

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

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MB Docket No. 03-68 |
| Table of Allotments, |) | RM-10654 |
| FM Broadcast Stations. |) | RM-10656 |
| (Fort Stockton and Sanderson, Texas) |) | |

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 18, 2003

Released: June 20, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* (“*Notice*”),¹ which requested comments on two mutually exclusive proposals. The first proposal, filed by Linda Crawford (“Crawford”), requested the allotment of Channel 263C at Fort Stockton, Texas, as that community’s second local FM aural transmission service.² The second proposal, filed by Katherine Pyeatt (“Pyeatt”), requested the allotment of Channel 261C3 at Sanderson, Texas, as that community’s first local FM aural transmission service.³ Crawford filed comments reiterating an intention to apply for Channel 263C at Fort Stockton, Texas, if allotted. There were no counterproposals or additional comments received in response to this proceeding.

2. As stated in the *Notice*, each petitioner was requested to demonstrate in its comments why their respective community should receive the requested allotment given that both proposals cannot be accommodated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission’s Rules. The proposals are located 73.7 kilometers apart whereas the minimum distance separation requirement is 96 kilometers. Since comments were only filed by Crawford, a comparison between the two proposals is no longer needed. It is the Commission’s policy to refrain from making an allotment to a community absent a *bona fide* expression of interest. Therefore, we will not consider the allotment of Channel 261C3 to Sanderson, Texas because Pyeatt did not express a continued interest in the allotment.

3. We will allot Channel 263C to Fort Stockton, as that community second local FM aural transmission service, as requested. As stated in the *Notice*, Channel 263C can be allotted to Fort Stockton, Texas, in conformity with the Commission’s Rules, provided there is a site restriction of 13.8 kilometers (8.6 miles) southeast of the community.⁴

¹ See *Fort Stockton and Sanderson, Texas*, 18 FCC Rcd 4556 (MB 2003).

² Station KFST-FM and Station KFST (AM) is currently assigned to the community.

³ Channel 207A is a vacant noncommercial channel assigned to the community.

⁴ The reference coordinates for Channel 263C at Fort Stockton are 30-50-06 North Latitude and 102-45-06 West Longitude.

4. Accordingly, pursuant to the authority found 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 4, 2003**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

| <u>Community</u> | <u>Channel No.</u> |
|----------------------|--------------------|
| Fort Stockton, Texas | 257C2, 263C |

5. The window period for filing applications for Channel 263C at Fort Stockton, 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.

6. IT IS FURTHER ORDERED, That the above mention Petition for Rule Making filed by Katherine Pyeatt (RM-10656), IS DISMISSED.

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

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau