

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

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FCC Mail Room

In the Matter of)
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)
 Amendment of Section 73.202(b),)
 Table of Allotments,) MB Docket No. 05-31
 FM Broadcast Stations.) RM-11150
 (Paint Rock and Big Lake, Texas))

REPORT AND ORDER
(Proceeding Terminated)

Adopted: March 29, 2006

Released: March 31, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice")¹ issued at the request of Charles Crawford ("Petitioner") requesting the allotment of Channel 296C3 at Paint Rock, Texas, as its first local transmission service. Petitioner filed comments. No other comments or counterproposals were received in this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 296C3 at Paint Rock, Texas, as its first local transmission service.² To accommodate the proposed Paint Rock allotment, the *Notice* also proposed the relocation of reference coordinates for vacant Channel 296C2 at Big Lake, Texas. Petitioner filed comments stating his intentions to file an application to activate Channel 296C3 at Paint Rock, if allotted.

3. **Discussion.** Accordingly, we are allotting Channel 296C3 at Paint Rock, Texas, as its first local service.³ To accommodate this allotment, we are relocating the reference coordinates for vacant Channel 296C2 at Big Lake, Texas.⁴

4. The Paint Rock allotment and the new site for vacant Channel 296C2 at Big Lake are located within 320 kilometers (199 miles) of the U.S.-Mexican border. Although concurrence has been requested for these allotments, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence for these allotments by the Mexican government, the construction permits will include the following condition: "Operation with the facilities specified for this allotment herein is subject

¹ *Paint Rock and Big Lake, Texas*, 20 FCC Rcd 2219 (MB 2005).

² Paint Rock is an incorporated town with a 2000 U.S. Census population of 320 persons. Moreover, Paint Rock has its own mayor, post office, volunteer fire department, city offices and a number of local churches.

³ Channel 296C3 can be allotted to Paint Rock in compliance with the Commission's rules provided there is a site restriction of 15.0 kilometers (9.3 miles) east at coordinates 31-31-15 NL and 99-45-45 WL.

⁴ The reference coordinates for vacant FM Channel 296C2 at Big Lake can be relocated in compliance with the Commission's rules provided there is a site restriction of 24.1 kilometers (15.0 miles) southwest of the community at coordinates 31-02-00 NL and 101-38-00 WL. The current Big Lake site is located 26.9 kilometers (16.7 miles) south of the community at coordinates 30-57-18 NL and 101-23-48 WL.

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." or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

5. 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. 801(a)(1)(A).

6. 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 May 15, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Paint Rock, Texas	296C3

7. The window period for filing applications for Channel 296C3 at Paint Rock, Texas will not be opened at this time. Instead, the issue of opening the allotment for auction will be addressed by the Commission in a subsequent order.

8. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau