

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

In the Matter of )
)
FM Broadcast Station. ) MB Docket No. 26-10
DKJOJ-FM, Freeport, Texas )

NOTICE OF DELETION OF FM CHANNEL

Adopted: January 26, 2026

Released: January 27, 2026

Comment Date: March 13, 2026

Reply Comment Date: March 30, 2026

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division, on its own motion, proposes to delete vacant Channel 277C at Freeport, Texas, because it does not comply with the minimum distance separation requirements of section 73.207 of the Commission's rules (Rules).1 Channel 277C at Freeport is considered a vacant FM channel due to the cancellation of the station DKJOJ-FM license.2 For the reasons discussed below, we seek comment on the proposed deletion of vacant Channel 277C, Freeport, Texas.

II. BACKGROUND

2. On June 22, 2022, the Audio Division issued a Letter Decision that dismissed the renewal of license application (File No. 0000142749), cancelled the license (Application File No. BLH-19871013KC), and deleted the callsign for station KJOJ-FM, Freeport, Texas.3 The staff determined that the license had expired as a matter of law pursuant to section 312(g) of the Communications Act of 1934, as amended.4 As a result, Channel 277C at Freeport became a vacant FM channel following the cancellation of the station DKJOJ-FM license.

3. A recent staff engineering analysis determines that vacant Channel 277C at Freeport is short-spaced by 182 kilometers to vacant Channel 277C2 at Wharton, Texas.5 The minimum distance separation requirement is 249 kilometers. The staff engineering analysis indicates that there are no alternate channels available that would comply with the minimum distance separation requirement of section 73.207 of the Rules.6

1 47 CFR § 73.207.

2 See Actions, Public Notice, Report No. PN-2-220624-01 (June 24, 2022).

3 See Letter from Chief, Audio Division, Media Bureau, FCC, to Estrella Radio License of Houston LLC (MB 2022) (Letter Decision).

4 47 U.S.C. § 312(g).

5 On October 19, 2023, the Media Bureau released a Report and Order in MB Docket No. 22-430, allotting vacant Channel 277C2, Wharton, Texas. See Wharton, Texas, Report and Order, 38 FCC Rcd 9648 (MB 2023); see also Application File No. 0000204328.

6 47 CFR § 73.207.

### III. DISCUSSION

4. Channel 277C at Freeport, Texas is not currently listed in the Table of FM Allotments (FM Table)<sup>7</sup> since it was occupied by station DKJOJ-FM.<sup>8</sup> Generally, when an FM station license is cancelled, the vacant FM channel is reinstated in the FM Table to maintain spacing protection and to preserve the opportunity to license a future station in the specified community.<sup>9</sup> Because Channel 277C at Freeport, Texas does not comply with the Commission's minimum distance separation requirements,<sup>10</sup> we determine that the vacant FM channel cannot be reinstated to the FM Table.

5. Based on the foregoing, we propose the deletion of vacant Channel 277C at Freeport, Texas given that there are no alternate channels available.<sup>11</sup> The proposed Freeport deletion is consistent with Commission policy that we will not retain a channel where there is no channel available that would meet the Commission's spacing requirements.<sup>12</sup> We find that the proposed deletion of vacant Channel 277C at Freeport serves the public interest since it resolves the existing FM spacing conflict with vacant Channel 277C2 at Wharton, Texas.

6. Accordingly, we seek comments on the proposed deletion of vacant Channel 277C at Freeport, Texas.<sup>13</sup> Any party filing a comment expressing an interest in retaining service in Freeport, Texas, will be required to provide evidence, demonstrating that a properly spaced site is technically feasible. Additionally, any expressions of interest specifying sites conforming with the minimum distance separation requirements of section 73.207 of the Rules<sup>14</sup> will be required to submit specific showings demonstrating the ability to provide a 70 dBu or 3.16 mV/m contour over the entire principal community of Freeport, Texas, as required by section 73.315 of the Rules.<sup>15</sup> Although site certification is generally not required at this stage, we believe the facts in this case warrant a departure from that policy. Any interested party will be required to provide information demonstrating that it has reasonable assurance of transmitter site availability.

### IV. PROCEDURAL MATTERS

7. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the

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<sup>7</sup> 47 CFR § 73.202(b).

<sup>8</sup> See *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, 14221 ¶ 15 (2006) (removing the allotments of authorized and awarded FM facilities from the FM Table to accommodate the new community of license procedures) ("*Changes of Community R&O*").

<sup>9</sup> See e.g., *Various Locations*, Order, DA 25-1062, rel. Dec. 17, 2025 (MB 2025), 2025 WL 3707884 and *Various Locations*, Order, 40 FCC Rcd 4414 (MB 2025) (amending the FM Table to reinstate in various communities certain channels as a vacant FM allotment).

<sup>10</sup> 47 CFR § 73.207.

<sup>11</sup> See *Pacific Junction, Iowa*, Report and Order, 25 FCC Rcd 16253 (MB 2010) (deleting Channel 299C2 at Pacific Junction, the KGGG(FM) call sign, and all associated authorizations because there was no longer a viable allotment at the community).

<sup>12</sup> See *Beach Broadcasting and Portola Broadcasting Corporation*, Memorandum Opinion and Order, 8 FCC Rcd 3123, 3128 ¶ 24 (1993) (stating that, in the absence of the availability of an alternate transmitter location to accommodate Channel 285A at San Clemente consistent with the Commission's technical allotment requirements, a Commission's directive was issued to initiate a notice and comment proceeding proposing the deletion of the allotment).

<sup>13</sup> The reference coordinates for vacant Channel 277C at Freeport, Texas are 28-51-4.90 NL and 95-40-36.80 WL.

<sup>14</sup> 47 CFR § 73.207.

<sup>15</sup> 47 CFR § 73.315.

Rules,<sup>16</sup> interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).<sup>17</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings/standard>. Parties that choose to file electronically only need to submit one copy of each filing so long as the submission conforms to all procedural and filing requirements. Online filing is optional.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
  - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

8. *Service.* Pursuant to section 1.420 of the Rules,<sup>18</sup> all submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments.<sup>19</sup>

9. *Ex Parte Notices - Restricted.* The proceeding this Notice of Deletion of FM Channel (Notice) initiates shall be treated as a "restricted" proceeding in accordance with the Commission's *ex parte* rules.<sup>20</sup> For purposes of this restricted notice and comment proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts this Notice until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court.<sup>21</sup> An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or

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<sup>16</sup> 47 CFR §§ 1.415, 1.419, and 1.420.

<sup>17</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998); *recon granted*, Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 21517 (1998).

<sup>18</sup> 47 CFR § 1.420.

<sup>19</sup> 47 CFR § 1.420(a), (b) and (c).

<sup>20</sup> 47 CFR §§ 1.1200 *et seq.*

<sup>21</sup> 47 CFR § 1.1208.

resolution of issues in the proceeding.<sup>22</sup> However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in a particular docket unless the Commission specifically waives this service requirement.<sup>23</sup> Any comment that has not been properly served constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

10. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection via ECFS (<https://www.fcc.gov/ecfs/search/search-filings>). Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

11. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

12. *Additional Information.* For further information concerning this proceeding, contact Rolanda F. Smith, Audio Division, Media Bureau, at (202) 418-2054, [Rolanda-Faye.Smith@fcc.gov](mailto:Rolanda-Faye.Smith@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez  
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<sup>22</sup> 47 CFR § 1.1204(a)(10).

<sup>23</sup> 47 CFR § 1.1204(a)(10)(ii). In addition, an oral presentation in a restricted proceeding not designated for hearing requesting action by a particular date or giving reasons that a proceeding should be expedited other than the need to avoid administrative delay is permitted. A detailed summary of the presentation must be filed in the record and served by the person making the presentation on the other parties to the proceeding, who may respond in support or opposition to the request for expedition, including by oral *ex parte* presentation, subject to the same service requirement. 47 CFR § 1.1204(a)(11).