

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-336
Table of Allotments,	)	RM-9758
FM Broadcast Stations.	)	
(Rocksprings, Texas)	)	

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: August 23, 2000**

**Released: September 1, 2000**

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Rocksprings Radio Broadcasting Company ("Rocksprings Radio"), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 19474 (1999), seeking the allotment of Channel 223A at Rocksprings, Texas. Rocksprings Radio filed comments reiterating its intention to apply for Channel 223A at Rocksprings. No other comments were received in response to the Notice.

2. We believe the public interest would be served by the allotment of Channel 223A at Rocksprings, Texas, as it will provide the community with a second local service.<sup>1</sup> Channel 223A can be allotted to Rocksprings with a site restriction 11.97 kilometers (7.4 miles) northwest of the community.<sup>2</sup> Although Mexican concurrence has been requested for Channel 223A at Rocksprings, final notification from Mexico has not been received. Therefore, operation with the facilities specified for Rocksprings herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico

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<sup>1</sup> Although the Notice in this proceeding indicated that the allotment of Channel 223A at Rocksprings would provide a first local service, in response to a counterproposal filed in MM Docket No. 99-214, Channel 295C2 was allotted to the community with an effective date of June 26, 2000. See 15 FCC Rcd 10349 (2000).

<sup>2</sup> The coordinates for Channel 223A at Rocksprings are 30-05-18 NL and 100-18-02 WL. After release of the Notice in this proceeding, a staff analysis revealed that Channel 223A, Rocksprings, conflicted with a one-step application for Channel 222C2, Kerrville, Texas, Station KITE (BPH-19990312IG). It was determined that Channel 224A could be allotted to Rocksprings in lieu of Channel 223A to avoid the conflict. However, the application for Rocksprings was dismissed on June 20, 2000, with no petitions for reconsideration on file. Therefore, Channel 223A can be allotted to Rocksprings as requested by Rocksprings Radio Broadcasting in compliance with the Commission's spacing requirements.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective October 16, 2000, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community	Channel Number
Rockspring, Texas	223A, 295C2

4. A filing window for Channel 223A, Rocksprings, Texas, Channel 223A, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 223A at Rocksprngs, Texas, should be addressed to the Audio Services Division, Mass Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau