

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 99-284
FM Broadcast Stations.)	RM-9697
(Galveston and Missouri City, Texas))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 10, 2001

Released: January 12, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a Notice of Proposed Rule Making in this proceeding. 14 FCC Rcd 15406 (1999). KQQK License, Inc. (“KQQK License”) filed Comments, Reply Comments, and a Supplement to Reply Comments. Tichenor License Corporation filed Comments. Thereafter, we issued a Further Notice of Proposed Rule Making, 15 FCC Rcd 17947 (2000). For the reasons discussed below, we deny the proposed reallocation of Channel 293C from Galveston to Missouri City, Texas, and modification of the Station KQQK-FM license to specify Missouri City as the community of license.

Background

2. At the request of KQQK License, licensee of Station KQQK-FM, Channel 293C, Galveston, Texas, the Notice proposed the reallocation of Channel 293C from Galveston to Missouri City, Texas, and the modification of the Station KQQK-FM license to specify Missouri City as the community of license. KQQK License filed its request pursuant to Section 1.420(i) of the Rules which permits the modification of a station’s authorization to specify a new community of license without affording other interested parties an opportunity to file a competing expression of interest. In order to favorably consider such a proposal, we must find that it would result in a preferential arrangement of allotments. See Modification of FM and TV Authorizations to Specify a New Community of License (“Community of License”), 4 FCC Rcd 4870 (1989); recon. granted in part 5 FCC Rcd 7094 (1990). We evaluate FM petitions for a new community of license under the allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 91982.¹ In support of its proposal, KQQK License contended that the adoption of its proposed reallocation would result in a preferential arrangement of allotments by providing Missouri City with its first local transmission service. KQQK License also noted that this would not deprive Galveston of its sole local service because FM Station KLTO and AM Stations KHBC and KGBC will continue to be licensed to Galveston.

3. Against this background, on August 30, 2000, we adopted a Report and Order in MM Docket

¹ The FM allotment priorities are as follows: (1) First fulltime aural service; (2) second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to priorities (2) and (3).

No. 99-26, DA 00-2057, released September 8, 2000, in which we adopted an earlier filed counterproposal filed by Tichenor License Corporation. In that counterproposal, we substituted Channel 285C3 for Channel 285A at Rosenberg, Texas, reallocated Channel 285C3 to Missouri City, and modified the Station KOVA license to specify operation on Channel 285C3 at Missouri City. In order to accommodate that upgrade and reallocation, we also substituted Channel 287A for Channel 285A at Galveston, reallocated Channel 287A to Crystal Beach, Texas, and modified the Station KLTO license to specify operation on Channel 287A at Crystal Beach. In light of that action, the KQQK License proposal will no longer provide a first local service to Galveston. In view of the fact that the Notice in this proceeding specifically solicited comment on the KQQK License proposal as a first local service, we issued a Further Notice of Proposed Rule Making in order to afford KQQK License and other interested parties the opportunity to comment upon a proposed reallocation to Missouri City as second local service and whether this proposal is consistent with the provisions of Section 1.420(i) of the Rules and the FM allotment priorities. 15 FCC Rcd 17947 (2000). We did not receive any comments or reply comments in response to the Further Notice.

4. We deny the proposed reallocation of Channel 293C from Galveston to Missouri City, Texas, and modification of the Station KQQK-FM license to specify Missouri City as the community of license. This would not have resulted in a preferential arrangement of allotments as required by Community of License. The proposed reallocation would have deprived the larger community of Galveston (59,400 persons) of its sole remaining local FM service while the smaller community of Missouri City (36,176 persons) now has a local FM service. In addition to Station KOVA being licensed to Missouri City, we also note that due to its location within the Houston Urbanized Area, Missouri City receives a principal city signal from nineteen FM stations.

5. Accordingly, IT IS ORDERED, That the aforementioned proposal filed by KQQK License, Inc. to reallocate Channel 293C from Galveston, Texas, to Missouri City, Texas, and modification of the Station KQQK-FM license to specify Missouri City as the community of license IS HEREBY DENIED.

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

7. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (920) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Mass Media Bureau