

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-358
Table of Allotments,) RM-9783
FM Broadcast Stations.) RM-9838
(Burnet, Texas)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 27, 2001

Released: July 6, 2001

By the Chief, Allocations Branch:

1. In response to a petition filed by Elgin FM Limited Partnership (“Elgin”), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 21405 (1999), seeking the allotment of Channel 240A at Burnet, Texas, as that community's third local broadcast service. Elgin filed supporting comments in which it reaffirmed its support in the allotment of Channel 240A at Burnet. Burnet Broadcasting Company of Texas filed comments stating its intention to apply for an FM channel at Burnet. Counterproposals were filed by Buchanan Radioworks¹ and Evant Radio Company.² Reply comments were filed by Elgin and Evant Radio Company.

2. We believe that the public interest would be served by the allotment of Channel 240A at Burnet, Texas, as it will provide the community with additional local broadcast service. Channel 240A can be allotted to Burnet in compliance with the Commission's minimum distance separation requirements with a site restriction 12.1 kilometers (7.5 miles) northwest of the community.³ Since Burnet is located within 320 kilometers of the U.S.-Mexican border, concurrence of the Mexican

¹ Buchanan Radioworks (“BR”) counterproposed the allotment of Channel 240A at Buchanan Dam, Texas, as that community’s first local service. However, the counterproposal was not accepted for consideration in this proceeding as Channel 240A, from BR’s specified transmitter site, did not provide city-grade coverage to the entire community pursuant to Section 73.315 of the Commission’s Rules.

² Evant Radio Company (“Evant Radio”) filed a timely counterproposal requesting the allotment of Channel 241A at Evant, Texas, as a first local transmission service. On October 10, 2000, Evant Radio advised the Commission of its withdrawal from the proceeding, providing an affidavit stating that neither Evant Radio nor its principals has received or will receive any consideration in exchange for withdrawal of its counterproposal. Although the counterproposal was not put on public notice, a rule making number was assigned to the counterproposal (RM-9838). As the counterproposal has been withdrawn, no consideration will be given to comments concerning an allotment at Evant, Texas.

³ The coordinates for Channel 240A at Burnet are 30-51-05 NL and 98-17-35 WL.

Government has been obtained for this allotment.

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 August 20, 2001, 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
Burnet, Texas	223A, 240A, 295A

4. A filing window for Channel 240A at Burnet, Texas, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. IT IS FURTHER ORDERED, That the counterproposal filed by Buchanan Radioworks to allot Channel 240A at Buchanan Dam, Texas, IS DENIED.

6. IT IS FURTHER ORDERED, That the counterproposal filed by Evant Radio Company to allot Channel 241A at Evant, Texas, IS DISMISSED (RM-9838).

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

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process for Channel 240A at Burnet, 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