

Received & Inspected

JUN 20 2012

June 20, 2012

FCC Mail Room

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

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

Dear Ms. Dortch:

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

Respectfully submitted,


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

Flatonia Cover

No. of Copies rec'd 0+4
List ABCDE
MB Audio 12-19

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

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

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

PETITION FOR RULEMAKING

Katherine Pyeatt hereby requests the allotment of Channel 232C3 to Flatonia, 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>
Flatonia, TX	-----	232C3
Austin, TX (KLBJ)	229C	229C0

In order to allot Channel 232C3 to Flatonia, 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)

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

Petitioner respectfully submits that the public interest would be served by allocating Channel 232C3 to Flatonia, Texas as that community's first local service. Flatonia is an incorporated community in southwestern

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 Flatonia, Texas, Katherine Pyeatt hereby states that she will construct the facility specified in the Form 301.

Fayette County, Texas. Flatonia has its own post office², city hall³, volunteer fire department⁴, zip code, 78941, school district⁵, Chamber of Commerce and police department⁶. As of January 2008, the Texas State comptroller reported 94 businesses in Flatonia and the 2010 Census reports a population of 1,383.⁷ Additionally, Flatonia has six churches including Flatonia Baptist Church and Flatonia United Methodist Church.

Flatonia 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."⁸ The proposed channel 232C3 will provide additional diversity and an outlet for local self-expression to Flatonia residents and therefore is in the public interest.

Channel 232C3/ Flatonia, Texas

Attached hereto is a channel study confirming that Channel 232C3 can be allocated to Flatonia, Texas, consistent with Section 73.207 of the Commission's Rules⁹ 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 Flatonia 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 Notice of Proposed Rulemaking to add 232A at Shiner, Texas

² Flatonia Post Office, 105 E. South Main, Flatonia, TX 78941.

³ Flatonia City Hall, 125 E. South Main St., Flatonia, TX 78941, (361) 865-3548.

⁴ Flatonia VFD, 216 W. North Main St., Flatonia, TX 78941, (361) 865-3321.

⁵ Flatonia ISD (361) 865-2941.

⁶ Flatonia Police Department, 105 S. Market, Flatonia, TX 78941, (361) 865-3337.

⁷ Source: Bureau of the Census, American FactFinder 2010 Census Redistricting Data (Public Law 94-171) Summary File Geographic Area: Texas.

⁸ Statement of Commissioner Kevin J. Martin, MM & O, MM Docket 99-240, released May 20, 2004.

⁹ 47 C.F.R. 73.207.

in MM Docket 01-105, was dismissed by R&O, released March 12, 2004. And finally, please note that the Petition for Rulemaking and the new application for Channel 232C3 at Moulton, Texas, File No. BNPH-20111115ACL, were dismissed on June 19, 2012.

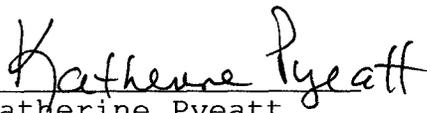
Reference coordinates for Channel 232C3 at Flatonia, Texas are:

29 38 47.8 N
97 19 12.7 W

I hereby certify that should this petition be granted and Channel 232C3 is allotted to Flatonia, Texas as specified in my petition and in my Form 301 for this channel which I have simultaneously electronically filed with this Petition for Rulemaking 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

June 20, 2012

Flatonia Petition

Attachment A

(Request to Reclassify Statement

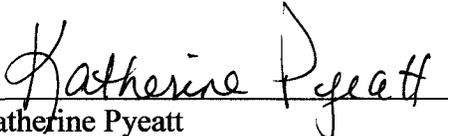
Katherine Pyeatt
2215 Cedar Springs Rd., #1605
Dallas, TX 75201

Petition for Rulemaking
FM Channel 232C3
Flatonja, Texas
June 20, 2012

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/ Flatonja, 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 Flatonja, Texas as is proposed in the Petition for Rulemaking. 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

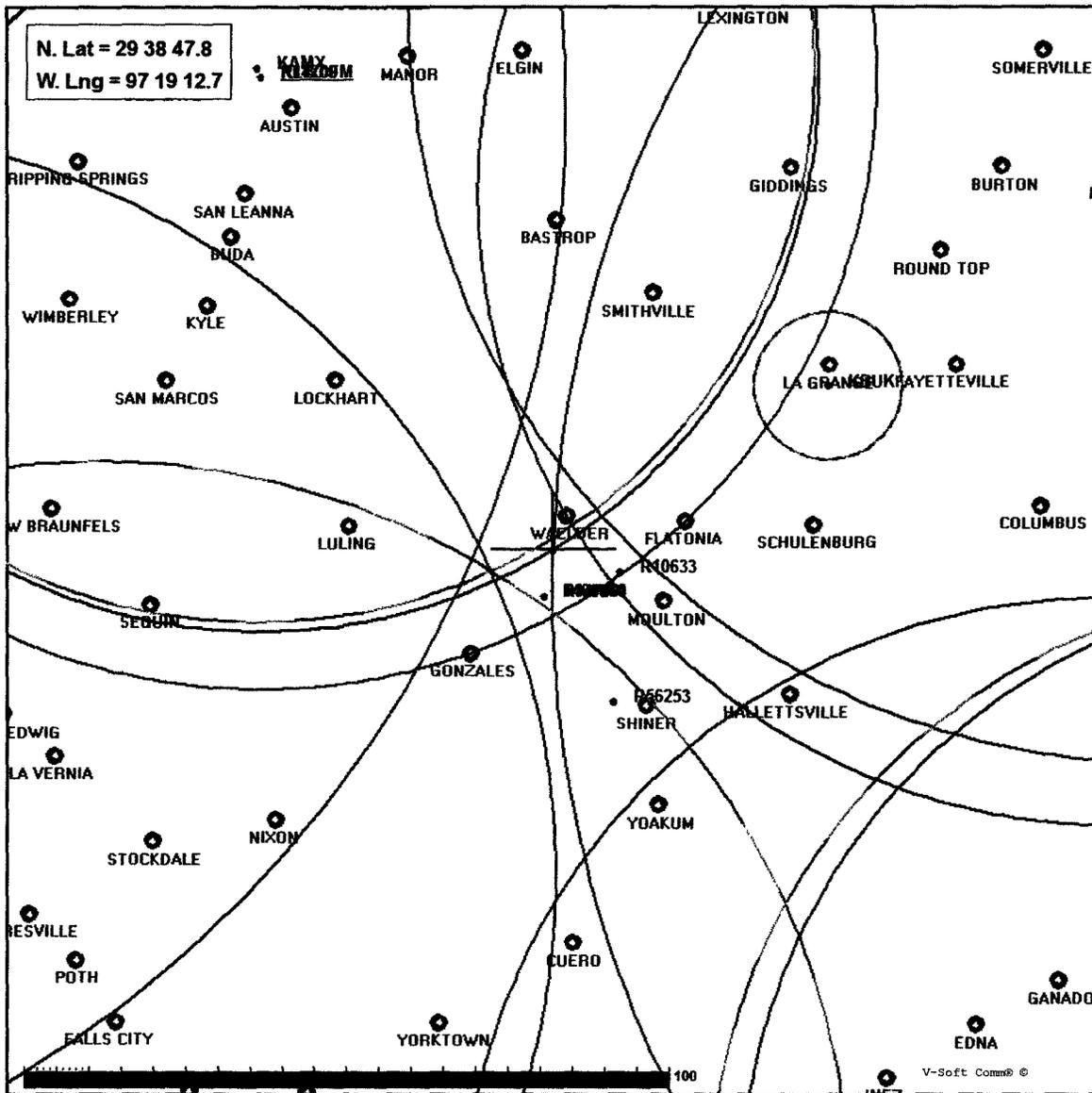
Attachment B

(Channel Study for 232C3 at Flatonia, Texas

CH 232 C3, B1, 94.3 MHz

Current Spacings to 3rd Adj.
test2

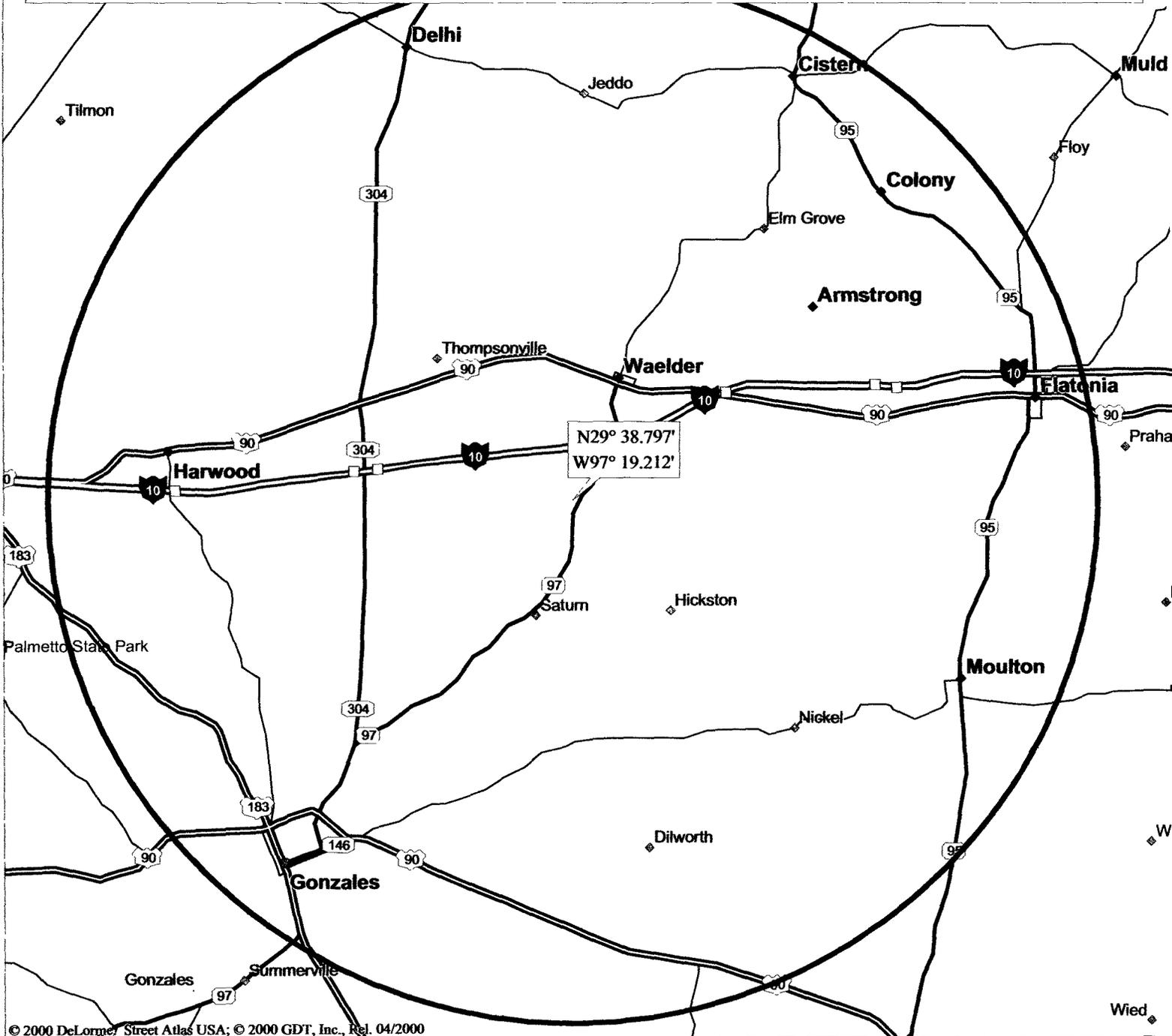
RMG@AN HKING BR



Data Date:05-08-12 Job Date:05-11-12

Call	CH#	Type	Location	Azi	D-KM	FCC	Margin
	Lat.	Lng.	Ant	Power	HAAT		
1460670	232C3	APP	Moulton	TX	191.7	7.3 152.5	-145.2
29 34	55.3	97 20 08.2	CX	25.000 kW		100 M	
R14709	232C3	ADD	Moulton	TX	191.7	7.3 152.5	-145.2
29 34	55.0	97 20 08.0		25.000 kW		100 M	
1464064	232C3	RSV-A	Moulton	TX	191.7	7.3 152.5	-145.2
29 34	55.0	97 20 08.0		25.000 kW		100 M	
R10633	232A	ADD	Flatonia	TX	107.7	11.0 141.5	-130.5
29 37	00.0	97 12 44.0		6.000 kW		100 M	
R56253	232A	ADD	Shiner	TX	158.2	25.5 141.5	-116.0
29 25	59.0	97 13 20.0		6.000 kW		100 M	
R14709	229C	DEL	Austin	TX	328.5	86.5 95.5	-9.0
30 18	36.0	97 47 33.0		100.000 kW		600 M	
KLBJ-FM	229C	LIC	Austin	TX	328.5	86.5 95.5	-9.0
30 18	36.0	97 47 33.0	CX	97.000 kW		320 M	
KTBZ-FM	233C	LIC	Houston	TX	92.1	175.5 175.5	0.01
29 34	34.0	95 30 36.0	C	100.000 kW		585 M	
R14709	229C0	ADD	Austin	TX	328.5	86.5 86.5	0.02
30 18	36.0	97 47 33.0		100.000 kW		450 M	
KAMX	234C0	LIC-N	Luling	TX	328.6	88.1 86.5	1.6
30 19	23.0	97 47 58.0	NCY	100.000 kW		398 M	

Flatonia, TX CH 232C3 70 dBu



© 2000 DeLorme, Street Atlas USA; © 2000 GDT, Inc., Rel. 04/2000

Mag 11.00

Mon Apr 30 09:42 2012

Scale 1:250,000 (at center)

5 Miles

5 KM

- Local Road
- Major Connector
- State Route
- Interstate/Limited Access
- US Highway
- Exit
- County Seat

- Small Town
- Park/Reservation
- Locale
- Population Center
- Land
- Water
- State Park/Forest

River/Canal

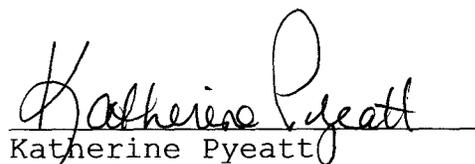
CERTIFICATE OF SERVICE

I, Katherine Pyeatt, do hereby certify that copies of the foregoing Petition for Rulemaking for Flatonia, Texas have been served by United States mail, postage prepaid this 20th day of June, 2012, 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, Indiana 46204-3011
(Licensee for KLBJ/Austin, TX)

Marnie K. Sarver
Wiley Rein LLP
1776 K Street, N.W.
Washington, D.C. 20006
(Counsel for KLBJ/Austin, TX)


Katherine Pyeatt