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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b) )  
Table Of Allotments )  
FM Broadcast Stations )  
(Markham, Ganado, and Victoria, )  
Texas) )

MB Docket No. 07-163  
RM-11385  
RM-11416

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

Attn: Audio Division; Media Bureau

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and Return*

**OPPOSITION TO PETITION FOR RECONSIDERATION**

Roy E. Henderson <sup>1</sup>, ("Henderson" or "KHTZ") licensee of radio station KHTZ(FM) in Ganado. Texas, in accordance with Section 1.106 of the Commission's Rules, by Counsel herewith respectfully submits his Opposition to the Petition for Reconsideration as filed in this proceeding by Victoria Radio Works ("Victoria" or "KVIC") on February 26, 2010, which appeared on FCC Public Notice No. 2922 on December 1, 2010, and on Federal Register on December 14, 2010 (Vol. 75, Number 239). In support whereof, the following is submitted:

Henderson was the Petitioner in this Docket who requested that the existing allocation of channel 284C2 in Ganado, Texas, as currently occupied and licensed to Henderson for station KHTZ, be changed to channel 235C and Henderson's license of

<sup>1</sup> Formerly Fort Bend Media Broadcasting Company, 100% owned by Roy E. Henderson , and changed to "Roy E. Henderson" directly by pro-forma Form 316 assignment of license BALH-20080305ADM granted 3-13-2008, and effective 3-31-2008.

KHTZ modified accordingly. In order to accommodate that change, Henderson also proposed modification of the existing allocation of channel 236C3 in Victoria, Texas, currently occupied by KVIC, to new channel 284C3, with Henderson agreeing to reimburse Victoria for all of its reasonable and prudent out-of-pocket expenses incurred in making that channel change. The Commission issued its Report and Order DA 10-36 in this proceeding on January 29, 2010, adopting the changes requested by Henderson, including the upgrade of Henderson's Station KHTZ(FM) in Ganado, Texas from channel 284C2 to 235C, and issued a construction permit to Henderson that date.

But, on February 26, 2010, Victoria chose to file its "Petition for Reconsideration" which, it is noted, did **NOT** oppose the change of channel in Ganado from 284C2 to 235C, as set forth in the Commission's Report and Order, nor did it oppose any other change adopted in that Order. No, the only complaint from Victoria was that the Commission had not also adopted a unique additional proposal by Victoria, as first set forth in its response to an Order to Show Cause, that Henderson be required to build and operate first on a lower channel 235C2 before going to the newly authorized channel 235C. Victoria's unusual request to require a new 'interim' operation had been fully considered and rejected by the Commission at paragraph 9 of its Report and Order noting there that such a proposal to force the proponent of the channel change to a lower class of channel than had been proposed by the proponent was "not permissible" and was contrary to a clear line of FCC case law which held directly otherwise.(see footnote 19).

On March 10, 2010, Henderson filed his original Opposition to the Victoria Petition for Reconsideration and a copy of that original Opposition by Henderson is

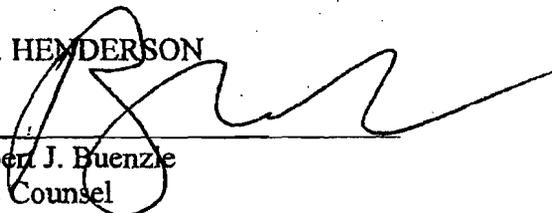
reconfirmed here, with the arguments contained therein incorporated by reference and adopted here, and with a complete copy as originally filed with the FCC attached hereto.

Finally, it is noted that while Henderson had previously assured Victoria that he intended to proceed expeditiously in constructing the station on channel 235C, that by the very act of filing its Petition for Reconsideration, Victoria has effectively prevented the authorization for that construction from becoming "final" for almost a full year, and without such finality, prudence has dictated that initiation of work under the authority of the construction permit be held up pending such final approval. It is most earnestly requested that the Commission now act expeditiously in dealing with the Victoria Petition for Reconsideration so that no further time is lost in making the Commission's action final and clearing the way for construction of channel 235C in Ganado, Texas.

Wherefore, it is respectfully submitted that the Petition for Reconsideration, as filed by Victoria, is utterly devoid of merit and should be dismissed or denied as such.

Respectfully submitted,

ROY E. HENDERSON

By:   
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