provided by the Commission's Rules.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Jeff Littlejohn

Executed on November 29, 2004

## Certificate of Service

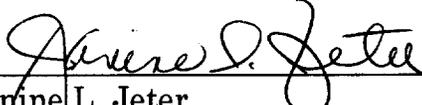
I, Janine L. Jeter, hereby certify that on this 29<sup>th</sup> day of November 2004, a copy of the foregoing Statement in Response to Order to Show Cause was sent by first-class mail, postage prepaid, to:

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\_\_\_\_\_  
Janine L. Jeter

\*By Hand Delivery