

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

MAILED

APR 1 - 2008

FCC MAIL ROOM

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 07-227
Table of Allotments,)	RM-11405
FM Broadcast Stations.)	
(Clayton, Oklahoma))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 26, 2008

Released: March 28, 2008

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 North Texas Radio Group, L.P., licensee of Station KFYZ-FM, Channel 241A, Bennington, Oklahoma ("Petitioner"), proposing the substitution of Channel 262A for vacant Channel 241A at Clayton, Oklahoma. Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we are amending the FM Table of Allotments, Section 73.202(b) of the Commission's Rules² to specify Channel 262A in lieu of Channel 241A at Clayton, Oklahoma.

2. **Background.** The *Notice* proposed the substitution of Channel 262A for vacant Channel 241A at Clayton, Oklahoma to accommodate a minor change application for Station KFYZ-FM, Channel 241A, Bennington, Oklahoma.³ Petitioner filed comments stating that the proposed Clayton vacant allotment substitution would serve the public interest by allowing for substantial increase in the population served by Station KFYZ-FM. Petitioner states that its proposed modification for Station KFYZ-FM will increase the population within the station's 60 dBu primary service contour by 41 percent. Additionally, Petitioner states that the proposed Clayton vacant channel substitution will enable Station KFYZ-FM to return to regular broadcast operations. In this regard, Station KFYZ-FM remains off the air pursuant to Special Temporary Authority.⁴

3. **Discussion.** Accordingly, we are substituting Channel 262A for vacant Channel 241A at Clayton, Oklahoma to accommodate the minor change application for Station KFYZ-FM, Channel 241A, Bennington, Oklahoma. The Clayton vacant allotment substitution will result in the public interest because it will enable Station KFYZ-FM to resume regular broadcasting, and allow the station to provide additional service with its service area.

¹ See *Clayton, Oklahoma*, Notice of Proposed Rule Making, 22 FCC Rcd 18531 (MB 2007).

² 47 C.F.R. § 73.202(b).

³ See File No. BPH-20070816ABS, as amended.

⁴ See File No. BLESTA-20070717ABY.

4. 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).

5. **Ordering clauses.** 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 12, 2008, 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>Communities</u>	<u>Channel No.</u>
Clayton, Oklahoma	262A

6. The window period for filing applications for Channel 262A at Clayton, Oklahoma 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.

7. IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

8. 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