

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-97
Table of Allotments,)	RM-11186
FM Broadcast Stations.)	RM-11251
(Milano, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 21, 2007

Released: February 23, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* (“*Notice*”)¹ issued at the request of Charles Crawford (“Petitioner”), requesting the allotment of Channel 274A at Milano, Texas, as the community’s first local service. Petitioner filed comments. Starboard Media Foundation, Inc. (“Starboard Media”) filed a timely counterproposal in response to the *Notice*.² No other comments or counterproposals were received in this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 274A at Milano, as the community’s first local transmission service.³ Petitioner filed comments, reiterating its interest in the proposed Channel 274A at Milano.

3. In response to the *Notice*, Starboard Media filed a counterproposal, requesting that proposed Channel 274A at Milano be allotted for noncommercial educational (“NCE”) use. In this regard, Starboard Media claims that the reserved band channels (Channels 201-220) at Milano are precluded from usage due to interference to TV Channel 6, Station KCEN-TV, Temple, Texas, and that the allotment and NCE reservation of Channel 274A at Milano would provide a first and/or second NCE radio service to at least ten percent of the population within the proposed station’s 1mv/m (60dbu) contour, exceeding 2,000 persons.⁴ Moreover, Starboard Media states that, if allotted, it will file an application for Channel 274A at Milano, whether allotted for commercial purposes or NCE use.

4. **Discussion.** In compliance with Section 73.525(c) of the Commission’s Rules, a staff engineering analysis determined that the predicted interference area to TV Channel 6, Station KCEN-TV would not exceed the 3,000 person limit. Moreover, at city reference coordinates (30-42-37 NL and 96-51-47 WL), a minimum Class A facility could be authorized on Channel 207 and Channel 212. As such,

¹ See *Milano, Texas*, Notice of Proposed Rule Making, 20 FCC Rcd 5252 (MB 2005).

² See *Public Notice*, Report No. 2717, released June 24, 2005.

³ Plain is an incorporated town located in Plains County, Georgia listed in the 2000 U.S. Census with a population of 637 persons.

⁴ See 47 C.F.R. § 73.202(a)(1)(ii).

we will not reserve Channel 274A at Milano for NCE use because a rule compliant NCE-FM facility could be authorized in compliance with the NCE technical rules. Accordingly, the counterproposal is dismissed.

5. We are allotting Channel 274A at Milano, Texas, as its first local service as proposed in the *Notice*. The reference coordinates for Channel 274A at Milano, Texas are 30-38-30 NL and 96-55-00 WL. This allotment requires a site restriction of 9.2 kilometers (5.7 miles) southwest of Milano to avoid a short-spacing to the license site of FM Station KBRQ, Channel 273C1, Hillsboro, Texas.

6. We note that the allotment of Channel 274A at Milano, Texas is conditioned on the outcome of MM Docket No. 02-177 because the *Report and Order*⁵ issued in that proceeding is effective but not final.⁶ To this end, a Petition for Reconsideration is currently pending of the staff decision to dismiss the counterproposal filed in that proceeding. The counterproposal conflicts with the allotment of Channel 274A at Milano, Texas.

7. 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).

8. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective April 9, 2007, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Milano, Texas	274A

9. It is FURTHER ORDERED, That the allotment of Channel 274A at Milano, TX is CONDITIONED on the outcome of MM Docket No. 02-177.

10. The window period for filing applications for Channel 274A at Milano, Texas will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

11. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

12. IT IS FURTHER ORDERED, That the counterproposal filed by the Starboard Media Foundation, Inc., IS DISMISSED.

⁵ See *Milano, Texas*, Report and Order, 19 FCC Rcd 8474 (MB 2004).

⁶ See *Auburn, Alabama, et al.* Memorandum Opinion and Order, 18 FCC Rcd 10333 (MB 2003).

13. 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