

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.
(Antlers, Oklahoma)
MM Docket No. 01-269
RM-10249

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 15, 2006

Released: February 17, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the Notice of Proposed Rule Making issued in response to a Petition for Rule Making filed by Charles Crawford ("Petitioner") proposing the allotment of Channel 284A at Antlers, Oklahoma, as the community's third local FM transmission service. Petitioner filed comments in support of the proposal reaffirming his intention to apply for the channel, if allotted. Maurice Salsa ("Salsa") also filed comments in support of the proposal. Comments and a counterproposal were filed by Entravision Holdings, LLC, ("Entravision") licensee of Station KZMP-FM (formerly KTCY(FM)), proposing the upgrade from Channel 285C1 to Channel 285C0 at Pilot Point, Texas. To accommodate the upgrade, Entravision proposed channel substitutions at Broken Bow, Antlers, and Wright City, Oklahoma. Radio One Licenses, Inc. ("ROL"), licensee of Station KSOC(FM) (formerly KTXQ-FM), Channel 233C, Gainesville, Texas, also filed comments and a counterproposal proposing channel substitutions at Wright City, Valliant, and Broken Bow, Oklahoma, and Pilot Point, Texas. Reply comments were filed by Salsa and ROL.

2. Petitioner and Salsa subsequently filed motions seeking dismissal of their respective expressions of interest. Each filing included the required affidavit stating that he did not receive, either directly or indirectly, any money or other consideration in excess of legitimate and prudent expenses in exchange for the dismissal of his expression of interest. Pursuant to the provisions of Section 1.420(j) of the Commission's rules, we will grant both motions.

1 Antlers, Oklahoma, 16 FCC Rcd 17210 (MMB 2001).

2 Station KZMP-FM was assigned from KTCY Licensing, Inc. to Entravision Holdings, LLC on August 9, 2002, and consummated on August 23, 2002.

3 A Petition for Rule Making was filed by Jeraldine Anderson proposing the allotment of Channel 265A at Millerton, Texas, which conflicted with the Entravision counterproposal proposing the allotment of Channel 265A at Broken Bow, Oklahoma. Since the conflict was resolved by the allotment of Channel 285A at Broken Bow in MM Docket No. 01-209, we issued a Notice of Proposed Rule Making for the Millerton proposal. See Broken Bow, Oklahoma, 18 FCC Rcd 17622 (MB 2003).

3. At the time Entravision filed its counterproposal to upgrade Station to Channel 285C0 at Pilot Point, Texas, it was short-spaced to the existing Channel 285A allotment for Meridian, Texas. In this regard, a timely counterproposal in MM Docket No. 01-47 proposed the reallocation of Channel 285A from Meridian to Hico, Texas, which would remove the conflict. The Entravision counterproposal is dismissed because it was untimely and contingent upon MM Docket No. 01-47. This proposal was also untimely regarding MM Docket Nos. 01-209 and 01-255, and in conflict with an allotment ultimately granted in the Docket No. 01-255 proceeding.⁴

4. ROL filed its comments and counterproposal in this proceeding solely to facilitate grant of its then-pending application to modify the facilities of Station KSOC(FM) (File No. BPH-20010830ABN). Specifically, the proposed allotment of Channel 284A to Antlers conflicted with alternate channel proposals filed by ROL in MM Docket Nos. 01-209, 01-216, and 01-255. The proposed alternate channels in those dockets were also intended to facilitate grant of its application. It is no longer necessary to consider the alternate channels proposed by ROL for Wright City, Valliant and Broken Bow, Oklahoma, and Pilot Point, Texas, in this proceeding to enable grant of its application. In MM Docket No. 01-216, we allotted Channel 234C3 to Valliant, Oklahoma, at a different site⁵ which, in turn, permitted us to grant the KSOC(FM) modification application. As such, we dismiss the ROL counterproposal.

5. This document is not subject to the Congressional Review Act. The Commission is, therefore, not required to submit a copy of this Report and Order to the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. §801(a)(1)(A).

6. Accordingly, IT IS ORDERED, That, at the request of Charles Crawford, the Petition for Rule Making proposing the allotment of Channel 284A at Antlers, Oklahoma, IS DISMISSED.

7. IT IS FURTHER ORDERED, That the counterproposal filed by Entravision Holdings, LLC, IS DISMISSED.

8. IT IS FURTHER ORDERED, That the counterproposal filed by Radio One Licenses, Inc., IS DISMISSED.

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

⁴ See *Valley Mills, et al. Texas*, 19 FCC Rcd 20904 (MB 2004); *Broken Bow, Oklahoma, supra*; and *Wright City, Oklahoma*, 18 FCC Rcd 22035 (MB 2003).

⁵ Valliant, Oklahoma, and Gainesville, Texas, 18 FCC Rcd 7076 (MB 2003).

10. For further information concerning the above, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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