

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. )  
(Windthorst, Texas) )

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

**Adopted: February 7, 2001**

**Released: February 16, 2001**

By the Chief, Allocations Branch:

1. The Allocations Branch has before it for consideration a Petition for Reconsideration (“Recon.”) filed by Windthorst Radio Broadcasting Company (“Windthorst Radio”) directed to the staff action returning its Petition for Rule Making proposing the allotment at Windthorst, Texas.<sup>1</sup> Thereafter, Windthorst Radio filed a Request for Dismissal of its Petition for Reconsideration. As requested, we shall dismiss the Petition for Reconsideration.<sup>2</sup>

2. **Background.** The petition for rule making filed by Windthorst Radio proposed the allotment of Channel 230C3 at Windthorst, Texas, stating that it could provide a first local transmission service to a community of nearly 400 persons located in Archer County Texas. The staff action returned Windthorst Radio’s Petition for Rule Making as technically unacceptable because of the short spacing to the vacant allotment site for Channel 230C2, Seymour, Texas. We pointed out that the license for Station KSEY, Seymour, was amended to specify operation on Channel 230C2 in lieu of Channel 232A in MM Docket No. 86-478. See 2 FCC Rcd 5640 (1987). We also stated that the proposal for Windthorst was short spaced to a pending application for Channel 230C2 at Seymour.

3. **Petition for Reconsideration.** In its Petition for Reconsideration, Windthorst Radio argued that its proposal for the allotment of Channel 230C3 at Windthorst was fully spaced to all allotments except for the vacant allotment of Channel 230C2 at Seymour. Windthorst Radio further argued that Station KSEY, Seymour, has been warehousing frequencies since the station was modified to the higher class in 1987 and that its petition for Channel 230C3 at Windthorst is entitled to be considered before the application recently filed by Station KSEY for Channel 230C2 at Seymour (BPH-

<sup>1</sup> Public notice of the Petition for Reconsideration was given on November 29, 2000, Report No. 2452.

<sup>2</sup> In response to the Public Notice of the Petition for Reconsideration, joint comments were filed by Next Media Licensing, Inc., First Broadcasting Company, L.P., Capstar TX Limited Partnership, Clear Channel Broadcasting Licenses, Inc., and Rawhide Radio, L.L.C. The Joint Parties take no position on the merits of an allotment at Windthorst, Texas. They request that should the Commission reinstate the petition for Windthorst, that it be accepted as a counterproposal in MM Docket No. 00-148 currently pending before the Commission.

20000406ABC).

4. On December 12, 2000, Windthorst Radio filed a Request for Dismissal of its Petition for Reconsideration. Windthorst Radio filed an affidavit stating that the monies received for withdrawal of its Petition for Reconsideration do not exceed its reasonable and prudent expenses incurred in the preparation and filing of its petition for rule making at Windthorst.

5. Accordingly, IT IS ORDERED, That the Petition for Reconsideration filed by Windthorst Radio Broadcasting Company IS DISMISSED.

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

7. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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