

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 01-216
Table of Allotments,)	RM-10223
FM Broadcast Stations.)	RM-10495
(Valliant, Oklahoma, and Gainesville, Texas))	RM-10496
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 17, 2003

Released: April 18, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Maurice Salsa (“Salsa”), the Audio Division considers herein a *Notice of Proposed Rule Making*,¹ proposing the allotment of Channel 234C3 to Valliant, Oklahoma, as that community’s first local aural transmission service. On July 1, 2002, the Commission issued a *Public Notice*, Report No. 2559, in MM Docket No. 01-216, announcing the filing of an application (File No. BPH-20010830ABN) by Radio One Licenses, L.L.C.. (“ROL”), licensee of Station KSOC-FM (formerly KTXQ-FM), requesting the modification of the facilities of Station KSOC-FM, Gainesville, Texas. That application is mutually exclusive with Salsa’s allotment proposal (RM-10223) and was filed after Salsa’s Petition for Rule Making, but prior to the close of the initial comment period in MM Docket No. 01-216. Therefore, it is being considered as a timely counterproposal (RM-10496) in this proceeding.² In addition, ROL filed a second timely counterproposal (RM-10495) in which it proposed that Channel 234C3 be allotted to Valliant with a site restriction at reference coordinates of 34-01-10 NL and 95-01-10 WL that would not conflict with the ROL application.

2. We find that the public interest would be served by the allotment of Channel 234C3 at Valliant, Oklahoma, since it will provide a first local aural transmission service to that community. Further, we conclude that the public interest would be better served by granting both a restricted allotment of Channel 234C3 at Valliant, Oklahoma, and the application filed by ROL to improve the facilities of Station KSOC-FM, Gainesville, Texas, rather than merely granting the originally proposed allotment of Channel 234C3 to Valliant. Channel 234C3 can be allotted to Valliant, Oklahoma, Georgia, consistent with the requirements of Sections 73.207(b)(1) and 73.315(a) of the Commission’s Rules at coordinates of 34-01-10 NL and 95-01-10 WL, with a site restriction of 7.3 kilometers (4.5 miles) east of Valliant, Oklahoma, as proposed by ROL. The allotment of Channel 234C3 at the referenced transmitter site removes the conflict with the application filed

¹ *Valliant, Oklahoma*, 16 FCC Rcd 16002 (MMBur. 2001).

² *See* Section 1.420(d) of the Commission’s Rules and *Conflicts Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments*, 7 FCC Rcd 4917 (1992), *recon. granted in part and denied in part*, 8 FCC Rcd 4743 (1993).

by ROL to modify the facilities of Station KSOC-FM. Since the referenced application complies with Commission Rules, we will grant that application. Therefore, we allot Channel 234C3 to Valliant at the foregoing restricted site proposed by ROL and grant ROL's application to modify the facilities of Station KSOC-FM, Gainesville, Texas.

3. Accordingly, pursuant to the authority contained 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 June 2, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Valliant, Oklahoma	234C3

4. A filing window for Channel 234C3, Valliant, Oklahoma, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

5. Accordingly, IT IS ORDERED that the Petition for Rule Making (RM-10223) filed by Maurice Salsa in MM Docket No. 01-216 IS GRANTED to the extent indicated herein and the application (File No. BPH-20010830ABN) (RM-10496) filed by Radio One Licenses, L.L.C. IS GRANTED.

6. IT IS FURTHER ORDERED, that MM Docket No. 01-216 IS TERMINATED.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau