

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	MB Docket No. 05-249
FM Broadcast Stations.)	RM-10778
(Glenmora and Marksville, Louisiana))	RM-11259
)	
Reclassification of License)	
of FM Station KIOC, Orange, Texas)	BLH-20030303ACM

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 7, 2007

Released: March 9, 2007

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“*Notice*”)¹ involving two mutually exclusive proposals. The first proposal, filed by Charles Crawford (“Crawford”), requests the allotment of Channel 292A at Glenmora, Louisiana, as the community’s first local transmission service. The second proposal, filed by Goudeau, Inc. (“Goudeau”) proposes the allotment of Channel 292A at Marksville, Louisiana, as its second local service. No comments were received in response to this proceeding.

2. **Background.** The *Notice* stated that Station KIOC, Channel 291C, Orange, Texas, will be reclassified to specify operation on Channel 291C0 in compliance with the Commission’s reclassification procedures² to accommodate proposed Channel 292A at Glenmora. Alternatively, the *Notice* proposed the allotment of Channel 292A at Marksville. No comments were filed by Crawford or Goudeau, expressing continued interest in either allotment.

3. **Discussion.** A showing of continuing interest is required before a channel is allotted to a community in compliance with the *Appendix* to the *Notice*. In this instance, we will not allot Channel 292A at Glenmora or Channel 292A at Marksville because no comments were received from the requesting Petitioners, or any other party, supporting these mutually exclusive allotments. It is the Commission’s policy to refrain from making a new allotment to a community absent an expression of interest.

4. Accordingly, Station KIOC license is hereby reclassified to specify operation on Channel 291C0 at Orange, Texas in lieu of Channel 291C. In this regard, we issued an *Order to Show Cause* directed to Capstar TX Limited Partnership, (“Capstar TX”), licensee of Station KIOC, Orange, Texas, affording it 30 days to express in writing an intention to seek authority to upgrade Station KIOC’s

¹ *Glenmora and Marksville, Louisiana*, Notice of Proposed Rule Making, 20 FCC Rcd 12971 (MB 2005).

² See 1998 *Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, Second Report and Order, 15 FCC Rcd 21649 (2000); see also 47 C.F.R. §§ 1.420(g), n.2; 73.3573, n. 4.

technical facilities to preserve Class C status, or to otherwise challenge the proposed action.³ In response, Capstar TX filed comments, stating that it will file the necessary application to preserve FM Station KIOC's Class C status within the required 180 days. The licensee did not file the necessary application for a construction permit to achieve minimum Class C facilities.

5. This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A) because the proposed rule was dismissed.

6. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by Charles Crawford, IS DISMISSED.

7. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Goudeau, Inc. IS DISMISSED.

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

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

³ See *Reclassification of License of Station KIOC, Orange, Texas*, Order to Show Cause, 19 FCC Rcd 19486 (MB 2004).