



Federal Communications Commission
Washington, D.C. 20554

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December 8, 2008

John J. McVeigh, Esq.
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Butler, Maryland 21023-0128

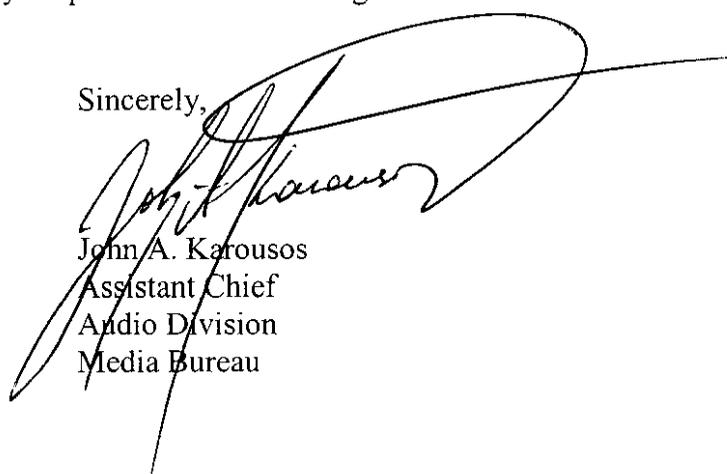
Dear Counsel:

This letter refers to the petition for rule making that you filed on behalf of Munbilla Broadcasting Properties, Ltd., requesting the substitution of Channel 293A for vacant Channel 285A at Hico, Texas, to accommodate an application for new commercial FM station on Channel 299A at Hamilton, Texas.¹

We are dismissing your petition for rulemaking as moot. Specifically, we recently substituted Channel 293A for vacant Channel 285A at Hico, Texas, in the consolidated proceeding of MB Docket Nos. 07-182 and 07-194.² Additionally, your application requesting new FM service on Channel 299A at Hamilton, Texas, was granted on October 24, 2008.

For the reasons stated above, we are returning your petition for rulemaking as moot.

Sincerely,


John A. Karousos
Assistant Chief
Audio Division
Media Bureau

Enclosure

¹ See File No. BMPH-20080729AHM.

² See *Antlers and Hugo, Oklahoma, and Hico, Texas*, Report and Order, DA 08-2276 (rel. Oct. 10, 2008).

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554



COPY

Received & Inspected

In re Amendment of Section 73.202(b))
of the Commission's Rules, Table of Allotments,)
FM Broadcast Stations)
(HICO, TEXAS))

MB Docket No. 08-***
RM-*****

JUL 29 2008

FCC Mail Room

To: The Office of the Secretary, for the Attention of
the Assistant Chief, Audio Division, Office of Broadcast License Policy, Media Bureau

PETITION FOR RULE MAKING

Munbilla Broadcasting Properties, Ltd. (*MBPL*), the permittee of a new unbuild
Commercial FM Broadcast Station to serve the community of Hamilton, Texas on Channel
299A, Facility ID No. 170991, hereby petitions for the initiation of a rule-making proceeding to
modify the existing but vacant allotment of Channel 285A to the community of Hico, Texas.

I. BACKGROUND

1. MBPL holds an unbuild Construction Permit, FCC File No. BNPH-20070430CFO,
for a new Commercial FM Broadcast Station to serve the community of Hamilton, Texas on
Channel 299A, Facility ID No. 170991. At MBPL's request, the Commission issued the
Construction Permit under the contour-protection provisions of § 73.215 of the Rules. The
Construction Permit authorizes the use of a directional antenna. Directionalization is required to
protect the vacant cochannel allotment at Richland Springs, Texas. The reference point for
Channel 299A at Richland Springs has the geographic coordinates North Latitude 31° 16' 10",
West Longitude 98° 56' 41".

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II. PETITION

2. MBPL has determined that it can operate a nondirectional facility to serve Hamilton if the Hamilton allotment is shifted to Channel 285A. This would result in a more efficient use of the spectrum by MBPL's facility. Because the shift would be to a nonadjacent channel of the same class, and there would be no change in the principal community to be served, MBPL can advance that proposal by means of an FCC Form 301 application for a minor modification of MBPL's outstanding Hamilton Construction Permit. See 47 C.F.R. § 73.3573(a)(1)(iv). MBPL is filing such an application.

3. For Channel 285A at Hamilton to be fully spaced, the cochannel allotment at Hico, Texas, must be shifted. The Commission can do this via rule making. By means of this Petition, MBPL requests that the Commission initiate such a proceeding, looking toward the substitution of Channel 293A in place of the current Channel 285A. As Exhibit A hereto, the Engineering Statement of Hatfield & Dawson Consulting Engineers, indicates, the Commission can allot Channel 293A to the community of Hico, Texas using a reference point having the following geographic coordinates: North Latitude $31^{\circ} 47' 57''$, West Longitude $98^{\circ} 08' 12''$.

4. A spacing study that is part of Exhibit A, and a spacing study that is part of MBPL's simultaneously filed application for a minor modification of MBPL's outstanding Construction Permit, both demonstrate that the allotment of Hamilton Channel 285A, as proposed in MBPL's application for minor modification of MBPL's outstanding Construction Permit, will comport with the Commission's spacing requirements, with the exception of short-spacing to the vacant allotment on Channel 285A at Hico. The substitution of Channel 293A in place of Channel 285A at Hico, as proposed herein, resolves that short spacing.

5. Liberman Broadcasting of Dallas LLC ("Liberman") has, in MB Docket No. 07-182, proposed the same channel substitution at Hico. However, the instant proposal is in no way contingent upon the outcome of MB Docket No. 07-182. The proposed channel substitution at Hico can be made in this proceeding, independent of what occurs in MB Docket No. 07-182. Furthermore, adoption of the channel change in this proceeding would have no impact on any of the requests made by Liberman in MB Docket No. 07-182.

6. Exhibit A further indicates that the proposed modified Hico allotment is suitable for tower construction. Because the standard distance to the Class-A $70 \text{ dB}\mu_{f(50,50)}$ service contour is 16.2 km, a Class A facility at the reference point will provide 70 dBu service to 100% of Hico, as required.

7. The Commission routinely substitutes channels to accommodate new or improved service elsewhere, because channels of the same class are deemed to be equivalent, absent a showing that a station cannot be constructed on the alternative channel for reasons such as environmental consequences or hazards to air navigation. See, Vero Beach, Florida, 3 FCC Rcd 1049 (1988), rev. den., 4 FCC Rcd 2184, 2185 (1989). There are no such special constraints here. The modification of the Hico allotment reference point is thus fully consistent with established precedent.

8. The grants of MBPL's application and of this Petition will allow the expeditious introduction of service to the community of Hamilton with improved facilities, and will result in a more efficient use of the spectrum, in furtherance of the goals of § 307(b) of the Communications Act of 1934, as amended. In licensing decisions, spectral-efficiency considerations are of "paramount" importance. Endicott, New York, 51 FCC 2d 50, 51 (1975).

9. This rule-making petition and MBPL's application for a minor modification of MBPL's outstanding Hamilton Construction Permit thus constitute a "hybrid" proposal pursuant to Para. 17 of the Report and Order in MB Docket No. 05-210, 21 FCC Rcd 14212 (2007). MBPL requests that the Commission's staff simultaneously process the two filings.

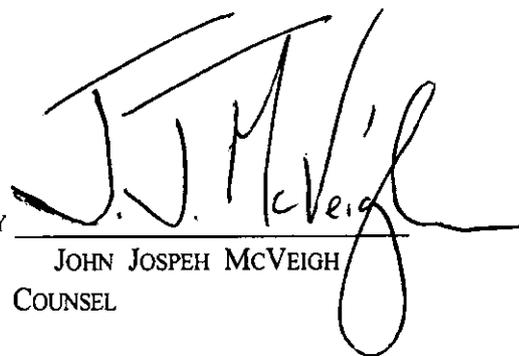
III. CONCLUSION

For the reasons stated above, the FCC should promptly initiate a rule-making proceeding looking toward the modification of the Hico and Blanket allotments as MBPL has proposed herein.

Respectfully submitted,

MUNBILLA BROADCASTING PROPERTIES, LTD.

BY



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ITS COUNSEL

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DATE: JULY 29, 2008

EXHIBIT A

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ENGINEERING STATEMENT

PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION

TO SUBSTITUTE CHANNEL 293A FOR CHANNEL 285A
FOR USE AT HICO, TX

MUNBILLA BROADCASTING PROPERTIES, LTD.

7/2008

Engineering Statement

This Engineering Statement has been prepared on behalf of Munbilla Broadcasting Properties, Ltd. ("Munbilla"), permittee of a new FM station Hamilton, Texas (FCC ID #170991), in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to substitute Channel 293A for vacant Channel 285A at Hico, Texas.

Hybrid Application and Rulemaking Filing

The instant proposal is being filed as a part of a hybrid application and rulemaking proposal.

New FM at Hamilton is presently authorized for operation on Channel 299A using a directional antenna, but could operate with an omnidirectional antenna from an existing tower if the station moves to Channel 285A. The only conflict would be with the vacant allotment on Channel 285A at Hico.

Therefore, it is being proposed in a Form 301 application to modify the Hamilton construction permit to specify operation on non-adjacent but same-class Channel 285A. Simultaneously, it is proposed by this rulemaking filing to substitute Channel 293A for vacant Channel 285A at Hico.

It should be noted that the proposed channel substitution at Hico is identical to the channel substitution at Hico proposed by Liberman Broadcasting of Dallas LLC ("Liberman") in MB Docket No. 07-182.¹ However, in no way is the instant proposal contingent upon the outcome of MB

¹ The only competing proposal in MB Docket No. 07-182 was withdrawn by Katherine Pyeatt on 4/18/2008, and so the Liberman proposal is the only remaining proposal in that proceeding.

Docket No. 07-182. The proposed channel substitution at Hico can be made in this proceeding, independent of whether it is adopted in MB Docket No. 07-182.² Furthermore, adoption of the channel change in this proceeding would not have any impact on any of the requests made by Liberman in connection with their MB Docket No. 07-182 proposal.

The attached spacing study shows that the proposed Hamilton Channel 285A allotment and transmitter site meets the co-channel and adjacent channel spacing requirements for Class A stations as prescribed in §73.207 of the Commission's Rules, with the exception of a short-spacing to the vacant allotment on Channel 285A at Hico. While the spacing study indicates an apparent conflict with a proposal to add Channel 285A at Cherokee, that proposal was dismissed in the Report and Order in consolidated MB Dockets No. 04-348 and 04-407.

A second spacing study is included to demonstrate that Channel 293A can be substituted for Channel 285A at Hico, using the same allotment site coordinates contemplated in MB Docket No. 07-182. Channel 293A is site-restricted 5.7 km south of Hico. The standard Class A 70 dBu contour distance is 16.2 km, and therefore this site will provide 70 dBu service to 100% of Hico.

Tuck Analysis

Neither element of this hybrid proposal involves the a change in community or the relocation of a station from a rural area to an urbanized area. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

² If the channel substitution at Hico is adopted in the context of MB Docket No. 07-182, and that action achieves finality prior to consideration of the instant proposal, it would then be unnecessary for the Commission to consider that same substitution in a new proceeding, and the Hamilton application would stand on its own.

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SEARCH PARAMETERS FM Database Date: 080716

Channel: 285A 104.9 MHz Page 1

Latitude: 31 40 7

Longitude: 98 2 30

Safety Zone: 32 km

Job Title: HAMILTON 285A AT 1050757

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
ADD	BERTRAM TX	RM-11106	284A 104.7	0.000 0.0	30-50-25 098-05-45	183.2	91.98 19.98	72 CLEAR
DEL	BLANKET TX	RM-11153	284A 104.7	0.000 0.0	31-55-21 098-48-08	291.6	77.33 5.33	72 CLOSE
VAC	BLANKET TX	RM-10601	284A 104.7	0.000 0.0	31-49-24 098-47-12	283.9	72.65 0.65	72 CLOSE
KHTL-LP LIC	KILLEEN TX	BLL-C60710ABK	284L1 104.7	0.018 68.4	31-06-47 097-38-21	148.2	72.52 16.52	56 CLEAR
ADD	LLANO TX	RM-11153	284C3 104.7	0.000 0.0	30-47-52 098-38-30	210.7	112.20 23.20	89 CLEAR
NOTE: THIS PROPOSAL DISMISSED IN CONSOLIDATED DOCKETS 04-348 AND 04-407								
ADD	CHEROKEE TX	RM-11154	285A 104.9	0.000 0.0	31-00-18 098-49-28	225.4	104.70 -10.30	115 SHORT
NOTE: THIS PROPOSAL DISMISSED IN CONSOLIDATED DOCKETS 04-348 AND 04-407								
DEL	HICO TX	RM-dtn-010	285A 104.9	0.000 0.0	31-58-54 098-01-54	1.6	34.72 -80.28	115 SHORT
NOTE: DOCKET 07-182 PROPOSAL TO SUBSTITUTE CH 293A								
VAC	HICO TX	RM-10120	285A 104.9	0.000 0.0	31-58-54 098-01-54	1.6	34.72 -80.28	115 SHORT
NOTE: TO CHANNEL 293A PER THE INSTANT PROPOSAL								
KRQX-FM LIC	MEXIA TX	BLH-C60515ABS	285A 104.9	2.850 147.0	31-38-39 096-36-51	90.8	135.42 20.42	115 CLEAR
KZMP-FM RSV	PILOT POINT TX	-	285C0 104.9	0.000 0.0	33-34-03 096-51-45	27.3	237.89 22.89	215 CLEAR
KZMP-FM APP	PILOT POINT TX	BPH-C71126AJG	285C0 104.9	42.000 606.0	33-32-08 096-49-54	28.3	236.14 21.14	215 CLEAR
KEANaux LIC	ABILENE TX	BXLH-040721AFF	286C1 105.1	6.500 117.0	32-16-35 099-35-38	295.2	161.46 0.00	0 AUX
KEAN-FM LIC	ABILENE TX	BLH-C10730ABR	286C1 105.1	100.000 270.0	32-16-35 099-35-38	295.2	161.46 28.46	133 CLEAR
KUSJ LIC	HARKER HEIGHTS TX	BLH-990323KB	288C2 105.5	33.000 183.0	30-59-09 097-37-51	152.7	85.20 30.20	55 CLEAR

44444 END OF FM SPACING STUDY FOR CHANNEL 285 44444

SEARCH PARAMETERS

FM Database Date: 080716

Channel: 293A 106.5 MHz
 Latitude: 31 56 0
 Longitude: 98 2 0
 Safety Zone: 32 km
 Job Title: HICO 293A

Page 1

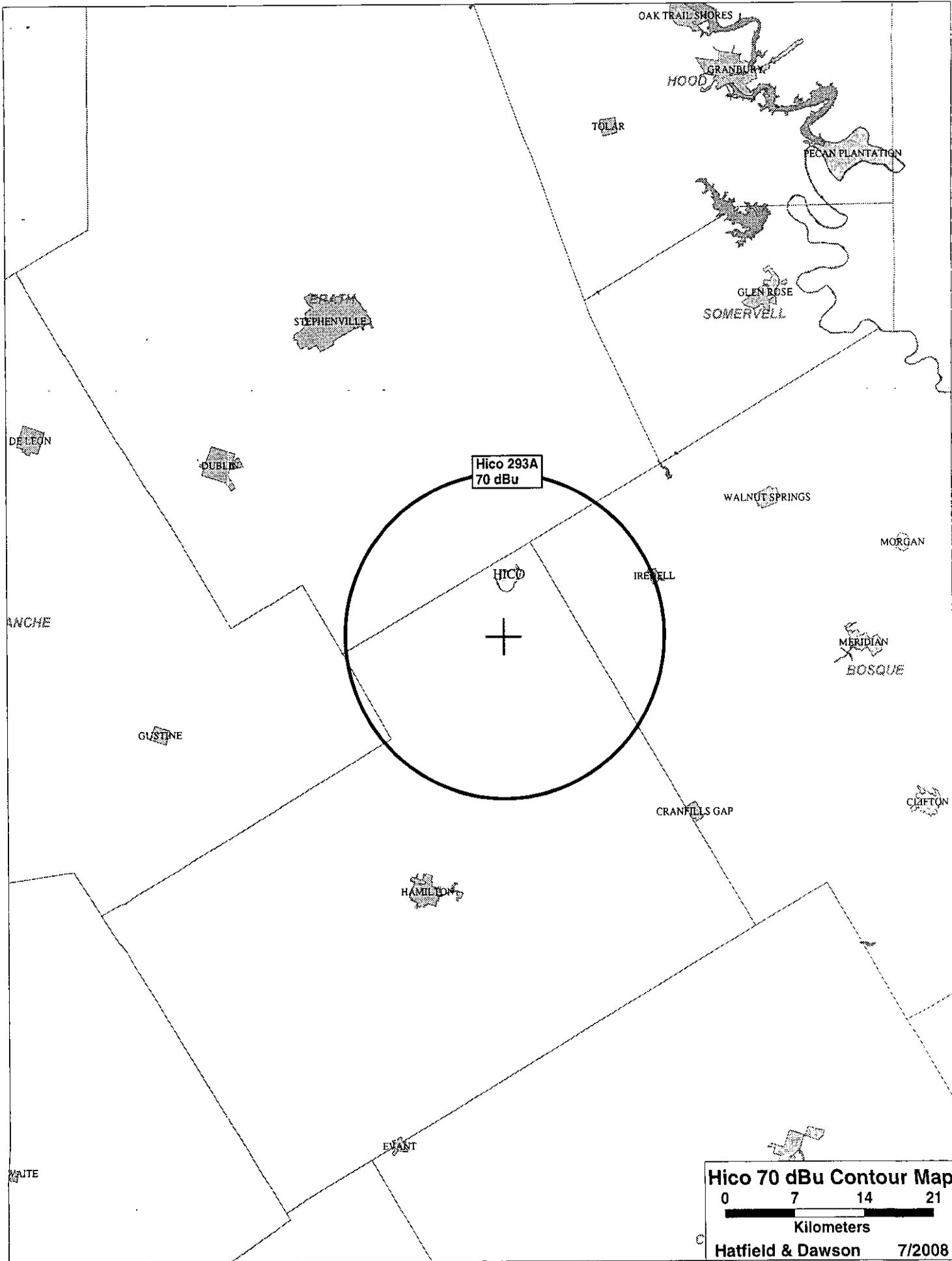
Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KHKSaux LIC	DENTON TX	BXLH-990831AAB	291C 106.1	74.000 215.0	32-35-25 096-58-23	53.5	123.64 0.00	0 AUX
KHKSaux LIC	DENTON TX	BXLH-050628ACG	291C 106.1	1.000 475.0	32-35-20 096-58-05	53.7	123.94 0.00	0 AUX
KHKSaux LIC	DENTON TX	BLH-871021KF	291C 106.1	74.000 212.0	32-35-24 096-58-21	53.5	123.67 0.00	0 AUX
KHKS LIC	DENTON TX	BLH-020320AAE	291C 106.1	100.000 508.0	32-35-19 096-58-05	53.7	123.92 28.92	95 CLEAR
KOOC LIC	BELTON TX	BLH-920811KB	292C3 106.3	11.500 149.0	31-03-46 097-31-54	153.7	107.65 18.65	89 CLEAR
ADD	GRANITE SHOALS TX	RM-11153	293A 106.5	0.000 0.0	30-40-05 098-27-57	196.4	146.20 31.20	115 CLEAR
NOTE:	THIS PROPOSAL DISMISSED IN CONSOLIDATED DOCKETS 04-348 AND 04-407							
ADD	HICO TX	RM-dtn-010	293A 106.5	0.000 0.0	31-56-00 098-02-00	0.0	0.00 -115.00	115 SHORT
NOTE:	THIS PROPOSAL PENDING IN DOCKET 07-182							
KOOI LIC	JACKSONVILLE TX	BLH-060622ABS	293C 106.5	100.000 451.0	32-03-40 095-18-50	86.1	257.37 31.37	226 CLEAR
DKEXX VAC	LLANO TX	-	293C3 106.5	0.000 0.0	30-46-21 098-47-20	209.3	147.42 5.42	142 CLOSE
DEL	LLANO TX	RM-11153	293C3 106.5	0.000 0.0	30-46-21 098-47-20	209.3	147.42 5.42	142 CLOSE
NOTE:	THIS PROPOSAL DISMISSED IN CONSOLIDATED DOCKETS 04-348 AND 04-407							
KDRW APP	HEWITT TX	BMPH-071212AAX	294C3 106.7	9.500 153.0	31-21-37 097-13-54	129.8	99.09 10.09	89 CLEAR
VAC	HEWITT TX	RM-10052	294A 106.7	0.000 0.0	31-24-52 097-11-23	125.6	98.54 26.54	72 CLEAR
KDRW CP	HEWITT TX	BNPH-070502AEC	294C3 106.7	21.500 107.8	31-24-45 097-12-40	126.4	97.03 8.03	89 CLOSE
KZZA LIC	MUENSTER TX	BMLH-060717AAF	294C 106.7	75.000 620.0	33-26-13 097-29-05	16.9	174.50 9.50	165 CLOSE

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SEARCH PARAMETERS:                               FM Database Date: 080716
Channel: 293A 106.5 MHz                          Page 2
Latitude: 31 56 0
Longitude: 98 2 0
Safety Zone: 32 km
Job Title: HICO 293A
    
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Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
KDXX	BENBROOK		296C1	74.000	32-35-10	14.6	74.85	75
LIC	TX	BLH-C20719AAZ	107.1	320.0	097-49-52	SS	-0.15	SHORT
KDXXaux	BENBROOK		296C1	100.000	32-35-10	14.6	74.85	0
LIC	TX	BXLH-071109AEG	107.1	237.0	097-49-52		0.00	AUX

44444 END OF FM SPACING STUDY FOR CHANNEL 293 44444



Hico 293A
70 dBu

HICO

Hico 70 dBu Contour Map

0 7 14 21

Kilometers

Hatfield & Dawson 7/2008

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Hico, Texas, has been prepared by me or under my direct supervision. All representations herein are true to the best of my knowledge. I am a staff engineer in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the State of Washington.

Signed this 24th day of July, 2008.



Erik C. Swanson, P.E.