

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

In the Matter of
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Roma and San Isidro, Texas)
MB Docket No. 05-142
RM-11220

MEMORANDUM OPINION AND ORDER
(PROCEEDING TERMINATED)

Adopted: February 2, 2017

Released: February 3, 2017

By the Chief, Audio Division, Media Bureau:

1. The Audio Division (Division) has before it a "Withdrawal of Expression of Interest," submitted by Charles Crawford (Crawford) on April 3, 2014. Previously, Crawford filed a petition for rule making (Petition) to allot Channel 278A at Roma, Texas. In response to that Petition, a Notice of Proposed Rule Making (Notice) was issued.1 La Voz Latina (LVL) filed a counterproposal (Counterproposal) proposing Channel 278A at San Isidro, Texas, in lieu of Channel 278A at Roma, Texas, which was dismissed by the Division. The Division issued a Report and Order allotting Channel 278A at Roma.2 Crawford now requests to withdraw his expression of interest in Channel 278A at Roma, Texas, and dismissal of the Petition. A sworn affidavit submitted by Charles Crawford, pursuant to Section 1.420(j) of the Commission's rules, states that he has not received nor will he receive any consideration in exchange for the withdrawal of his expression of interest.3

2. We will grant Crawford's "Withdrawal of Expression of Interest." With Crawford's withdrawal and the sworn affidavit described above, Crawford has demonstrated that he has no continuing interest in the Channel 278A allotment at Roma. It is the Commission's policy to refrain from making an allotment to a community absent an adequate expression of interest.4 Accordingly, we will delete the Channel 278A allotment at Roma.5

1 Strong, Arkansas; Roma, Texas; and Romney, West Virginia, Notice of Proposed Rule Making, 20 FCC Rcd 6202 (MB 2005).

2 Roma, Texas, Report and Order, 21 FCC Rcd 1130 (MB 2006).

3 47 CFR § 1.420(j).

4 See, e.g., Jewett, Texas, Report and Order, 25 FCC Rcd 16935 (MB 2010); Laramie and Grand Encampment, Wyoming, Report and Order, 24 FCC Rcd. 4575 (MB 2009).

5 See, e.g., Wickenburg, Bagdad, and Aguila, Arizona, Memorandum Opinion and Order, 16 FCC Rcd 15793, 19794 (Allocations Branch 2001); Maupin, Oregon, Memorandum Opinion and Order, 25 FCC Rcd 8107 (MB 2010).

3. LVL has expressed continued interest in the Counterproposal,<sup>6</sup> which proposed the allotment of Channel 278A at San Isidro, Texas, in lieu of Channel 278A at Roma, Texas. San Isidro, Texas, is a census designated place with a 2010 U.S. Census population of 240 persons that the Bureau previously determined is a community for allotment purposes.<sup>7</sup> LVL states that the Counterproposal will provide service to the community of San Isidro, as well as to people traveling on local roads, such as Routes 1017 and 755.<sup>8</sup> The Counterproposal was placed on Public Notice on January 15, 2015.<sup>9</sup> No comments were received.

4. LVL filed the Counterproposal before the release of the *Community of License R&O*, which, *inter alia*, modified procedures for counter-proponents in allotment rulemaking proceedings.<sup>10</sup> Pursuant to the *Community of License R&O*, “A party filing a petition for rule making to add a new allotment to the Table, whether as an original proposal or as a counterproposal, must simultaneously file a Form 301 application specifying the proposed facilities.”<sup>11</sup> LVL must now come into compliance with this requirement and file the corresponding Form 301 application for the Channel 278A, San Isidro, Texas, allotment and pay the application filing fee. Furthermore, pursuant to the *Community of License R&O*, “The application shall include a certification that, if the FM channel allotment requested is adopted, petitioner/counter-proponent intends to apply to participate in the auction of the channel allotment requested and specified in this application.”<sup>12</sup> Therefore, LVL must now also provide the requisite certification in its Form 301 application regarding the Channel 278A, San Isidro, Texas, allotment.

5. Based on the foregoing, we find that the public interest would be served by allotting a second local service at San Isidro, Texas,<sup>13</sup> Priority (4).<sup>14</sup> A staff engineering analysis indicates that Channel 278A at San Isidro can be allotted consistent with the minimum distance separation requirements of the Commission’s rules with a site restriction 6 kilometers west of the community. The reference coordinates are 26-42-15 NL and 98-29-48 WL.

6. 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 CFR Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective, March 20, 2017, the FM Table of Allotments, 47 CFR Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

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<sup>6</sup> LVL filed an Application for Review on October 5, 2006, seeking review of the Media Bureau’s decision to dismiss its Counterproposal in this proceeding. *Roma, Texas*, Memorandum Opinion and Order, 21 FCC Rcd 10007 (MB 2006). With Crawford’s “Withdrawal of Expression of Interest” and the action taken herein, we will dismiss the Application for Review as moot.

<sup>7</sup> *San Isidro, Texas*, Report and Order, 17 FCC Rcd 24330 (MB 2002).

<sup>8</sup> Counterproposal at 2.

<sup>9</sup> *Public Notice*, Report No. 3014 (rel. Jan. 15, 2015).

<sup>10</sup> *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) (*Community of License R&O*).

<sup>11</sup> *Id.* at 14224, para. 20.

<sup>12</sup> *Id.*

<sup>13</sup> Channel 255A is allotted to San Isidro, Texas.

<sup>14</sup> The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982).

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<u>Community</u>	<u>Channel No.</u>
Roma, Texas	---
San Isidro, Texas	278A

7. The window period for filing applications for Channel 278A at San Isidro, 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.

8. IT IS FURTHER ORDERED, That the “Withdrawal of Expression of Interest” filed by Charles Crawford IS GRANTED.

9. IT IS FURTHER ORDERED, That the Application for Review filed by La Voz Latina on October 5, 2006, IS DISMISSED.

10. IT IS FURTHER ORDERED, That within 30 days of the effective date of this *Memorandum Opinion and Order*, La Voz Latina shall submit to the Commission FCC Form 301 specifying FM Channel 278A at San Isidro, Texas, and pay the corresponding application filing fee.

11. The Commission will send a copy of this *Memorandum Opinion 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).

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

13. For further information concerning this proceeding, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau