

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

In the Matter of)	
)	
Reclassification of License)	
of Station KLBJ-FM,)	RM-11656
Austin, Texas)	

ORDER TO SHOW CAUSE

Adopted: March 1, 2012

Released: March 2, 2012

Comment Date: April 16, 2012

By the Assistant Chief, Audio Division, Media Bureau:

1. Before the Audio Division is a Petition for Rule Making filed by Katherine Pyeatt (“Petitioner”), requesting the allotment of Channel 232C3 at Moulton, Texas, as its first local service. To accommodate the proposed Moulton allotment, Petitioner requests the reclassification of Station KLBJ-FM, Channel 229C, to specify operation on Channel 229C0. Station KLBJ-FM currently operates on Channel 229C with an effective radiated power (“ERP”) of 97 kilowatts at 320 meters height above average terrain (“HAAT”). As a result, Station KLBJ-FM is subject to reclassification as a Class C0 facility, since it is operating below the minimum Class C standards.¹

2. Section 316(a) of the Communications Act of 1934, as amended, permits the Commission to modify an authorization if such action is in the public interest.² Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Rules.³ In this instance, we find that the Petitioner’s request has sufficient public interest benefits, and justifies the issuance of an order to show cause since the proposed Class C0 reclassification of Station KLBJ-FM at Austin would accommodate the Petitioner’s request to allot Channel 232C3 at Moulton, Texas, as the community’s first local service.

3. The reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments or FM broadcast application.⁴ In instances where the reclassification involves a petition, amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4, of the Rules. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved.

¹ See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, Second Report and Order, 15 FCC Rcd 21,649 (2000) (“*Second Report and Order*”), and 47 C.F.R. §§ 1.420(g), note 2, and 73.3573, note 4.

² 47 U.S.C. § 316(a).

³ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

⁴ *Second Report and Order*, *supra*, and 47 C.F.R. § 1.420, n.2.

4. A petitioner proposing both Amendment of the FM Table of Allotments and reclassification of a Class C FM station must certify that no alternative channel is available for the proposed service.⁵ Petitioner has submitted such certification. Therefore, in order to comply with the Commission's Class C0 reclassification procedures, we must issue this *Order to Show Cause* directed to Emmis Austin Radio Broadcasting Company, L.P., ("Emmis"), licensee of Station KLBJ-FM at Austin, Texas. Emmis is required to show cause why its license should not be modified to specify operation on Channel 229C0 in lieu of Channel 229C at Austin.

5. The license for Station KLBJ-FM (File No. BMLH-20070405ABS) at Austin, Texas, can be modified to Channel 229C0 at its current authorized transmitter site located at coordinates 30-18-36 NL and 97-47-33 WL. Pursuant to 47 C.F.R. Section 1.87, Emmis, no later than April 16, 2012, may file a written statement showing with particularity why its license should not be modified as proposed in this *Order to Show Cause*. The Commission may call on Emmis to furnish additional information. If Emmis raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modifications, deny the modifications, or set the matter of modifications for hearing. If no written statement is filed by the date referred to above, Emmis will be deemed to have consented to the modification as proposed in this *Order to Show Cause* and a final *Order* will be issued by the Commission, if the channel modification is found to be in the public interest.

6. If Emmis chooses to seek authority to modify its facilities, an acceptable application for a construction permit to increase the antenna height and ERP for Class C standards, it must express its intention to file the necessary application by the comment date specified in this *Order*. It also must file an acceptable application for a construction permit for Station KLBJ-FM with the Commission within 180 days subsequent to the show cause response due date April 16, 2012. Upon the filing of an acceptable application, the proposal to allot Channel 232C3 at Moulton, Texas, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by Emmis for Channel 229C, as specified herein, under this procedure. If the construction is not completed as authorized, Station KLBJ-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 232C3 at Moulton, Texas, may be refiled.

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL Send a copy of this *Order to Show Cause* by Certified Mail, Return Receipt Requested, to the following licensee and its counsel:

Emmis Austin Radio Broadcasting Company, L.P.
One Emmis Plaza
40 Monument Circle, Suite 700
Indianapolis, Indiana 46204-3011

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Washington, D.C. 20006

⁵ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Red at 21,662, ¶ 26.

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

**Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau**