

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

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MB Docket No. 25-156 |
| Table of Allotments, FM Broadcast Stations |) | |
| (Adamsville, Texas and Richland Springs, Texas) |) | |

MEMORANDUM OPINION AND ORDER

Adopted: September 19, 2025

Released: September 19, 2025

By the Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division has before it a Petition for Partial Reconsideration (Petition)¹ of the *Various Locations Order*² filed on behalf of M&M Broadcasters, Ltd., Debtor-in-Possession (M&M), licensee of broadcast stations KRMX(FM), Bellmead, Texas; KBHT(AM), Mexia, Texas; and KRZI(AM), Waco, Texas.³ M&M seeks reconsideration of the designation of Channel 285A at Adamsville, Texas as a vacant FM allotment. Instead, M&M seeks designation of Channel 285A at Richland Springs, Texas. No comments or oppositions were filed in response to the Petition. For the reasons discussed below, we grant the Petition.

II. BACKGROUND

2. The *Various Locations Order* amended the Table of FM Allotments (FM Table), section 73.202(b) of the Commission's rules (Rules),⁴ by reinstating certain channels as a vacant FM allotment in various communities located in California, Texas, and Washington due to the cancellation of the associated FM authorizations. The *Various Locations Order* added Channel 285A at Adamsville, Texas as a vacant FM allotment due to the cancellation of the construction permit for FM Station KQXZ, Adamsville, Texas.⁵ QXZ MediaWorks LLC (QXZ Media) was the permittee of KQXZ and the successful winning bidder in Auction 109 for Construction Permit MM-FM1150-A, Channel 235A, Richland Springs, Texas.⁶ On December 15, 2021, the Audio Division granted QXZ Media's Auction 109 long form application for the new FM station to specify operation on Channel 285A in lieu of

¹ See *Petition for Reconsideration of Action in Proceeding*, Public Notice, Report No. 3223 (April 8, 2025).

² See *Various Locations*, Order, 40 FCC Rcd 1171 (MB 2025) (*Various Locations Order*).

³ On July 30, 2025, the Audio Division granted an assignment of license application (Application File No. 0000270523) reassigning the stations from M&M Broadcasters, Ltd. to M&M Broadcasters, Ltd., Debtor-in-Possession. An assignment of license application (Application File No. 0000275945) is currently pending for Stations KBHT(AM) and KRZI(AM) to assign them from M&M Broadcasters, Ltd., Debtor-in-Possession, to G Baxter Entertainment, LLC.

⁴ 47 CFR § 73.202(b).

⁵ See *Broadcast Actions*, Public Notice, Report No. PN-2-241217-01 (Dec. 17, 2024) (announcing the cancellation of the KQXZ construction permit at Adamsville (Application File No. 0000199020) associated with Application File No. 0000259231).

⁶ See *FCC Announces Winning Bidders for Auction 109*, Public Notice, 36 FCC Rcd 12478 (MB/OEA 2021).

Channel 235A at Richland Springs.⁷ On August 31, 2022, QXZ Media filed a minor modification application for KQXZ on Channel 285A, requesting a community of license change from Richland Springs to Adamsville, Texas.⁸ During the pendency of the Adamsville community of license application, on June 8, 2023, QXZ Media filed another minor modification application that requested to modify KQXZ's facilities on Channel 285A at Richland Springs, Texas, and the Media Bureau granted the application on August 11, 2023.⁹ On September 22, 2023, QXZ Media filed a license application for Channel 285A at Richland Springs, which the staff granted on September 25, 2023.¹⁰ On October 19, 2023, upon QXZ Media's request, the Media Bureau rescinded the September 25, 2023, grant of the license application at Richland Springs.¹¹ The Media Bureau returned that license application to pending status. On October 20, 2023, the Media Bureau granted the pending Adamsville community of license modification and issued a construction permit.¹² On December 12, 2024, QXZ Media filed a Motion to Dismiss, requesting the dismissal of the pending Richland Springs license application, and also surrendering the Adamsville construction permit for cancellation because of its inability to secure a suitable transmitter site before the December 15, 2024, expiration date.¹³ The next day, on December 13, 2024, the staff dismissed the Richland Springs license application, cancelled the Adamsville construction permit, and deleted the station's callsign KQXZ.¹⁴

3. M&M seeks reconsideration of the designation of Channel 285A at Adamsville, Texas as a vacant FM allotment. It argues that Channel 285A at Richland Springs, Texas should have been added to the FM Table as a vacant allotment.¹⁵ M&M claims that the Adamsville community of license modification was granted based on false representations. It claims also that the Adamsville proposal violated the Commission's rules and policies, because it was not mutually exclusive with either the original allotment of Channel 235A at Richland Springs or a licensed KQXZ facility. M&M contends therefore that the Adamsville community of license modification should be considered *void ab initio* since

⁷ See *Broadcast Actions*, Public Notice, Report No. PN-2-211217-01 (Dec. 17, 2021)(announcing the grant of the application (Application File No. 0000158484) specifying Channel 285A at Richland Springs, Texas). On January 19, 2022, the new FM station callsign was changed to KQXZ.

⁸ See *Broadcast Applications*, Public Notice, Report No. PN-1-220902-01 (Sept. 2, 2022)(announcing the filing of the Adamsville community of license minor modification application (Application File No. 0000199020)).

⁹ See *Broadcast Applications*, Public Notice, Report No. PN-1-230613-01 (June 13, 2023)(announcing the filing of the FM Channel 285A, Richland Springs minor modification application (Application File No. 0000216393)); see also *Broadcast Actions*, Public Notice, Report No. PN-2-230815-01 (Aug. 15, 2023)(announcing the grant of Application File No. 0000216393).

¹⁰ See *Broadcast Applications*, Public Notice, Report No. PN-1-230926-01 (Sept. 26, 2023)(announcing the filing of the Richland Springs license application (Application File No. 0000221244)); see also *Broadcast Actions*, Public Notice, Report No. PN-2-230927-01 (Sept. 27, 2023)(announcing the grant of Application File No. 0000221244).

¹¹ See *Broadcast Actions*, Public Notice, Report No. PN-2-231023-01 (Oct. 23, 2023)(announcing the pending status of the Richland Springs license application (Application File No. 0000221244) noting that the license grant was rescinded 10/19/2023 – no letter sent).

¹² See *Broadcast Actions*, Public Notice, Report No. PN-2-231024-01 (Oct. 24, 2023)(announcing the grant of the Adamsville community of license modification application (Application File No. 0000199020)).

¹³ See Motion of QXZ MediaWorks LLC To Dismiss at 1.

¹⁴ See *Broadcast Actions*, Public Notice, Report No. PN-2-241217-01 (Dec. 17, 2024)(announcing the dismissal of the Richland Springs license application (Application File No. 0000221244) and the cancellation of the Adamsville construction permit (Application File No. 0000199020) in response to the filing of the cancellation application (Application File No. 0000259231)).

¹⁵ The Audio Division removed Channel 235A, Richland Springs from the list of vacant allotments because KQXZ was granted authorizations to specify operation on Channel 285A, Richland Springs then later on Channel 285A, Adamsville, Texas. See *Various Locations*, Order, 40 FCC Rcd 1174 (MB 2025).

the KQXZ facilities were never fully built at either Richland Springs or Adamsville. M&M asserts that QXZ Media surrendered the Adamsville construction permit after G&G Enterprises filed an Informal Objection against the Richland Springs license application. It states that the subsequent interchange of pleadings collectively revealed that the Richland Springs facilities were never fully built or licensed. M&M requests amendment to the FM Table by removing Channel 285A at Adamsville and adding Channel 285A at Richland Springs as a vacant FM allotment.

III. DISCUSSION

4. Section 1.429 of the Rules sets forth the limited provisions under which the Commission will reconsider a rule making action.¹⁶ Reconsideration is warranted if a petitioner cites error of fact or law.¹⁷ Additionally, a reconsideration petition relying upon facts or arguments not previously presented will be considered only if the facts or arguments relate to events or circumstances that have occurred since the last opportunity to present such matters or were unknown to petitioner and could not have been discovered through the exercise of ordinary diligence.¹⁸ M&M has met this burden.

5. Accordingly, we grant the Petition. We find that the Adamsville community of license modification was not permissible pursuant to section 73.3573(g)(2) of the Rules.¹⁹ In the *2006 Community of License Order*,²⁰ as codified in section 73.3573(g) of the Rules,²¹ the Commission gave applicants the opportunity to file one-step community of license change applications, provided that four conditions must be met: (1) that the proposed community of license change represents a preferential arrangement of allotments; (2) that the facilities specified at the proposed community of license are mutually exclusive with the applicant's current assignment as the winning auction bidder (as the case here); (3) that the applicant complies with the local public notice provisions of section 73.3580 of the Rules; and (4) that the non-reserved band applicant must demonstrate the existence of a suitable and fully compliant assignment or allotment site. We conclude that the Adamsville community of license modification violated the requirements of section 73.3573(g)(2) of the Rules, because the move to Adamsville on Channel 285A was not mutually exclusive with the original auction allotment of Channel 235A at Richland Springs.²² We acknowledge that QXZ Media's long-form application to change its assigned channel from 235A to 285A in Richland Springs was a permissible channel substitution consistent with our Rules.²³ We find that the grant of the Adamsville community of license modification was a staff error, because the filing of a new community of license modification application prior to the filing and grant of a license application for 285A, Richland Springs is considered a major change subject

¹⁶ 47 CFR § 1.429.

¹⁷ See *Eagle Broadcasting Co. v. FCC*, 514 F.2d 852 (D.C. Cir. 1975).

¹⁸ 47 CFR § 1.429(b)(1)-(2).

¹⁹ 47 CFR § 73.3573(g)(2).

²⁰ See *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870 (1989) (*Community of License*), recon. granted in part, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990); *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, 14213-23, paras. 4-18 (2006) (*2006 Community of License Order*).

²¹ 47 CFR § 73.3573(g).

²² *Id.* § 73.3573(g)(2); see also *Auction 109 Public Notice*, *supra* at 12484 ¶34 (stating that the winning bidder's long-form application may only propose technical facilities that are either identical to or are considered minor changes with respect to each permit for which it was the winning bidder and if information submitted on the FCC Form 2100, Schedule 301-FM application by the winning bidder indicates that the applicant has effected a major change relative to information reported on the applicant's short-form application (FCC Form 175), then the long-form application will be dismissed and the applicant will be in default").

²³ 47 CFR § 73.3573(a)(1)(iv).

to dismissal pursuant to the *Auction 109 Public Notice* since Channel 285A at Adamsville was not mutually exclusive with the original auction allotment on Channel 235A at Richland Springs.²⁴ We take this opportunity to reiterate that the facility must be constructed and a license application must be filed and granted prior to the filing of a new community of license modification application when the proposed assignment is not mutually exclusive with the original FM auction allotment in compliance with the requirements of section 73.3573(g)(2) of the Rules.²⁵

6. Based on the foregoing, we amend the FM Table by removing Channel 285A at Adamsville and by adding Channel 285A at Richland Springs, Texas. A staff engineering analysis indicates that Channel 285A can be allotted to Richland Springs consistent with the minimum distance separation requirements of section 73.207(b) of the Rules,²⁶ with a site restriction of 12 kilometers (7.5 miles) southeast of the community. The reference coordinates are 31-10-24 NL and 98-53-25 WL.

7. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,²⁷ do not apply to a rulemaking proceeding to amend the Table of FM Allotments, section 73.202(b) of the Rules.²⁸ This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995.²⁹ In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002.³⁰

IV. ORDERING CLAUSES

8. IT IS ORDERED that, pursuant to authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b) and sections 0.61, 0.204(b), and 0.283 of the Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, November 3, 2025, the Table of FM Allotments, 47 CFR § 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

| <u>Community</u> | <u>Channel No.</u> |
|-------------------------|--------------------|
| Adamsville, Texas | ----- |
| Richland Springs, Texas | 285A, 299A |

9. The window period for filing applications for Channel 285A at Richland Springs, Texas will not be opened at this time. Instead, the issue of opening the allotment for filing will be addressed by the Commission in a subsequent order.

10. IT IS FURTHER ORDERED, That the Commission will send a copy of this

²⁴ See *Community Service Broadcasting Foundation, Inc., KKBX, Caliente, NV and SSR Communications, Inc., KCAY, Dammeron Valley, UT*, Memorandum Opinion and Order and Order to Show Cause, 39 FCC Rcd 10831 (MB 2024) (finding that the KCAY community of license from Channel 299A at Caliente, Nevada, to Dammeron Valley, Utah was a major change subject to dismissal pursuant to the *Auction 109 Public Notice* because the proposal was not mutually exclusive with the original auction allotment on Channel 264A at Caliente).

²⁵ 47 CFR § 73.3573(g)(2).

²⁶ 47 CFR § 73.207(b).

²⁷ 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

²⁸ 47 CFR § 73.202(b).

²⁹ 44 U.S.C. §§ 3501-3520.

³⁰ 44 U.S.C. § 3506(c)(4).

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).

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

12. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2054.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau