

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
FM Table of Allotments,	)	MB Docket No. 05-305
FM Broadcast Stations.	)	RM-11137
(Lometa and Richland Springs, Texas)	)	RM-11248
	)	
Reclassification of License of	)	
Station KELI(FM), San Angelo, Texas, and	)	
Station KAMX(FM), Luling, Texas.	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: July 19, 2006**

**Released: July 21, 2006**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*<sup>1</sup> issued at the request of Charles Crawford (“Petitioner”), seeking to amend the FM Table of Allotments by allotting Channel 253A Lometa, Texas, as that community’s second local FM transmission service. To accommodate the proposed Lometa allotment, Petitioner proposes the substitution of Channel 235A for vacant Channel 252A at Richland Springs, Texas. Additionally, to accommodate this allotment, Station KELI(FM), Channel 254C, San Angelo, Texas, must specify operation on Channel 254C0,<sup>2</sup> and Station KAMX(FM), Channel 234C, Luling, Texas, must specify operation on Channel 234C0<sup>3</sup> because each station is operating at below minimum Class C facilities. Petitioner filed comments in support of its proposal, pledging to file the necessary applications. No other comments or counterproposals were filed.

2. The *Notice* proposed to amend the FM Table of Allotments by allotting Channel 253A Lometa, Texas, as that community’s second local FM transmission service, with a related channel substitution of Channel 235 for vacant Channel 252A at Richland Springs, Texas. To accommodate this allotment, Petitioner also requested the reclassification of Station KELI(FM), Channel 254C, San Angelo, Texas, to specify operation on Channel 254C0, and the reclassification of Station KAMX(FM), Channel 234C, Luling, Texas, to specify operation on Channel 234C0 because each station is operating at below minimum Class C facilities. Petitioner has also certified, as required, that no other Class A channel(s) are available for allotment at Lometa.<sup>4</sup> We issued an *Order to Show Cause* to Encore Broadcasting of San Angelo, LLC (“Encore”), licensee of Station KELI(FM) to show cause why its facilities should not be

<sup>1</sup> *Lometa, Luling and Richland Springs, Texas*, Notice of Proposed Rule Making, 20 FCC Rcd 17963 (MB 2005).

<sup>2</sup> Station KELI(FM), San Angelo, Texas, currently operates on Channel 254C with an effective radiated power (“ERP”) of 100 kilowatts (“kW”) at 393 meters height above average terrain (HAAT), which is below the minimum Class C antenna height 451 meters HAAT.

<sup>3</sup> Station KAMX(FM), Luling, Texas, currently operates on Channel 234C with an effective radiated power (“ERP”) of 100 kilowatts (“kW”) at 398 meters height above average terrain (HAAT), which is below the minimum Class C antenna height 451 meters HAAT.

<sup>4</sup> See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

reclassified.<sup>5</sup> Encore did not respond, and therefore, Station KELI(FM)'s license is reclassified to Channel 254C0.<sup>6</sup> We also issued an *Order to Show Cause* to Texas Infinity Radio, L.P. ("Texas Infinity"), licensee of Station KAMX(FM), to show cause why its facilities should not be reclassified.<sup>7</sup> Texas Infinity did not respond, and therefore, Station KAMX(FM)'s license is reclassified to Channel 234C0.<sup>8</sup> In response to the *Notice*, Petitioner filed comments stating that it would file the necessary application to implement the proposed Lometa allotment, if allotted.

3. **Discussion.** We will grant the allotment of Channel 253A at Lometa, Texas and the related substitution of Channel 235A for Channel 252A at Richland Springs, Texas. The allotment of channel 253A at Lometa will provide the community with its second local aural transmission service. A staff engineering analysis of the proposal confirms the unavailability of any alternate Class A channel or antenna site to accommodate Petitioner's proposal at Lometa. The staff analysis also shows that the reclassification of Station KELI(FM), Channel 254C, San Angelo, Texas, to specify operation on Channel 254C0, will eliminate any short spacing to requested Channel 253A at Lometa and the reclassification of Station KAMX(FM), Channel 234C, Luling, Texas, to specify operation on Channel 234C0 will eliminate any short spacing to requested Channel 235A at Richland Springs, Texas. Operation on Channel 253A at Lometa from the restricted site specified also will comply with the requirements of Section 73.315 of the Commission's Rules to provide 70 dBu coverage over the entire community.

4. As noted above, the allotment of Channel 253A requires the related channel substitution of Channel 235A for vacant Channel 252A at Richland Springs, Texas. Since Richland Springs is located within 320 kilometers (199 miles) of the U.S.-Mexican border, concurrence of the Mexican Government is required for the allotment of Channel 235A at that community. Although Mexican concurrence has been requested for the allotment of Channel 235A at Richland Springs, notification has not been received. Therefore, because the allotment of Channel 253A at Lometa requires the Richland Springs substitution, operation with the facilities specified for Lometa herein is subject to modification, suspension, or termination without right to hearing if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if Mexico specifically objects to the allotment of Channel 235A at Richland Springs.

5. Channel 253A at Lometa is allotted consistent with the minimum distance separation requirements of the Commission's Rules at Petitioner's requested site 11.7 kilometers (7.3 miles) northwest of the community.<sup>9</sup> Channel 235A is substituted for vacant Channel 252A at Richland Springs consistent with the minimum distance separation requirements of the Commission's Rules at Petitioner's requested site 9.4 kilometers (5.8 miles) southwest of the community.<sup>10</sup>

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office Pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(1)(A).

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<sup>5</sup> Pursuant to an assignment of license (File No. BALH-20051206AAY) granted on January 19, 2006, the licensee of Station KELI(FM) is now Double O Texas Corp. We will serve this party a copy of this *Report and Order*.

<sup>6</sup> *See Various Locations*, Report and Order, 20 FCC Rcd 17931 (MB 2005).

<sup>7</sup> Pursuant to a transfer of control (File No. BTCH-20051011AEV) granted on November 1, 2005, the license of Station KAMX(FM) is Texas CBS Radio LP. We will serve this party a copy of this *Report and Order*.

<sup>8</sup> *Id.*

<sup>9</sup> Coordinates for Channel 253A at Lometa are 31-18-45 NL and 98-26-45 WL.

<sup>10</sup> Coordinates for Channel 235A at Richland Springs are 31-12-30 NL and 99-00-45 WL.

7. Accordingly, pursuant to the authority contained in 47 U.S.C. §§ 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. §§ 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective September 5, 2006, the FM Table of Allotments, 47 C.F.R. § 73.202(b) IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Lometa, Texas	253A, 270A
Richland Springs	235A

8. In addition, a copy of this *Report and Order* shall be sent to Texas CBS Radio, Inc., LP and Double O Texas Corp., as follows:

Texas CBS Radio, LP 2175 K St. NW Suite 350 Washington, DC 20037	Double O Texas Corp 745 Fifth Avenue 24 <sup>th</sup> Floor New York, New York 10151
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9. A window period for filing applications for Channel 253A at Lometa 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.

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

11. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau