

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

MM Docket No. 88-197

In the Matter of

Amendment of Section 73.202(b), RM-6297
Table of Allotments,
FM Broadcast Stations.
(Crockett, Texas)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: December 21, 1988; Released: February 1, 1989

By the Deputy Chief, Policy and Rules Branch:

1. At the request of James H. Gibbs, d/b/a Pioneer Broadcasting (petitioner), licensee of Station KIVY-FM, Channel 224A, Crockett, Texas, the Commission has before it for consideration the *Notice of Proposed Rule Making*, 3 FCC Rcd 2796 (1988), proposing the substitution of Channel 224C2 for Channel 224A at Crockett, and modification of its license to specify operation on the higher class co-channel. Petitioner filed supporting comments reiterating an interest in pursuing the upgrade of its facilities.¹

2. Based on the information before us, we believe the public interest would benefit from the substitution of Channel 224C2 for Channel 224A at Crockett, since it could provide that community with enhanced FM service. The substitution can be made in compliance with the Commission's minimum distance separation requirements from the petitioner's current transmitter site.²

3. In accordance with Section 1.420(g) of the Commission's Rules, we are herein modifying the license of Station KIVY-FM to specify operation on Channel 224C2.

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective March 20, 1989, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

| | |
|-----------------|--------------|
| City | Channel No. |
| Crockett, Texas | 224C2, 228C2 |

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Station KIVY-FM, Crockett, Texas, IS MODIFIED, to specify operation on Channel 224C2 in lieu of Channel 224A, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

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

7. For further information concerning this proceeding, contact Patricia Rawlings, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Steve Kaminer
Deputy Chief
Policy and Rules Division
Mass Media Bureau

FOOTNOTES

¹ Petitioner's comments were incorrectly filed in MM Docket No. 88-51.

² The coordinates are 31-18-20 and 95-27-06.