

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 02-349
Table of Allotments,)	RM-10600
FM Broadcast Stations.)	
(Encinal, Texas))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 14, 2004

Released: April 19, 2004

By the Assistant Chief, Audio Division:

1. In response to a petition filed by Katherine Pyeatt ("Petitioner"), the Commission has before it for consideration the *Notice of Proposed Rulemaking*,¹ requesting the allotment of Channel 286A at Encinal, Texas, as the community's third local FM transmission service. Petitioner filed comments supporting the allotment of Channel 286A at Encinal, Texas. No other comments were received.

2. We believe the public interest would be served by allotting Channel 286A to Encinal, Texas. Encinal is a community for allotment purposes, deserving of a third local transmission service. Channel 286A can be allotted to Encinal in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 6.3 kilometers (3.9 miles) north of Encinal at 28-05-37 NL and 99-20-25 WL. The Mexican government has concurred in this allotment.²

3. A filing window for Channel 286A at Encinal, Texas, 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.

4. 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 4, 2004, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

Community

Channel Number

¹ *Encinal, Texas, and Sheffield, Texas*, 17 FCC Rcd 22,520 (MB 2002).

² The allotment requires concurrence by Mexico because it is located within 320 kilometers (199 miles) of the Mexican border. Concurrence was received on August 18, 2003.

Encinal, Texas

259A, 273A, 286A

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

6. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202)418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau