

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. 01-47
FM Broadcast Stations.)	RM-10063
(Valley Mills, Teague, Brady, Hico, Meridian,)	RM-10119
San Saba, Richland Springs, Texas) ¹)	RM-10120
)	
)	

ORDER TO SHOW CAUSE

Adopted: June 8, 2004

Released: June 10, 2004

Comment Date: July 19, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it a counterproposal jointly filed by Roy E. Henderson, licensee of Station KBAL-FM, San Saba, Texas and Pecan Bayou Radio, requesting the allotment of Channel 291A to Richland Springs, Texas, as its second local aural transmission service, which requires the substitution of Channel 237A for Channel 291A at San Saba, Texas, and the modification of the license of Station KBAL-FM to reflect this change, to which the licensee, Roy E. Henderson has consented. Additionally, the counterproposal requests the allotment of Channel 285A at Hico, Texas, as its first local service and the substitution of Channel 237A for vacant Channel 285A at Meridian, Texas to accommodate the proposed allotment at Hico. This counterproposal was timely filed following the release of the *Notice of Proposed Rule Making* (“*Notice*”) in this proceeding.² In order to accommodate the allotment at Richland Springs, the counterproposal requests the substitution of Channel 296A for Channel 237A at Brady, Texas, and the modification of the license for Station KNEL-FM accordingly. For the reasons discussed below, we are issuing this *Order to Show Cause* directed to Farris Broadcasting, Inc. (“Farris Broadcasting”), the licensee of Station KNEL-FM.

2. In order to proceed with our analysis, we must first issue this *Order to Show Cause* directed to Farris Broadcasting to show cause why its Station KNEL-FM license should not be modified to specify operation on Channel 296A in lieu of Channel 237A at Brady. Section 316(a) of the Communications Act of 1934, as amended, permits us to modify the license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission’s Rules.³ The substitution of Channel 296A for Channel 237A at

¹ Teague, Brady, Hico, Meridian, San Saba, Richland Springs, Texas have been added to the caption. See *Public Notice*, Report No. 2488, released June 1, 2001.

² See *Valley Mills, Texas*, 16 FCC Rcd 3522 (MMB 2001).

³ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

Brady, would accommodate the proposed allotment of Channel 291A at Richland Springs. We consider this allotment at Richland Springs to have sufficient public interest benefits to justify the issuance of a show cause order since it could provide that community with its second local aural transmission service.

3. The license of Station KNEL-FM at Brady, Texas can be modified to specify operation on Channel 296A at its current authorized transmitter site (BPH-19790806AP).⁴ The Pecan Bayou Radio has agreed to reimburse Farris Broadcasting for the reasonable costs incurred in connection with the proposed change of Station KNEL-FM channel.

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communication Act of 1934, as amended, Farris Broadcasting, Inc., licensee of Station KNEL-FM, Brady, Texas, SHALL SHOW CAUSE why its license should not be modified to specify operation on Channel 296A in lieu of Channel 237A.

5. Pursuant to Section 1.87 of the Communications Rules, Farris Broadcasting may, no later than July 26, 2004, file a written statement showing with particularity why its construction permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this *Order to Show Cause* and a final Order will be issued if the modification is found to be in the public interest.

6. IT IS FURTHER ORDERED, that a copy of this *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Farris Broadcasting, Inc.
James L. Oyster, Counsel
Law Offices James L. Oyster
108 Oyster Lane
Castleton, Virginia 22716-9720

Farris Broadcasting, Inc.
Licensee of Station KNEL-FM
P.O. Box 630
Brady, Texas 76825

7. 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

⁴ The site coordinates for Channel 296A at Brady, Texas are 31-7-27 NL and 99-21-34 WL.