

Imaging Center
CY-C203



Federal Communications Commission
Washington, D.C. 20554

September 30, 2005

Charles Crawford
4553 Bordeaux Avenue
Dallas, Texas 75205

DOCKET FILE COPY ORIGINAL

In re: RM-11028

Dear Mr. Crawford:

This letter is in reference to a Petition for Rule Making you filed requesting the allotment of Channel 291A at Center Point, Texas, as its first local service. To accommodate this allotment, you also requested the substitution of Channel 243C3 for vacant Channel 291A at Kerrville, Texas; substitution of Channel 260A for vacant Channel 243A at Ingram, Texas; substitution of Channel 279A for vacant Channel 260A at Hunt; and the reclassification of FM Station KCYY, Channel 262C, San Antonio, Texas, Station KELZ-FM, Channel 294C, Terrell Hills, Texas and FM Station KBPA, Channel 278C, San Marcos, Texas, to specify operation as C0 facilities.

Your petition is unacceptable for consideration at this time. Specifically, you requested the substitution of Channel 243C3 for vacant Channel 291A at Kerrville, Texas to facilitate the proposed Channel 291A at Center Point. Channel 291A at Kerrville was auctioned in Auction 37, held November 5, 2004. The winning bidder, E-String Wireless, Ltd., permittee of New FM Station, Channel 291A, Kerrville has a construction permit for this allotment.¹ As such, we will not upgrade the Kerrville allotment to Class C3 facilities without the permittee's consent.

Additionally, to accommodate the proposed allotment of Channel 291A at Center Point, you requested the reclassification of Station KELZ-FM, Channel 294C, Terrell Hills, Texas to specify operation as a Class C0 facility pursuant to the Commission's reclassifications procedures.² Further staff review reveals that the reclassification of Station KELZ-FM to a Class C0 facility is unwarranted. The distance between the site for proposed Channel 291A at Center Point and Station KELZ-FM's licensed site at Terrell Hills is 100.3 kilometers. A minimum distance separation of 95 kilometers is only required. As a result, the license of Station KELZ-FM is not subject to reclassification as a Class C0 facility.

¹ See File No. BNPH-20050103AGM.

² See 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000) and 47 C.F.R. §§ 1.420(g), n. 2, and 73.3573, n. 4.

In light of the above, we are returning your petition for rule making.

Sincerely,

A handwritten signature in cursive script, appearing to read "John A. Karousos". The signature is written in black ink and is positioned to the right of the typed name. There is a large, faint circular mark or stamp behind the signature.

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

Enclosure