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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	MB Docket No. 07-279
)	
Amendment of Section 73.202(b))	
Table of Allotments)	
FM Broadcast Stations)	
Iola, Texas)	RM-11411
Buffalo, Texas)	RM-11422
Madisonville, Texas)	RM-11423

To: Marlene H. Dortch, Secretary
Office of The Secretary,
Federal Communications Commission

**COMMENTS ON ORDER AND COMMISSION REQUEST FOR
ADDITIONAL EXPRESSIONS OF INTEREST**

Roy E. Henderson (hereinafter "Henderson"), by his counsel, herewith files his Comments on the Order (DA 08-2354) released October 27, 2008, which vacated an earlier Report and Order (DA 08-2267) in this proceeding, and which solicited additional "expressions of interest" for a new proposed non-adjacent channel 299C3 in Madisonville, Texas.

In vacating the prior Report and Order, the Commission recognized that it had been seriously flawed in the fact that it had not recognized that the adoption of a request by Katherine Pyeatt for an upgraded non-adjacent channel change for her existing construction permit for KKL(B) at Madisonville, Texas, required the opportunity for other interested parties to also file an expression of interest in using that upgraded channel, if it were to be adopted.

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In view of that fundamental flaw in the original Report and Order, Henderson requests that at the same time the Commission also devote some further analyses to the basic proposal by Pyeatt to determine if it fully meets the Commission's engineering requirements that mandate a required nexus of the elements of any counterproposal to the original rulemaking petition. As noted by Henderson in his Reply Comments, Pyeatt's proposal to essentially piggyback the addition of a new distant channel allocation at Normangee, Texas, into this proceeding, was not required by Pyeatt's basic proposal to delete channel 267A at Madisonville and replace it there with channel 299C3, a proposal that does conflict with the original rulemaking proposal at Iola, and so properly considered here. Having done so, however, simply frees channel 267A for anyone's use elsewhere and does not require it to be then proposed as a new distant allocation, in this proceeding, at Normangee or elsewhere, not in this proceeding.

In its Report and Order (now vacated) the Commission determined Henderson's proposal to be one to provide a "second local aural transmission service to Buffalo" 1/ and comparatively not as beneficial as the Pyeatt proposal, when the additional request for a new allocation at Normangee was

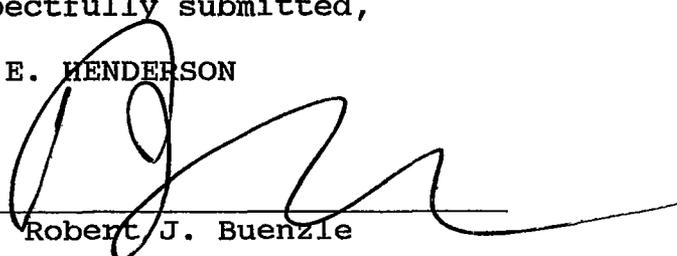
1/ It is noted that at the time of Henderson's filing on February 11, 2008, of his Counterproposal for Buffalo, it was for a first transmission service of any kind. Subsequently, by Public Notice 46672 February 13, 2008, the FCC announced grant of a new non-commercial construction permit for Buffalo. To the best of Henderson's knowledge, the non-commercial permit has not been built and Henderson's remains the first request for a commercial transmission service in Buffalo.

considered. For the reasons as stated in his Reply Comments and as referred to here, Henderson does not believe that the Normangee proposal has the nexus necessary to be considered in this proceeding and, recognizing that a fundamental flaw has already been found in the original Report and Order, as the Commission now revisits this case, requests the Commission to also do a further analyses as to whether Pyeatt's additional proposal for Normangee should properly be undertaken or considered in this proceeding.

Respectfully submitted,

ROY E. HENDERSON

by


Robert J. Buenzle

His Counsel

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November 12, 2008

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Comments On Order and Commission Request for Additional Expressions of Interest have been served by United States mail, postage prepaid this 12th day of November, 2008, upon the following:

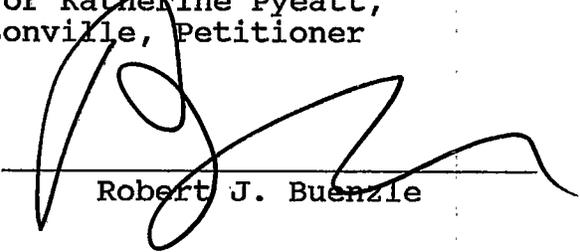
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