

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-152
Table of Allotments,)	RM-10168
FM Broadcast Stations.)	
(Encinal, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 2, 2004

Released: April 5, 2004

By the Assistant Chief, Audio Division:

1. In response to a petition filed by Charles Crawford (“Petitioner”), the Commission has before it for consideration the *Notice of Proposed Rulemaking*,¹ requesting the allotment of Channel 259A at Encinal, Texas, as the community’s second local FM transmission service. Petitioner filed comments supporting the allotment of Channel 259A at Encinal, Texas. No other comments were received.

2. We believe the public interest would be served by allotting Channel 259A to Encinal, Texas. Encinal is a community for allotment purposes, deserving of a second local FM transmission service. Channel 259A can be allotted to Encinal in compliance with the minimum distance separation requirements of the Commission’s Rules with a site restriction of 10.9 kilometers (6.8 miles) east of Encinal at 28-03-51 NL and 99-14-47 WL. The Mexican government has concurred in this allotment.²

3. A filing window for Channel 259A at Encinal, 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.

4. Accordingly, pursuant to the authority contained 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 May 20, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules, IS AMENDED for the community listed below, as follows:

Community

Channel Number

¹ *Eminence, Missouri, Encinal, Texas, and Tilden, Texas*, 16 FCC Rcd 13,915 (MM 2001).

² The allotment requires concurrence by Mexico because it is located within 320 kilometers (199 miles) of the Mexican border. Concurrence was received on March 1, 2002.

Encinal, Texas

259A, 273A

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

6. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau