

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 13-23
Table of Allotments,)	RM-11690
FM Broadcast Stations.)	
(Pearsall, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: July 18, 2013

Released: July 19, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a Notice of Proposed Rule Making (“*Notice*”) issued in response to a Petition for Rule Making (“*Petition*”) filed by Wendolynn Tellez (“*Petitioner*”), licensee of FM Station KSAG, Channel 277A, Pearsall, Texas;¹ (2) the “hybrid” application (the “*Application*”) filed by the *Petitioner*; ² and (3) supporting comments filed by the *Petitioner*. For the reasons discussed below, we grant the *Petition* and the *Application*.

2. **Background.** The *Notice* proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by substituting Channel 277A for vacant Channel 227A at Pearsall, Texas, as part of a contingently filed “hybrid” application and rule making petition.³ The purpose of the proposed channel substitution for the vacant allotment is to accommodate *Petitioner*’s application for FM Station KSAG to specify operation on Channel 227A rather than Channel 277A.

3. *Petitioner* filed comments supporting the allotment change proposed in the *Notice*. No other comments were received.

4. **Discussion.** We believe that the channel substitution proposed in the *Notice* will serve the public interest, because it will accommodate *Petitioner*’s application to allow FM Station KSAG to operate on Channel 227A, and it would increase the number of the station’s potential listeners by nearly 20 percent.

5. The window period for filing an application for Channels 277A at Pearsall, Texas, will not be opened at this time. Instead, the issue of opening a filing window for this allotment will be addressed by the Commission in a subsequent order or orders.

¹ *Pearsall, Texas*, Notice of Proposed Rule Making, 28 FCC Rcd 359 (MB 2013).

² See File No. BPH-20120814ABM.

³ See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006).

6. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁴

7. **Ordering Clauses.** 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 September 2, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Pearsall, Texas	277A

Reference Coordinates: 28-56-40 NL and 99-11-44 WL, at a site 11.4 km (7.1 miles) northwest of Pearsall.

8. IT IS FURTHER ORDERED, that the application of Wendolynn Tellez, for a construction permit for Station KSAG, Channel 227A, Pearsall, Texas, File No. BPH-20120814ABM, IS GRANTED.

9. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.

10. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁴ See 5 U.S.C. § 801 (a)(1)(A).