

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

MM Docket No. 88-256

In the Matter of

Amendment of Section 73.202(b), RM-6298
Table of Allotments,
FM Broadcast Stations.
(Jasper, Texas)

REPORT AND ORDER
(Proceeding Terminated)

Adopted: January 18, 1989; Released: February 2, 1989

By the Deputy Chief, Policy and Rules Branch:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 3 FCC Rcd 3177 (1988), issued at the request of KTXJ Radio, Inc. (petitioner), licensee of Station KWYX(FM), Channel 272A, Jasper, Texas, proposing the substitution of Channel 274C2 for Channel 272A at Jasper, and modification of its license to specify operation on the higher class channel. Petitioner filed supporting comments restating an interest in pursuing the upgrade of its facilities.

2. We believe the public interest would benefit from the substitution of Channel 274C2 for Channel 272A at Jasper, since it could provide that community with its second expanded FM service. The substitution can be made in compliance with the Commission's minimum distance separation requirements with a site restriction. A site restriction of 23.7 kilometers (14.7 miles) north of Jasper is required to provide protection to applications pending for Channel 273C2 at Beaumont, Texas.¹ The relocation of the station's current transmitter site would be required. Petitioner has agreed to the necessary changes.

3. In accordance with Section 1.420(g) of the Commission's Rules, as requested, we are herein modifying the license of Station KWYX(FM) to specify operation on Channel 274C2.

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.
Jasper, Texas	264C2, 274C2

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Station KWYX(FM), Jasper, Tex-

as, IS MODIFIED, to specify operation on Channel 274C2 in lieu of Channel 272A, 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

FOOTNOTE

¹ The restricted site coordinates are 31-07-54 and 93-56-28.