

Received & Inspected

NOV 15 2011

FCC Mail Room

November 15, 2011

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Petition for Rule Making
Moulton, Texas (Channel 232C3)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Petition for Rule Making proposing to add Channel 232C3
at Moulton, Texas.

Respectfully submitted,



Katherine Pyeatt
2215 Cedar Springs Rd., #1605
Dallas, Texas 75201
(214) 674-1752

Moulton Cover

No. of Copies rec'd 0+4
List ABCDE
MB Audio 11-53

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

*Received & Inspected
NOV 15 2011
FCC Mail Room*

In the Matter of)
)
Amendment of 73.202(b)) MB Docket No. _____
FM Table of Allotments) RM-
FM Broadcast Stations)
(Moulton, Texas)

To: Office of the Secretary
Attn: Chief, Audio Division,
Media Bureau

PETITION FOR RULE MAKING

Katherine Pyeatt hereby requests the allotment of Channel 232C3 to Moulton, Texas,¹ as that community's first local transmission service. The following summarizes the changes requested in this Petition:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Moulton, TX	-----	232C3
Austin, TX (KLBJ)	229C	229C0

In order to allot Channel 232C3 to Moulton, Texas, KLBJ FM, Channel 229C at Austin, Texas must be reclassified from a class C to a class C0. (See, Attachment A, Request to Reclassify Statement)

Moulton, Texas qualifies as a "community" for FCC allotment purposes.

Petitioner respectfully submits that the public interest would be served by allocating Channel 232C3 to Moulton, Texas as that community's first local service. Moulton is an incorporated community in Lavaca County, Texas. As of the 2000 US Census, Moulton had a population

¹ Pursuant to *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212 (2006) ("*Streamlining R&O*"), Katherine Pyeatt is contemporaneously filing a Form 301 application for this proposal along with the requisite filing fee. Should this channel be allotted to Moulton, Texas, Katherine Pyeatt hereby states that she will construct the facility specified in the Form 301.

of 944 people.² Moulton has its own post office³, city hall⁴, volunteer fire department⁵, zip code⁶, school district, Chamber of Commerce and police department. As of January 2008, the state comptroller reported 71 businesses in Moulton.⁷ Additionally, Moulton has three churches.⁸

Moulton is a community that is certainly deserving of a first FM service. "Local radio stations play an important role in their communities, providing local news, information and entertainment to residents, and generally serving as good corporate citizens in the local community life. This is particularly true in smaller towns where the radio stations are limited in number. Yet there are still rural areas of our country that do not have even a local radio station."⁹ The proposed channel 232C3 will provide additional diversity and an outlet for local self-expression to Moulton residents and therefore is in the public interest.

Channel 232C3/ Moulton, Texas

Attached hereto is a channel study confirming that Channel 232C3 can be allocated to Moulton, Texas, consistent with Section 73.207 of the Commission's Rules¹⁰ with respect to all existing and proposed domestic allotments and facilities, provided that KLBJ, channel 229C is reclassified to 229C0. (See, Attachment B) A 70 dBu signal can be provided to Moulton from the proposed reference coordinates. Note: the counterproposal to add Channel 232A at Flatonia, Texas in MM Docket No. 05-112 was dismissed by R&O, released March 18, 2005. Also, the petition to add 232A at Shiner, Texas in MM Docket 01-105, was dismissed by R&O, released March 12, 2004.

² American FactFinder, (<http://factfinder.census.gov>). United States Census Bureau.

³ Moulton Post Office, 206 S. Main St., Moulton, TX 77975

⁴ City of Moulton, 102 S. Main, Moulton, TX 77975 (361) 596 4621.

⁵ Moulton Volunteer Fire Department, PO Box 31, Moulton, TX 77975. Fire Chief, Tim Koncaba, (362) 217-5505.

⁶ Moulton, Texas zip code - 77975.

⁷ Texas Almanac 2010-2011, published by Texas State Historical Association, page 398 & 415.

⁸ Zion Lutheran Church (361) 596-7406, St. Joseph Catholic Church, (361) 596-7559, Old Moulton Baptist Church, (361) 596-4673.

⁹ Statement of Commissioner Kevin J. Martin, MM & O, MM Docket 99-240, released May 20, 2004.

¹⁰ 47 C.F.R. 73.207.

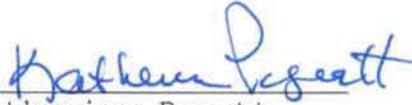
Reference coordinates for Channel 232C3 at Moulton, Texas
are:

29 34 55.3 N
97 20 08.2 W

I hereby certify that should this petition be granted and Channel 232C3 is allotted to Moulton, Texas as specified in my petition and in my Form 301 for this channel which I have simultaneously electronically filed with this Petition for Rule Making along with the requisite Form 301 filing fee, I will participate in the auction for the channel.

The factual information provided in these Comments is correct and true to the best of my knowledge.

Respectfully submitted,



Katherine Pyeatt
2215 Cedar Springs Rd., #1605
Dallas, Texas 75201
(214) 674-1752

November 15, 2011

Moulton Petition

Attachment A

(Request to Reclassify Statement)

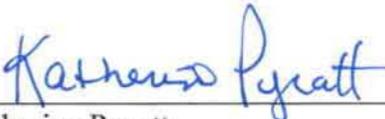
Katherine Pyeatt
2215 Cedar Springs Rd., #1605
Dallas, TX 75201

Petition for Rule Making
FM Channel 232C3
Moulton, Texas
November 15, 2011

Attachment A
Request to Reclassify
Station KLBJ (FM), Austin, Texas
Pursuant to MM Docket 98-93

Radio Station KLBJ (FM), Austin, Texas is licensed to Emmis Austin Radio Broadcasting Company, L.P., One Emmis Plaza, 40 Monument Circle, suite 700, Indianapolis, IN 46204-3011. (Facility ID 65792), FCC File No. BMLH-20070405ABS. The facility operates with a power of 97 kilowatts with center of radiation 320 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Katherine Pyeatt respectfully requests that the license of Radio Station KLBJ (FM) be modified to specify operation on FM Channel 229C0 instead of on FM Channel 229C in accordance with the above docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Katherine Pyeatt, the proponent of Channel 232C3/ Moulton, Texas, in accordance with the above docket, formally requests that the Commission reclassify Radio Station KLBJ (FM) as a Class C0 facility. Katherine Pyeatt certifies that no alternative channel is available for the service she proposes at Moulton, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on Emmis Austin Radio Broadcasting Company, L.P. as is required in the above Docket.



Katherine Pyeatt

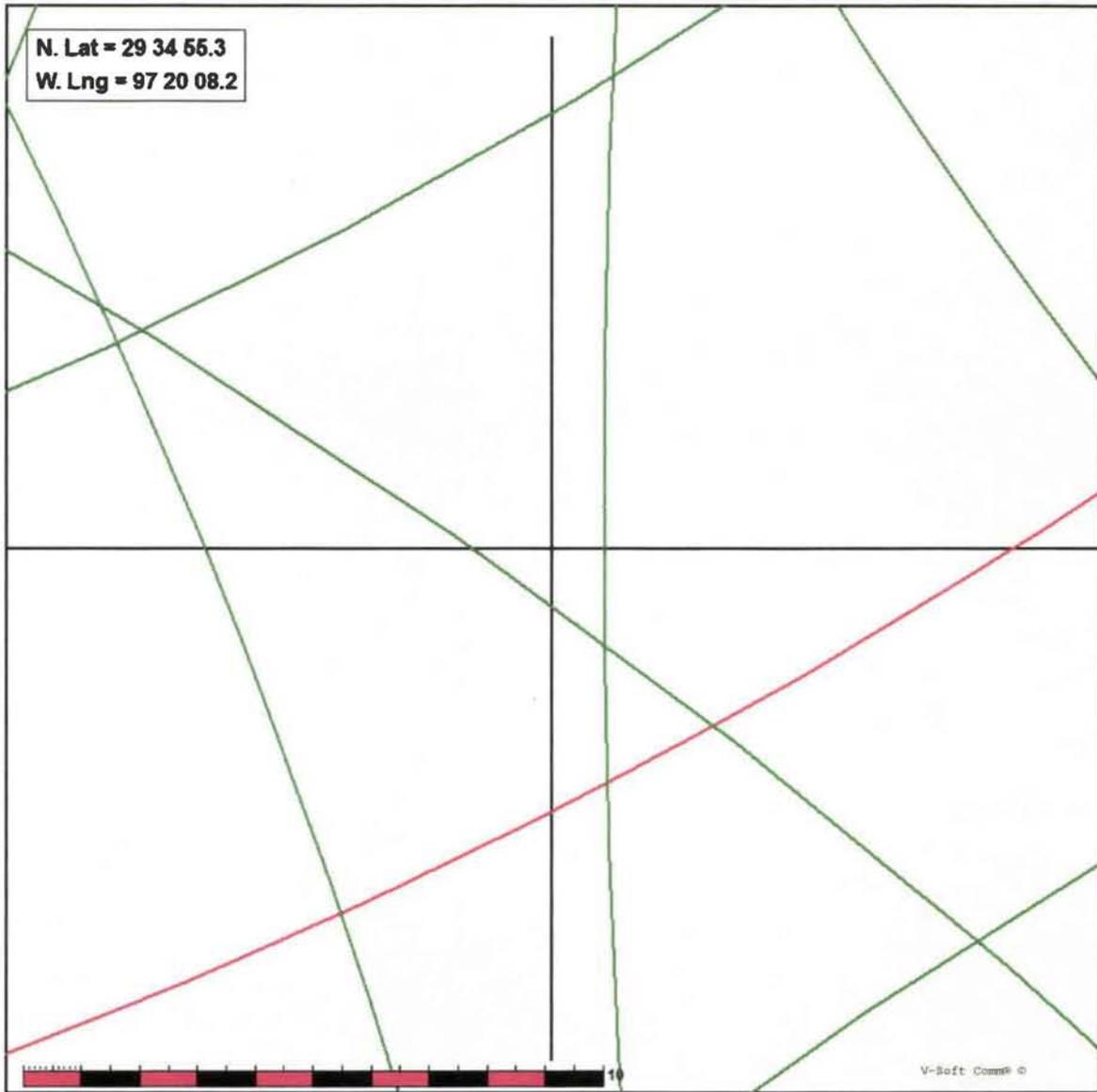
Attachment B

(Channel Study for 232C3 at Moulton, Texas)

CH 232 C3, B1, 94.3 MHz

Current Spacings to 3rd Adj.
test

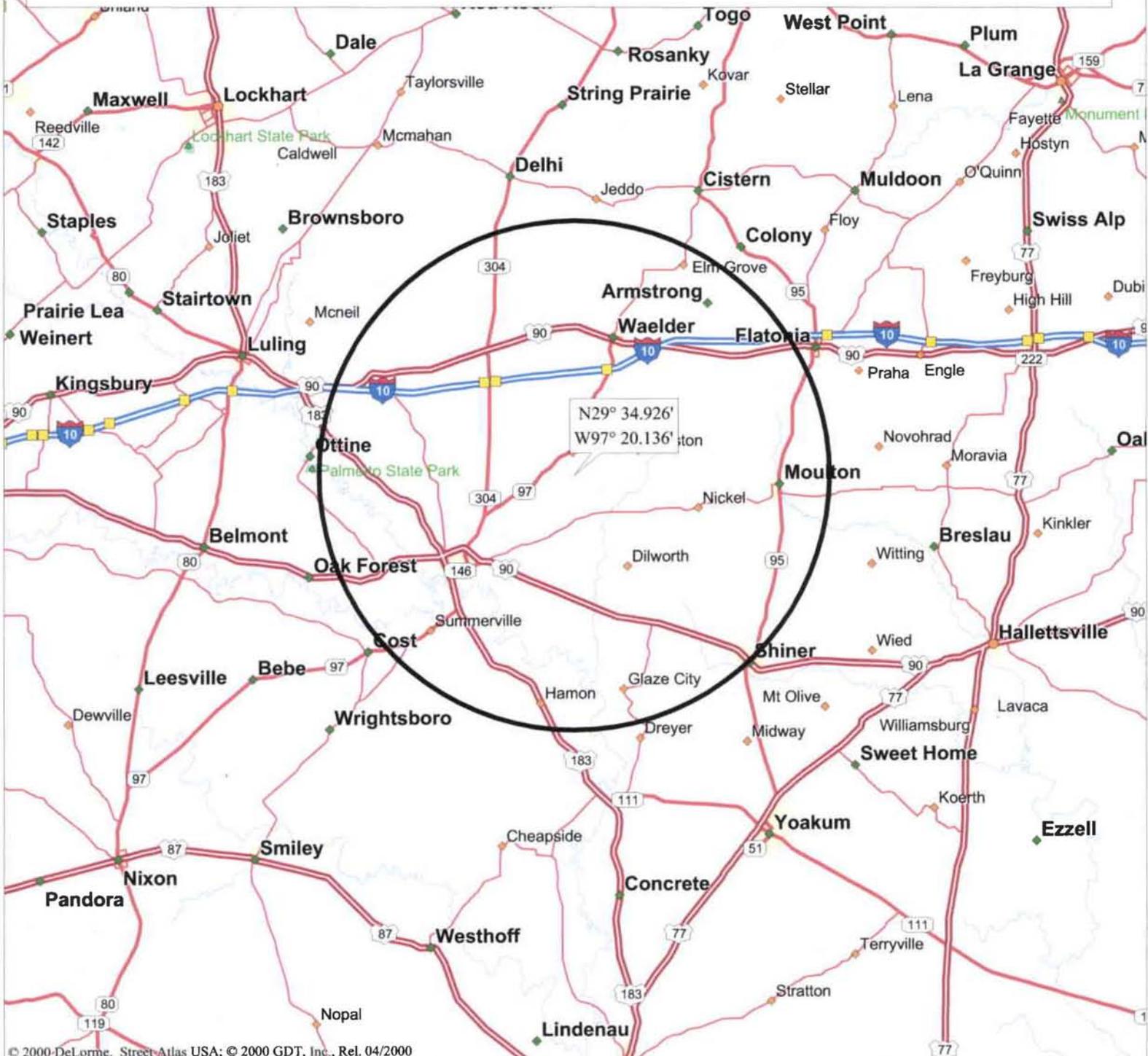
RMG@AN HKING BROAD



Data Date:11-08-11 Job Date:11-13-11

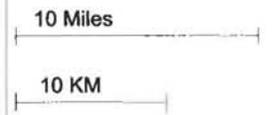
Call	CH#	Type	Location		Azi	D-KM	FCC	Margin
R10633	232A	ADD	Flatonia	TX	72.1	12.55	142.0	-129.45
R56253	232A	ADD	Shiner	TX	146.5	19.83	142.0	-122.17
KLBJ-FM	229C	LIC	Austin	TX	331.6	91.96	96.0	-4.04
KEMA	233C2	LIC N	Three Rivers	TX	215.8	117.78	117.0	0.78
KTBZ-FM	233C	LIC	Houston	TX	89.8	176.88	176.0	0.88
KTFM	231C2	LIC	Floresville	TX	249.1	122.56	117.0	5.56
KAMX	234C0	LIC N	Luling	TX	331.6	93.55	87.0	6.55
KLTR	231C3	LIC	Brenham	TX	54.7	108.33	99.0	9.33
KJAZ	231C3	LIC N	Point Comfort	TX	146.0	108.70	99.0	9.70
KRVL	232C2	LIC	Kerrville	TX	293.7	188.85	177.0	11.85
KLTR	231C2	CP	Brenham	TX	46.6	131.67	117.0	14.67
KJAZ	231C3	CP	Point Comfort	TX	139.0	131.15	99.0	32.15
KBUK	285A	LIC N	La Grange	TX	53.5	54.98	12.0	42.98
KHTZ	235C	CP N	Ganado	TX	127.7	153.50	96.0	57.50

Moulton, TX CH 232C3 70 dBu



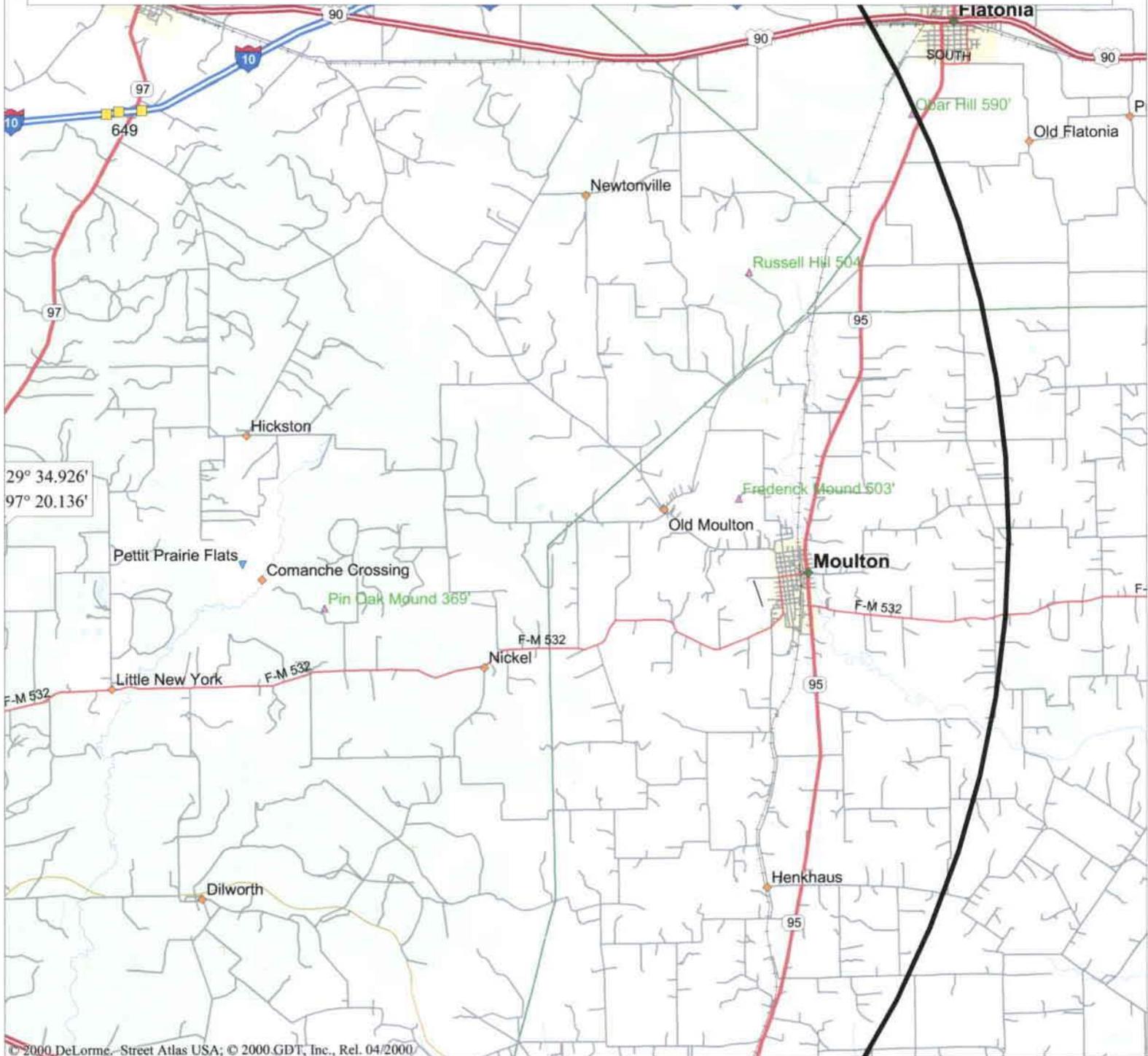
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Mag 10.00
 Sun Nov 13 13:25 2011
 Scale 1:500,000 (at center)



- | | |
|---------------------------|-------------------|
| Local Road | Park/Reservation |
| Major Connector | Locale |
| State Route | Population Center |
| Interstate/Limited Access | Land |
| US Highway | Water |
| Exit | State Park/Forest |
| County Seat | River/Canal |
| Small Town | |

Moulton, TX CH 232C3 70 dBu



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Mag 12.00
 Sun Nov 13 13:37 2011
 Scale 1:125,000 (at center)
 2 Miles
 2 KM

- | | | |
|---------------------------|--------------------|-------------------|
| Local Road | Railroad | Population Center |
| Major Connector | Small Town | Water |
| State Route | Airfield | Woodland |
| Trail | Summit | River/Canal |
| Interstate/Limited Access | Geographic Feature | |
| US Highway | Locale | |
| Exit | Cemetery | |
| Utility/Pipe | County Boundary | |

CERTIFICATE OF SERVICE

I, Katherine Pyeatt, do hereby certify that copies of the foregoing Petition for Rule Making have been served by United States mail, postage prepaid this 15th day of November, 2011, upon the following:

Ms Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554
(Federal Express)

Emmis Austin Radio Broadcasting Company, L.P.
One Emmis Plaza
40 Monument Circle, suite 700
Indianapolis, IN 46204-3011
(Licensee for KLBJ/Austin, TX)



Katherine Pyeatt