

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-271
Table of Allotments,)	RM-10278
FM Broadcast Stations.)	RM-10380
(Post, O'Donnell and Roaring Springs, Texas) ¹)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 30, 2004

Released: May 4, 2004

By the Assistant Chief, Audio Division:

1. At the request of Katherine Pyeatt ("Petitioner"), the Audio Division has before it a *Notice of Proposed Rule Making*² proposing the allotment of Channel 249C2 at Post, Texas, as the community first local commercial FM transmission service (RM-10278). Petitioner filed comments in support of the proposal reaffirming her intention to apply for the channel, if allotted. A counterproposal was filed by Maurice Salsa ("Salsa") proposing the allotment of Channel 249A at O'Donnell and Channel 249A at Roaring Springs, Texas (RM-10380).³ Petitioner subsequently filed a motion to dismiss her petition.⁴

2. In support of his counterproposal, Salsa states that O'Donnell is an incorporated community with a population of 1,115 persons (the 2000 U.S. Census population is 1,011 persons). O'Donnell has its own mayor, its own post office, fire department school district city hall and a number of local churches. Salsa further states that the allotment of Channel 249A at O'Donnell will provide the community with its first local aural transmission service and an essential outlet for local expression.

3. Moreover, Salsa states that Roaring Springs is an incorporated community with a population of 213 persons (the 2000 U.S. Census population is 265 persons). Roaring Springs has its own mayor, post office, volunteer fire department, and its own city hall. Salsa further states that the allotment of

¹ The communities of O'Donnell and Roaring Springs, Texas, have been added to the caption.

² *Post, Texas*, 16 FCC Rcd 52734 (2001).

³ The counterproposal was placed on Public Notice on February 21, 2002, Report No. 2532 (RM-10380).

⁴ Pursuant to Section 1.420(j) of the Commission's Rules, petitioner filed an affidavit stating that she has not received, directly or indirectly, any money or consideration in connection with the dismissal of her petition.

Channel 249A at Roaring Springs, Texas, will provide the community with its first local aural transmission service and an essential outlet for local expression. Salsa affirms his intention to apply for Channel 249A at O'Donnell and Roaring Springs, Texas, if allotted.

4. We believe the public interest would be served by allotting Channel 249A at O'Donnell and Channel 249A at Roaring Springs, Texas, since it would provide each community with its first local aural transmission service. An engineering analysis has determined that Channel 249A can be allotted to O'Donnell in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.6 kilometers (9.1 miles) east to avoid a short-spacing to the vacant allotment site for Channel 248C2, Denver City, Texas, and the licensed site for Station KODM(FM), Channel 250C1, Texas.⁵ Likewise, Channel 249A can be allotted to Roaring Springs with a site restriction of 14.8 kilometers (9.2 miles) northeast to avoid a short-spacing to the proposed allotment for Channel 250C3 at Crowell, Texas.⁶

5. 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, June 18, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
O'Donnell, Texas	249A
Roaring Springs, Texas	249A

6. A filing window for Channel 249A at O'Donnell and Roaring Springs, Texas, will not be opened at time. Instead, the issue of opening a filing window for these channels will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the petition for rule making filed by Katherine Pyeatt for the allotment of Channel 249C2 at Post, Texas, IS DISMISSED, as requested (RM-10278).

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

⁵ The coordinates for Channel 249A at O'Donnell are 32-55-32 North Latitude and 101-40-59 West Longitude.

⁶ The coordinates for Channel 249A at Roaring Springs are 33-57-42 North Latitude and 100-42-53 West Longitude.

9. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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