

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

AUG 1 3 42 PM '05

DIRECTOR

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-137
Table of Allotments,)	RM-11161
FM Broadcast Stations.)	
(Big Spring, Texas))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 27, 2005

Released: July 29, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*¹ issued in response to a petition for rule making filed by Charles Crawford (Petitioner), requesting the allotment of Channel 265C3 at Big Spring, Texas. Petitioner filed comments, stating his continuing interest in pursuing the allotment, and his intention to apply for a construction permit. No other comments or counterproposals were received.

2. We believe the public interest would be served by allotting Channel 265C3 at Big Spring, Texas, as the community's third local commercial FM service.² Channel 265C3 can be allotted to Big Spring in compliance with the minimum distance separation requirements of the Commission's rules at reference coordinates 32-12-00 North Latitude and 101-18-00 West Longitude with a site restriction of 17.7 kilometers (11 miles) east of Big Spring. Although Mexican concurrence has been requested, notification has not been received. If a construction permit for Channel 265C3 at Big Spring, Texas, is granted prior to receipt of formal concurrence by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein for Big Spring, Texas, 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 Mexico-United States FM Broadcast Agreement, or if specifically objected to by the Government of Mexico." The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. Section 801(a)(1)(A).

3. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective,

¹*Arapaho, Oklahoma, et al.*, 20 FCC Rcd 6228 (MB 2005).

² Commercial FM stations KBTS and KBST-FM, AM Stations KBYG and KBST, and noncommercial educational FM station KBCX are licensed to Big Spring, Texas.

September 12, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Big Spring, Texas	265C3

4. A filing window period for Channel 265C3 for Big Spring, Texas will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Helen McLean, Media Bureau, (202) 418-2738.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau