

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 01-189
Table of Allotments,)	RM-10204
FM Broadcast Stations.)	
(Winnsboro and Annona, 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 Katherine Pyeatt (“Petitioner”), the Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*¹ proposing the allotment of Channel 263A at Winnsboro, Texas, as the community’s second local FM transmission service. Petitioner filed comments supporting the allotment of Channel 263A at Winnsboro, Texas.

2. Annona Broadcasting Company (“ABC”) filed comments and a counterproposal proposing the allotment of Channel 263A at Annona, Texas, rather than at Winnsboro, Texas. In its counterproposal, ABC states that the Annona is a town in Red River County, Texas, with a 2000 U.S. Census population of 282 persons. ABC states that, in the event that Channel 263A is allotted to Annona, Texas, ABC will file an application for a construction permit for the new station, and, if its application is granted, will promptly construct and operate the new facility.

4. In resolving conflicts between mutually exclusive FM allotments, we normally rely on the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.² After review of the record in this proceeding, we conclude that Channel 294A should be allotted to Annona, Texas, rather than Winnsboro, Texas. Allotment of Channel 263A at Winnsboro would satisfy only the fourth allotment priority, other public interest matters, whereas allotment at Annona would satisfy the third allotment priority, first local service. Annona is a community for allotment purposes, deserving of a local FM transmission service. Under the circumstances, the public interest would be served by allotting Channel 263A to Annona, Texas. Channel 263A can be allotted to Annona in compliance with the minimum distance separation requirements of the Commission’s Rules with a site restriction of 13.0 kilometers (8.1 miles) west of Annona at coordinates 33-34-53 NL and 95-03-19 WL.

¹ *Evant, Texas, Winnsboro, Texas, Comanche, Texas, and Clayton, Oklahoma*, 16 FCC Rcd 15,257 (MM 2001).

² 90 F.C.C. 2d 88 (1982). The FM allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3).

5. A filing window for Channel 263A at Annona, 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. Accordingly, IT IS ORDERED, 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, 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:

<u>Community</u>	<u>Channel Number</u>
Annona, Texas	263A

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

8. 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