

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

In the Matter of)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MM Docket No. 01-157
FM Broadcast Stations.)	RM-10178
(Woodson, Texas))	
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 4, 2004

Released: February 9, 2004

By the Assistant Chief, Audio Division:

1. The Audio Division has before it the *Notice of Proposed Rule Making*¹ in this proceeding. First Broadcasting Company, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX Limited Partnership and Clear Channel Broadcasting Licenses, Inc. (“Joint Parties”) filed comments. Charles Crawford filed comments and reply comments. For the reasons discussed below, we are dismissing the underlying proposal to allot Channel 298A at Woodson, and terminating this proceeding.

2. In a separate proceeding in MM Docket No. 00-148, we issued a *Notice of Proposed Rule Making* proposing the allotment of Channel 233C3 to Quanah, Texas.² The date by which comments and counterproposals were due in that proceeding was October 10, 2000. Joint Parties filed a timely counterproposal in that proceeding. Included in that counterproposal was a proposal to allot Channel 298C2 at Seymour, Texas. In this proceeding, Charles Crawford filed his petition for rule making proposing the allotment of Channel 298A at Woodson on May 18, 2001. That proposal is mutually exclusive with the pending Channel 298C2 proposal at Seymour in MM Docket No. 01-148. In order for the Woodson proposal to be considered, that proposal had to be filed by the October 10, 2000, comment date in MM Docket No. 00-148. Charles Crawford filed his Woodson proposal more than seven months after that due date. Accordingly, we are dismissing the Woodson petition for rule making underlying this proceeding as untimely.³ In the event the Joint Parties’ counterproposal is ultimately dismissed or Channel 298C2 at Seymour, Texas, is not allotted in that proceeding, Charles Crawford may then file his proposal for a Channel 298A allotment at Woodson, Texas. At this point in time, we do not see any public interest benefit in continuing to consider a Channel 298A allotment at Woodson contingent upon

¹ *Woodson, Texas*, 16 FCC Rcd 13922 (2001).

² *Quanah, Texas*, 15 FCC Rcd 15809 (MMB 2000).

³ See *Benjamin and Mason, Texas*, FCC 03-327 (Jan. 8, 2004). See also *Pinewood, South Carolina*, 5 FCC Rcd 7609 (1990). At the time the *Notice of Proposed Rule Making* in this proceeding (MM Docket No. 01-157) was issued, the staff was unaware of the mutual exclusivity between Crawford’s proposal in this proceeding and the Seymour proposal for Channel 298C2 that was included in the counterproposal in MM Docket No. 00-148, because the Seymour proposal had not yet been entered into our data base. If the Seymour proposal had been included in the data base at that time, Crawford’s petition for rule making at Woodson would have been returned as unacceptable for filing.

an action in a separate proceeding

3. Accordingly, IT IS ORDERED That the Petition for Rule Making filed May 18, 2001 by Charles Crawford, proposing to allot Channel 298A to Woodson, Texas, IS DISMISSED.

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau