

Before the
Federal Communications Commission
Washington, DC

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APR 19 2006

Federal Communication Commission
Bureau / Office

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Rosebud and Madisonville, Texas))
)
Reclassification of License)
of FM Station KNUE, Tyler, Texas)

Docket No. 05-229
RM-10780

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MAY 8 2006
Federal Communications Commission
Office of the Secretary

To: Assistant Division Chief
Audio Division, Media Bureau

COMMENTS AND EXPRESSION OF INTEREST

Gerald Proctor, by his attorney, hereby submits his support of the *Notice of Proposed Rule Making*, DA 05-2018 (July 15, 2005), proposing a new FM allotment on Channel 267A, Rosebud, Texas. With respect thereto, the following is stated:

Charles Crawford originally requested the allotment of Channel 267A at Rosebud, Texas. The FCC released the *NPRM* seeking comments on the proposal on July 15, 2005. Recently, Charles Crawford proposed withdrawal of his rulemaking proposal. The rulemaking proposal has not yet been dismissed.

In light of Crawford's unexpected withdrawal of his support for the rulemaking proposal, Proctor hereby submits his own support of the rulemaking proposal, and wishes the record to reflect that in the event the rulemaking proposal is granted, he intends to pursue the allotment, and if permitted, to expeditiously file an application for construction permit for the allotment.

Acceptance of these Comments and expression of interest at this juncture is in the public interest. In issuing the *NPRM* in this proceeding, the FCC already has expended considerable time and resources in processing Crawford's original proposal. Moreover, as part of the proposal, it was

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necessary for the Commission to issue an *Order to Show Cause* to first, propose the downgrading of Station KNUE(FM), Tyler, Texas from Channel 268C to Channel 268C0, and then to accomplish the downgrading in the course of the *NPRM*. In other words, half of the original Crawford proposal – the downgrading of KNUE(FM) – already has occurred. These efforts will be utterly wasted in the event the rulemaking is not allowed to go forward. Moreover, this *NPRM* represents Rosebud's only opportunity for a new, first service, allotment. Allowing for dismissal of the allotment for procedural reasons, where an expression of interest clearly exists, would be contrary not only to the general public interest and the public interest of the residents of Rosebud, Texas, it would be contrary to the directives of Section 307(b) of the Communications Act, which requires the Commission to make a "distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same." 47 U.S.C. § 307(b). In light of the ongoing freeze on the filing of new allotment proposals in effect at this time, allowing for the Rosebud proposal to be dismissed at this time despite the existence of a *bona fide* expression of interest would frustrate totally the ability for the first steps to be taken for the establishment of new service to begin.

Proctor is ready, willing, and able to forcefully and vigorously step into the breach created by Crawford's unexpected withdrawal, and to pursue the allotment. No opposition has been filed to the adoption of the allotment. Therefore, allowing Proctor's expression of interest to proceed will prejudice no party.

WHEREFORE, it is respectfully requested that these Comments be accepted.

Respectfully submitted,

GERALD PROCTOR

By: _____

Dan J. Alpert

Its Attorney

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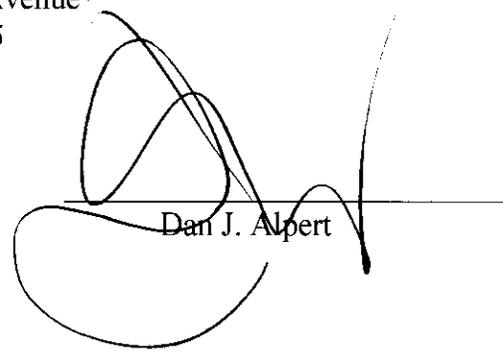
703-243-8690

April 18, 2005

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that copies of the forgoing Comments and eXpression of Interest are being serviced on the following:

Charles Crawford
4553 Bordeaux Avenue
Dallas, TX 75205



Handwritten signature of Dan J. Alpert, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Dan J. Alpert