



Federal Communications Commission
Washington, D.C. 20554

August 15, 2025

DA 25-721
In Reply Refer to:
1800B3-DB

Carlos Lopez
514 Greenway Drive
Corpus Christi, TX 78412
(sent via email)

Michael Celenza
Celenza Communications
41 Kathleen Crescent
Coram, NY 11727
(sent via email)

In re: **KQSA(FM), Batesville, Texas**
Facility ID No. 198796
File No. 0000258313

Application to Change Community of License

Dear Applicant:

This letter refers to the minor change application (the “Application”) of Carlos Lopez (Mr. Lopez), licensee of Station KQSA(FM) (the “Station” or “KQSA(FM)”), Channel 250A, Batesville, Texas.¹ The Application proposes to change the Station’s community of license from Channel 250A at Batesville to Channel 250A at Pearsall, Texas, as the community’s fourth local service, and to change the Station’s transmitter location. For the reasons discussed below, we grant the Application.

Background. The Application was filed pursuant to section 73.3573(g) of the Commission’s rules (Rules),² which sets forth the requirements for modification of an FM Station license to specify a new community of license without providing an opportunity for competing expressions of interest.³ Among other requirements, an applicant for such a minor modification must demonstrate that the proposed change of community constitutes a preferential arrangement of assignments in comparison with its current

¹ Application File No. 0000258313 (filed Nov. 20, 2024). On June 4, 2025, Mr. Lopez amended the Application to include a supplemental exhibit. *See* Application Amendment (filed June 4, 2025) at Attach., “Supplemental Section 307(b) Showing of Why Relocation of KQSA(FM) to Pearsall, Texas, Will Result in Preferential Arrangement of Allotments.”

² *See* 47 CFR § 73.3573(g).

³ A station may change its community of license without being subject to competing expressions of interest if: (1) the proposed allotment/assignment is mutually exclusive with the current allotment/assignment; (2) the current community of license will not be deprived of its only local transmission service; and (3) the proposed arrangement of allotment/assignments is preferred under the Commission’s FM priorities. *See Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870 (1989), *recons. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

service.⁴ We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.⁵

In support of the Application, Mr. Lopez argues that the proposed reallocation of the Station meets the Commission's requirements for specifying a new community of license because: (1) the proposed use of Channel 250A at Pearsall is mutually exclusive with its current use at Batesville;⁶ (2) the proposed reallocation complies with the Commission's minimum distance separation requirements, as set forth in section 73.207 of the Rules;⁷ (3) Batesville would retain a local service through Station KRZU(FM) (Facility ID No. 173409);⁸ and (4) providing a third local service to Pearsall (population 9,056) under FM Priority (4) is preferable to retaining a second local service at Batesville (population 1,138).⁹ Mr. Lopez notes that Batesville's population has declined by 35.49 percent over the past five years, while Pearsall's population is growing.¹⁰ Mr. Lopez also emphasizes Pearsall's economic vitality, citing its workforce training programs for youth and adults, targeted business development efforts, and diverse commercial activity—including insurance agencies, retail stores, restaurants, and car dealerships.¹¹ Finally, Mr. Lopez asserts that the new transmitter site would deliver a stronger, more reliable signal to Pearsall, improving access to local programming such as live school, church, and community event broadcasts.¹²

Regarding the technical aspects of the proposal, Mr. Lopez states that the Station currently provides a 60 dBμ contour serving 1,619 persons across 2,563.4 square kilometers from its licensed site.¹³ In contrast, the proposed site for Channel 250A at Pearsall would provide a 60 dBμ contour to 10,620 persons across 2,464.5 square kilometers and a 70 dBμ contour serving 203 persons across 804.5 square kilometers.¹⁴ Mr. Lopez asserts that the proposed relocation would result in a loss of service to 101 persons over 1,091.51 square kilometers, but would yield a net gain in service to 10,519 persons across 1,373.61 square kilometers.¹⁵ While acknowledging that the proposal would create relatively large gain and loss areas, Mr. Lopez emphasizes that each of these areas would continue to be well-served, receiving

⁴ *Id.*

⁵ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982) (*Revision of FM Assignment Policies and Procedures*). The FM allotment priorities are: (1) First full-time aural service, (2) Second full-time aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

⁶ Application, Exh. D, "Change of Community of License/Minor Change Application," at 1.

⁷ *Id.*

⁸ *Id.*

⁹ See Application Amendment, Attach., "Supplemental Section 307(b) Showing of Why Relocation of KQSA(FM) to Pearsall, Texas, Will Result in Preferential Arrangement of Allotments," at 1.

¹⁰ *Id.*

¹¹ *Id.* at 1-2.

¹² *Id.* at 2.

¹³ Application, Exh. D, "Change of Community of License/Minor Change Application," at 2-3.

¹⁴ *Id.*

¹⁵ *Id.* at 2.

at least four full-time services.¹⁶ Finally, Mr. Lopez states that the proposed reallocation would not serve any portion of a U.S. Census-defined Urbanized Area; therefore, a *Tuck* analysis is not required.¹⁷

Discussion. In considering a reallocation proposal, we compare the existing and proposed assignments to determine whether the reallocation would result in a preferential arrangement of assignments under the Commission's FM allotment priorities. Here, the issue is whether to retain the Station and Channel 250A at Batesville, Texas (2020 U.S. Census population: 787) as a second local service, or to reallocate the Station and channel to Pearsall, Texas (2020 U.S. Census population: 7,325) as a fourth local service.¹⁸ Both options fall under Priority (4) of the Commission's FM allotment priorities—"Other public interest matters."¹⁹ Under Priority (4), we consider factors such as: (1) the number of aural reception services available in the gain and loss areas; (2) the number of local transmission services in each community; and (3) the relative population size and growth trends of the communities involved.²⁰ We may also evaluate the size of the populations gaining and losing service under the proposal, the number of services those populations will receive if the application is granted, and an explanation of how the proposal advances section 307(b) priorities.²¹

Our independent engineering analysis confirms that the proposed reallocation of KQSA(FM) to Pearsall would result in a net gain of service to the public. Specifically, the reallocation would provide new or improved reception service to 16,101 persons, while 1,184 persons would experience a loss of service, resulting in a net gain of service to 14,917 persons. A net increase in reception service aligns with the Commission's public interest objectives. While we recognize that the proposal would create a loss area,²² we find that reallocating KQSA(FM) to Pearsall, where it would become the community's fourth local service and serve a population of 7,325,²³ better serves the public interest than retaining the Station in Batesville, which, with a population of 787, already receives a local service from full-power

¹⁶ *Id.* at 3.

¹⁷ Application, Attach., "Community of License Change - Section 307(b) Showing," at 2.

¹⁸ A *Tuck* analysis is not required because neither the existing nor proposed facilities provide coverage to any part of an Urbanized Area. *See Faye and Richard Tuck*, Memorandum Opinion and Order, 3 FCC Rcd 5374 (1998).

¹⁹ *See supra* note 5.

²⁰ *See Policies to Promote Rural Radio Service and to Streamline Allotment an Assignment Procedures*, Second Report and Order, First Order On Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556, 2577-78, para. 39 (2011) (*Rural Radio*) ("Under Priority (4), applicants may offer any other information they believe to be pertinent to a public interest showing, including the need for further transmission service at the new community, a drop in population justifying the removal of transmission service at the old community, population growth in areas surrounding the proposed new community that can best be met by a centrally located service, or any other changes in circumstance believed relevant to our consideration."). *See also Revision of FM Assignment Policies and Procedures*, 90 FCC 2d at 92, n.8.

²¹ *See Rural Radio*, 26 FCC Rcd 2556, 2577, para. 39 (2011).

²² There would be no aural white or gray areas created by the adoption of the proposal.

²³ Stations KSAG(FM) (103.3 MHz), KSAH-FM (104.1 MHz), and PROP-FM (98.9 MHz) are licensed to Pearsall, Texas. Pearsall is also serviced by Stations KRZU(FM) (90.7 MHz), Batesville, Texas; KRPT(FM) (92.5 MHz), Devine, Texas; KKDL(FM) (93.7 MHz), Dilley, Texas; KLMO-FM (98.9 MHz), Dilley, Texas; KLEY-FM (95.7 MHz), Jourdan, Texas; and KZLV(FM) (91.3 MHz), Lytle, Texas. *See* Application, Attach., "FM Stations Serving Pearsall, Texas." Additionally, Station KJAK-FM (103.3 MHz), Pearsall, Texas, remains unbuilt within the time constraints of its construction permit.

Station KRZU(FM) and more than five aural reception services.²⁴ Furthermore, the most recent demographic data indicate that Pearsall is experiencing modest population growth (an increase of 3.13%) and exhibits diversified economic activity, while Batesville has undergone a significant population decline (a decrease of 35.49%).²⁵ On balance, we conclude that the relative service population gains and community growth trends are determinative in this case. Accordingly, we find that the public interest would be better served by reallocating Station KQSA(FM) to Pearsall, Texas, as a fourth local service, rather than retaining it in Batesville as a second local service.

A staff engineering analysis indicates that Channel 250A can be allotted to Pearsall, Texas, consistent with section 73.215 of the Commission's rules.²⁶ The reference coordinates are 28-46-33.8 NL and 99-08-9.1 WL.²⁷

Conclusion. In view of the above, we conclude that the public interest is served by grant of the Application at issue. Accordingly, **IT IS ORDERED** that the application of Carlos Lopez for a minor modification of facilities and a change of community of license (Application File No. 0000258313) **IS GRANTED**.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

²⁴ Station KRZU(FM) (90.7 MHz) is licensed to Batesville, Texas. Batesville is also serviced by PROP-FM (98.9 MHz), Pearsall, Texas; KRPT(FM) (92.5 MHz), Devine, Texas; KLMO-FM (98.9 MHz), Dilley, Texas; KBNU(FM) (93.9 MHz), Ulvade, Texas; and KVOU-FM (104.9 MHz), Ulvade, Texas. See Application, Attach., "Stations Serving Batesville, Texas." The Commission deems five or more reception services as "abundant." See *Family Broad. Group*, Decision, 93 FCC 2d 771 (Rev. Bd. 1983), *rev. denied*, FCC 83-559 (Nov. 29, 1995).

²⁵ According to worldpopulationreview.com, Pearsall is currently growing at a rate of 0.61% annually and its population has increased by 3.13% since the most recent census. See <https://worldpopulationreview.com/us-cities/texas/pearsall>. In contrast, Batesville is currently growing at a rate of 0.44% annually but its population has decreased by -35.49% since the most recent census. See <https://worldpopulationreview.com/us-cities/texas/batesville>.

²⁶ 47 CFR § 73.215. The allotment reference coordinates are 28-51-57 NL and 99-11-42.1 WL.

²⁷ Pearsall is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Mexican concurrence has been received.