

**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 )  
(Laredo, Texas) )

**MEMORANDUM OPINION AND ORDER  
(Proceeding Terminated)**

**Adopted: August 23, 2000**

**Released: September 1, 2000**

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Petition for Reconsideration filed by Texas A&M International University (“Texas International”), directed to the staff action returning its Petition for Rule Making requesting the allotment of Channel 227A to Laredo, Texas, and the reservation of that channel for noncommercial use. For the reasons discussed below, we deny the Petition for Reconsideration.

2. Our action returning Texas International’s Petition for Rule Making was premised upon two factors. First, Texas International’s proposal was unacceptable because its proposed facilities would not provide a 70 dBu signal to all of Laredo as required by Section 73.315 of the Commission’s Rules. Second, it appeared that all of the noncommercial educational channels in the reserved portion of the FM band (Channels 201 through 220) were precluded from use at Laredo by other existing FM allotments. A more recent engineering review reveals that all but seven of the reserved noncommercial educational channels are precluded by domestic facilities or allotments. The remaining seven channels are not available because of allocations in Mexico. In this light, Texas International would be permitted to reserve an available commercial channel in Laredo for use by a noncommercial educational station. Nevertheless, any such use of a commercial channel by Texas International must comply with the Commission’s Rules governing the utilization of commercial channels, including Section 73.315 of the Rules.

3. All noncommercial educational FM stations operating in the commercial band (Channels 221 through 300), with the exception of Class D stations, are subject to the same engineering rules, including Section 73.315 of the Commission’s Rules, as commercial stations and must provide the same engineering data required of commercial applicants. See, e.g., Morbak Communications, 5 FCC Rcd 2560 (Audio Services Div. 1990) and Sound of Life, Inc., 4 FCC Rcd 8273 (Audio Services Div. 1989). Texas International observes that Section 73.315(a) of the Rules, which requires 70 dBu coverage of the entire principal community to be served, has a note which states that the requirements of paragraph (a) of Section 73.315 of the Rules do not apply to noncommercial educational FM broadcast stations operating on reserved channels (Channels 200 through 220). Texas International states its belief that the relief accorded to stations operating on reserved channels should be available to educational stations

operating on commercial channels (Channels 221 through 300). The Commission has not interpreted the note to Section 73.315(a) in such a manner. The purpose of the note is to clarify the fact that educational FM stations operating on reserved channels do not have to comply with Section 73.315(a) of the Rules. Nevertheless, as we have stated previously, educational stations operating on commercial channels, with the exception of Class D stations, must comply with the rules applicable to commercial FM stations.

4. A thorough review of Texas International's Petition for Rule Making reveals that the proposal to allot Channel 227A to Laredo, Texas, will not result in Laredo being encompassed with a 70 dBu signal, as required by Section 73.315(a) of the Commission's Rules. Texas International's proposed transmitter site is 32.9 kilometers (20.4 miles) north of Laredo. The predicted distance for a 70 dBu signal transmitted by a Class A FM station operating with maximum facilities, *i.e.*, 6 kilowatts of effective radiated power and 100 meters of antenna height above average terrain (HAAT), is 16.2 kilometers. See Section 73.333 Figure 1 of the Rules. In this light, there is no reason to believe that Texas International's transmitter will provide a 70 dBu signal that will encompass Laredo, as required by Section 73.315(a) of the Commission's Rules. We also observe that Texas International's proposed transmitter site is so far away from Laredo that it would not even provide a 60 dBu signal over the entire community. In addition Texas International's proposed transmitter site is short-spaced by 0.6 kilometers to a construction permit for Station KBAW in Zapata, Texas, on Channel 228C3. In light of the foregoing, we deny Texas International's Petition for Reconsideration of the staff action returning Texas International's Petition for Rule Making.

5. Accordingly, IT IS ORDERED That the aforementioned Petition for Reconsideration filed by Texas A&M International University IS DENIED.

6. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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