

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 14-156
Table of Allotments,)	RM-11725
FM Broadcast Stations.)	
(Silverton, Texas))	
)	
Station KXDJ(FM), Spearman, Texas)	File No. BPH-20140519AHY

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 8, 2015

Released: January 9, 2015

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making (“Petition”) filed by Chris Samples Broadcasting, Inc. (“Petitioner”), licensee of Station KXDJ(FM), Channel 252C2, Spearman, Texas. We also have before us, Petitioner’s “hybrid” application² (the “Application”). Petitioner filed Comments and Further Comments. Tejas Broadcasting Ltd., LLC, (“Tejas Broadcasting”), licensee of Station KICA-FM, Channel 252C1, Farwell, Texas filed Comments. No counterproposals or other comments were received in response to the *Notice*. For the reasons discussed below, we grant the Petition and Application.

2. **Background.** The *Notice* proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules, by substituting Channel 221A for vacant Channel 252A at Silverton, Texas. This channel substitution accommodates the Application, requesting to upgrade the facilities of Station KXDJ(FM) from Channel 252C2 to Channel 252C1 at Spearman, Texas. Petitioner filed Comments supporting the Petition. Petitioner states that the substitution of Channel 221A at Silverton would permit Station KXDJ(FM) to provide enhanced service to the community of Spearman. Moreover, Petitioner states that it will expeditiously implement the upgrade of Station KXDJ(FM) upon grant of the Petition.

3. Tejas Broadcasting filed Comments and Petitioner filed Further Comments, stating that Station KICA-FM is short-spaced with vacant Channel 252A at Silverton pursuant to Section 73.215 of the Commission’s Rules.³ Tejas Broadcasting and Petitioner contend that the proposed change of the Silverton allotment to Channel 221A would serve the public interest because it will eliminate the 73.215 restriction and allow Station KICA-FM to potentially increase power and improve service.

4. **Discussion.** We find that the channel substitution at Silverton, Texas would be in the public interest because it would accommodate the Application and eliminate the Station KICA-FM 73.215 short-spacing. A staff engineering analysis indicates that Channel 221A can be allotted to

¹ See *Silverton, Texas*, Notice of Proposed Rule Making, 29 FCC Rcd 11271 (MB 2014) (“*Notice*”).

² See File No. BPH-20140519AHY.

³ 47 C.F. R. § 73.215.

Silverton, Texas consistent with the minimum distance separation requirements of the Commission's Rules with a site restriction located 7.8 kilometers (4.9 miles) east of Silverton. The reference coordinates are 34-28-15 NL and 101-13-09 WL.

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 That effective, February 23, 2015, 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>
Silverton, Texas	221A

6. The window period for filing applications for Channel 221A at Silverton, 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.

7. 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) .

8. IT IS FURTHER ORDERED, that the Application, File No. BPH-20140519AHY, filed by Chris Samples Broadcasting, Inc., IS GRANTED.

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

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

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
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Media Bureau