

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

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 00-171
Table of Allotments,) RM-9926
FM Broadcast Stations.)
(Woodville and Wells, Texas)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 31, 2001

Released: February 9, 2001

By the Chief, Allocations Branch:

1. In response to a Petition for Rule Making filed by Radio Woodville, Inc. ("Radio Woodville"), the Commission has before it for consideration the Notice of Proposed Rule Making, 15 FCC Rcd 18010 (2000), requesting the reallocation of Channel 234C2 from Woodville, Texas, to Wells, Texas, and modification of the license for Station KVLL to specify Wells as the community of license. Radio Woodville filed supporting comments in which it stated its intention to file an application for Channel 234C2 at Wells. No other comments were received in response to the Notice in this proceeding.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by reallocating Channel 234C2 from Woodville, Texas, to Wells, Texas, since it would result in a preferential arrangement of allotments pursuant to the Commission's Change of Community procedures. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990). As stated in the Notice, Wells is an independent community located in Cherokee County with a 1990 U.S. Census population of 761 people. Wells has its own post office and zip code (95976) and its own school district, The Wells Independent School District, which consists of a middle school and a high school. Wells has its own police and fire departments, library and a medical clinic. Wells would receive its first local service thus fulfilling allotment priority (3) of the Commission's allotment priorities.¹ This action will not deprive Woodville of local service as Station KVLL(AM) is licensed to Woodville. Retention of Channel 234C2 in Woodville would be considered under priority (4), other public interest matters.

¹ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time service; (3) First local service; and (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3).] See Revision of FM Assignment Policies and Procedures, 90 FCC Rcd 29 88 (1982).

3. The reallocation proposal is consistent with the requirements set forth in Change of Community, supra. As stated in the Notice, Station KVLL at Wells will provide coverage to 127,000 people with 62,788 people gaining service while 40,752 people will lose service as Station KVLL, at its new site, will no longer provide service to Woodville. A staff analysis confirms that the loss areas are adequately served by five or more full-time reception services. Although the Notice indicated that there was a discrepancy in Radio Woodville's Petition for Rule Making concerning how AM service is defined, that discrepancy does not prohibit the requested change of community for Channel 234C2, as there will be no gray or white areas created by the channel reallocation. Further, our analysis indicates that the reallocation will not remove service from a rural area to serve an urban area as Wells is not located within a U.S. Census Urbanized Area.

4. Channel 234C2 can be allotted to Wells, Texas, in compliance with the Commission's minimum distance separation requirements at Radio Woodville's specified site.² In accordance with Section 1.420(i) of the Commission's Rules, we will modify the license for Station KVLL to specify operation on Channel 234C2 at Wells, Texas, as its new community of license.

5. 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 March 26, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

| Community | Channel Number |
|------------------|----------------|
| Wells, Texas | 234C2 |
| Woodville, Texas | ----- |

6. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Radio Woodville, Inc. for Station KVLL, Channel 234C2, Woodville, Texas, IS MODIFIED to specify operation on Channel 234C2 at Wells, Texas, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

² The coordinates for Channel 234C2 at Wells are 31-12-37 and 94-57-15.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and,

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Radio Woodville, Inc., licensee of Station KVLL, is required to submit a rule making fee in addition to the fee required for the application to effect the change in community of license from Woodville, Texas to Wells, Texas.

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

9. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180. Questions relating to the application filing process 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