

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 11-38
Table of Allotments,	)	RM-11621
FM Broadcast Stations.	)	
(Hebbronville, Texas)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: January 3, 2013**

**Released: January 4, 2013**

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 in response to a Petition for Rule Making and a "hybrid" application<sup>2</sup> (the "Application"), filed by Charles Crawford ("Petitioner"), winning bidder in Auction 70 for Channel 232A at Benavides, Texas. No comments or counterproposals were received in response to the *Notice*. For the reasons discussed below, we grant the Petition for Rule Making and the Application.

2. **Background.** The *Notice* proposed to amend the FM Table of Allotment, Section 73.202(b) of the Commission's Rules, by substituting Channel 282A for vacant Channel 232A at Hebbronville, Texas. The purpose of the proposed channel substitution at Hebbronville is to accommodate the Application to substitute Channel 232A for Channel 282A at Benavides, Texas, and modification of the new FM station.

3. **Discussion.** We believe that the proposed channel substitution will serve the public interest because it will facilitate the implementation of the Petitioner's "hybrid" application. An independent staff engineering analysis indicates that Channel 282A can be allotted to Hebbronville consistent with the minimum distance separation requirements of the Rules with a site restriction 11 kilometers (6.8 miles) northwest of the community. The reference coordinates for Channel 282A are 27-23-18 NL and 98-44-26 WL.

4. Channel 282A at Hebbronville is located 320 kilometers from the Mexican Border. Although Mexican concurrence has been requested, notification has not been received. If a construction permit for Channel 282A at Hebbronville, Texas is granted prior to receipt of formal concurrence by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein for Hebbronville, Texas, 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 Mexico-United States FM Broadcast Agreement, or if specifically objected to by the Government of Mexico."

5. **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

<sup>1</sup> See *Hebbronville, Texas*, Notice of Proposed Rule Making, 26 FCC Rcd 2166 (MB 2011) ("Notice").

<sup>2</sup> See File No. BNPB-20070502ADP.

That effective, February 18, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Hebbronville, Texas	282A

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, *see* 5 U.S.C. § 801(a)(1)(A) .

7. IT IS FURTHER ORDERED, That the application, File No. BNPH-20070502ADP, IS GRANTED.

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

9. The window period for filing application for Channel 282A at Hebbronville, Texas, will not be opened at this time. Instead, the issue of opening filing window for this allotment will be addressed by the Commission in a subsequent order.

10. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

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Audio Division  
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