

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 01-142
Table of Allotments,	)	RM-10144
FM Broadcast Stations.	)	
(Comfort, Texas )	)	

**ORDER WITHDRAWING NOTICE OF PROPOSED RULE MAKING  
(Proceeding Terminated)**

**Adopted: July 25, 2001**

**Released: August 3, 2001**

By the Chief, Allocations Branch:

1. On June 20, 2001, the Commission adopted the Notice of Proposed Rule Making, DA No. 01-1540, 66 FR 35925 (July 10, 2001), proposing the allotment of Channel 291A at Comfort, Texas, as the community's second local FM broadcast service, in response to a petition filed by Charles Crawford ("Crawford"). The Notice requested that comments be filed by August 20, 2001 and reply comments by September 4, 2001.

2. The Notice indicates that the allotment of Channel 291A at Comfort, Texas, at coordinates 29-58-06 and 98-54-54, can be allotted to the community in compliance with the Commission's spacing requirements. However, due to a lapse in Commission records, the allotment for Channel 291A at Kerrville, Texas, at coordinates 30-01-54 and 99-09-01, did not appear in the data base at the time Crawford's petition for Comfort was filed.<sup>1</sup> According to a staff engineering analysis, Channel 291A cannot be allotted to both Kerrville and Comfort as the communities are located approximately 93 kilometers apart.<sup>2</sup> The Commission's Rules stipulate a minimum distance separation of 115 kilometers for co-channel Class A allotments. Our analysis further indicates that

there are no alternate channels available for allotment at Comfort. Therefore, we are withdrawing the

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<sup>1</sup> Channel 291A was allotted to Kerrville, Texas, in MM Docket No. 97-244, 14 FCC Rcd 9146 (1999). In MM Docket No. 99-357, 15 FCC Rcd 9179 (2000), the coordinates for Channel 291A were revised to specify 30-01-54 and 99-09-01.

<sup>2</sup> Channel 291A at Kerrville, Texas, is listed in the Commission's Public Notice, DA 00-2232, September 29, 2000, announcing an auction scheduled for February 21, 2001, which was rescheduled from February 21, 2001 to May 9, 2001 (Public Notice released February 21, 2001, DA 01-448). On March 7, 2001, the auction was rescheduled from May 9, 2001 to December 5, 2001, for reasons of administrative convenience (Public Notice DA 01-619).

Notice in this proceeding.

3. IT IS ORDERED, That the Secretary Shall Send by Certified Mail, Return Receipt Requested, a copy of this Order Withdrawing Notice of Proposed Rule Making to the petitioner as follows: Charles Crawford, 4553 Bordeaux Avenue, Dallas, Texas 75205.

4. Accordingly, IT IS FURTHER ORDERED, That the Notice of Proposed Rule Making in MM Docket No. 01-142 IS HEREBY WITHDRAWN.

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

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau