

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MB Docket No. 08-226
	)	RM-11494
FM Broadcast Stations.	)	
(Mount Enterprise, Texas)	)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 3, 2009**Released: June 5, 2009**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division issued a Notice of Proposed Rule Making in response to a Petition for Rule Making filed by JER Licenses, LLC ("Petitioner").¹ The Notice proposes the substitution of FM Channel 279A for vacant Channel 231A at Mount Enterprise, Texas. The purpose of the requested channel substitution at Mount Enterprise is to allow Petitioner to change its community of license for unbuilt FM Channel 232C3, from Grapeland, Texas, to Bullard, Texas.² Petitioner submitted a filing fee for that application pursuant to Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services.³

2. Petitioner filed comments supporting the substitution of Channel 279A for Channel 231A at Mount Enterprise, and reaffirmed its intention to apply for the channel if it is allotted and, if authorized, to build and operate a station on that channel. No other comments were received.

3. We find that the substitution of Channel 279A for Channel 231A at Mount Enterprise, Texas, would serve the public interest, because it would accommodate Petitioner's proposed change of community of license for unbuilt Channel 232C3 from Grapeland, Texas, to Bullard, Texas, without any deleterious effect upon the service that can be made available using the Class A allotment at Mount Enterprise. The reference coordinates for Channel 279A at Mount Enterprise, Texas, are 31-58-15 NL and 94-41-01 WL, with a site restriction of 5.9 km (3.7 miles) north of the community.

¹ *Mount Enterprise, Texas*, Notice of Proposed Rule Making, DA 08-2569 (MB, rel. Nov. 28, 2008) ("Notice"). See 73 Fed.Reg. 75630 (Dec. 12, 2008).

² File No. BNPH-20070502ACF, amendment filed June 6, 2008.

³ Report and Order, 21 FCC Rcd 14212 (2006) ("*Revised Allotment Procedures R&O*").

4. 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.⁴

5. Accordingly, IT IS ORDERED, That effective July 20, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Mount Enterprise, Texas	279A

6. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Order to the following:

A Wray Fitch, III, Esq.
Gammon & Grange, P.C.
8280 Greensboro Drive, 7th Floor
McLean, Virginia 22102-3807
(Counsel for JER Licenses, LLC)

7. A filing window period for Channel 279A at Mount Enterprise, 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.

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

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 260A at Mount Enterprise, Texas, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁴ See 5 U.S.C. § 801 (a)(1)(A).