

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 13-52
Table of Allotments,)	RM-11693
FM Broadcast Stations.)	
(Matagorda, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 12, 2013

Released: June 14, 2013

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it: (1) a Notice of Proposed Rule Making (“Notice”) issued in response to a Petition for Rule Making (“Petition”) filed by Tejas Broadcasting Ltd., LLP (“Petitioner”), licensee of FM Station KMJR, Odem, Texas;¹ (2) the “hybrid” application (the “Application”) filed by the Petitioner;² (3) supporting comments filed by the Petitioner; and For the reasons discussed below, we grant the Petition and the Application.

2. **Background.** The *Notice* proposes to amend the FM Table of Allotments, Section 73.202(b) of the Commission’s rules, by substituting Channel 291A for vacant Channel 252A at Matagorda, Texas, as part of a contingently filed “hybrid” application and rule making petition.³ The purpose of the proposed channel substitutions is to accommodate the Application to upgrade KMJR at Odem, Texas, from Channel 252C2 to Channel 252C1.

3. Petitioner filed comments supporting the allotment change proposed in the *Notice*. No other comments were received.

4. **Discussion.** We believe that the proposed channel substitution will serve the public interest, because it will accommodate Petitioner’s proposed channel upgrade for Station KMJR, thus significantly increasing the number of the station’s potential listeners, without any deleterious effect upon the service that can be made available using the vacant allotment at Matagorda, Texas.

5. Channel 291A can be allotted at Matagorda, Texas, at city reference coordinates of 28-41-25 NL and 95-58-02 WL, without site restriction. Mexican concurrence has been requested for this vacant allotment, but has not yet been received because Channel 291A at Matagorda, Texas, is located within 320 kilometers (199 miles) of the U.S.-Mexican border. If a

¹ *Matagorda, Texas*, Notice of Proposed Rule Making, 28 FCC Rcd 1968 (MB 2013).

² See File No. BMPH-20121210ACB.

³ 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 (2006).

construction permit for Channel 291A at Matagorda, Texas is granted prior to receipt of formal concurrence by the Mexican government, the authorization will include the following condition: "Operation with the facilities specified herein for Matagorda, Texas, is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the Mexico-United States FM Broadcast Agreement, or if specifically objected to by the Government of Mexico."

6. The window period for filing an application for Channels 291A at Matagorda, 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 or orders.

7. Mexican concurrence has been requested for Station KMJR's upgrade to FM Channel 252C1 at Odem, Texas, but has not yet been received because the station is located within 320 kilometers (199 miles) of the U.S.-Mexican border. Since this application is being granted prior to the completion of the international notification process, any construction of and operation with the facilities specified herein is at applicant's own risk and subject to modification, suspension or termination without right to hearing, if objected to by the Comisión Federal de Telecomunicaciones ("COFETEL") in Mexico or if found by the Commission or the COFETEL to be necessary in order to conform to the 1992 USA-Mexico FM Broadcasting Agreement. This condition will be removed if formal acceptance of the facilities granted herein is received from COFETEL. Tejas Broadcasting Ltd., LLC, has indicated that it understands these conditions and will comply with them.⁴

8. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.⁵

9. **Ordering Clauses.** 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 C.F.R. Sections 0.61, 0.204(b), and 0.283, IT IS ORDERED, That effective July 29, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Matagorda, Texas	291A

10. IT IS FURTHER ORDERED, subject to the provisions of paragraph 7 herein, that the application of Tejas Broadcasting Ltd., LLP, for a construction permit for Station KMJR, Channel 252C1, Odem, Texas, File No. BMPH-20121210ACB, IS GRANTED.

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

⁴ Consent to Conditions, *supra*.

⁵ See 5 U.S.C. § 801 (a)(1)(A).

12. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau