

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

In the Matter of )
)
Amendment of Section 73.202(b), )
Table of Allotments, ) MM Docket No. 00-18
FM Broadcast Stations. ) RM-9790
(Barnwell, South Carolina, and Pembroke, )
Douglas, Willacooche, Statesboro, )
Pulaski, East Dublin, Swainsboro and )
Twin City, Georgia) )

REPORT AND ORDER
(Proceeding Terminated)

Adopted: October 3, 2001

Released: October 5, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Notice of Proposed Rule Making in this proceeding. 15 FCC Rcd 2036 (2000). Bullie Broadcasting Corporation ("Bullie Broadcasting") filed Comments and Reply Comments. Multi-Service Corp. ("Multi-Service") filed Comments and Counterproposal. Lacom Communications, Inc. ("Lacom Communications") filed Reply Comments. For the reasons discussed below, we are upgrading Station WBAW, Barnwell, South Carolina, to specify operation on Channel 257C1 at Pembroke, Georgia. To accommodate this upgrade and reallocation, we are modifying the license of Station WDMG, Douglas, Georgia, to specify Willacoochee, Georgia, as its community of license. We are also allotting Channel 256C3 to Barnwell, South Carolina.

Background

2. At the request of Bullie Broadcasting, licensee of Station WBAW, Channel 256C3, Barnwell, South Carolina, the Notice proposed the substitution of Channel 257C1 for Channel 256C3 at Barnwell, reallocation of Channel 257C1 to Pembroke, Georgia, and modification of the Station WBAW license to specify operation on channel 257C1 at Pembroke. In order to accommodate Channel 257C1 at Pembroke, the Notice proposed the reallocation of Channel 258C1 from Douglas, Georgia, to Willacoochee, Georgia, and the modification of the Station WDMG license to specify Willacoochee as the community of license. Jumbo Thing, Inc., licensee of Station WDMG consented to the change in community of license and transmitter relocation. Finally, the Notice proposed the allotment of Channel 256C3 to Barnwell as a "backfill" allotment at new coordinates. Bullie Broadcasting also stated its intention to apply for the Channel 256C3 allotment at Barnwell, and implement the Channel 257C1 upgrade and reallocation at Pembroke.

3. In response to the Notice, Multi-Service, licensee of Station WPMX, Channel 275C3, Statesboro, Georgia, filed a Counterproposal. In its Counterproposal, Multi-Service proposes the substitution of Channel 257C3 for Channel 275C3 at Statesboro and modification of its license to specify operation on Channel 257C3. This proposal conflicts with the proposed Channel 257C1 allotment at Pembroke. According to Multi-Service, this proposed channel substitution at Statesboro will permit the

allotment of Channel 275A to Pulaski, Georgia. This substitution will also permit the allotment of Channel 276C3 to East Dublin, Georgia, in lieu of a proposed Channel 251C3 allotment.<sup>1</sup> According to Multi-Service, there are three reasons to allot Channel 276C3 to East Dublin. First, it will permit resolution the resolution of MM Docket No. 99-199 by allowing stations in Cordele, Georgia, and Montezuma, Georgia, to upgrade. Second, it will permit the allotment of Channel 253A to Soperton, Georgia, as proposed in MM Docket No. 99-259. Third, it will permit the allotment of Channel 251A to Twin City, Georgia.

4. We are dismissing the Multi-Service Counterproposal for two reasons. First, the Channel 257C3 substitution at Statesboro requires the reallocation of Channel 258C1 to Willacoochee, Georgia, and modification of the Station WDMG license to specify operation on Channel 258C1 at Willacoochee. Unlike Bullie Broadcasting, Multi-Service has not agreed to reimburse Jumbo Thing, licensee of Station WDMG, for the costs of changing its community of license and relocation of the Station WDMG transmitter. Brookville and Punxatawney, Pennsylvania, 3 FCC Rcd 5555 (1998). Second, the proposed Channel 251A allotment at Twin City, Georgia, conflicts with the Lacom Communications Counterproposal in MM Docket No. 99-259, to substitute Channel 251C3 for Channel 251A at Swainsboro, Georgia, reallocate Channel 251C3 to East Dublin, Georgia and modify the Station WELT license to specify operation on Channel 251C3 at East Dublin. The comment date in MM Docket No. 99-259 was September 7, 1999. Multi-Service filed its Counterproposal on March 23, 2000. As such, it is unacceptable for consideration either in the context of MM Docket No. 99-259 or this proceeding. See Section 1.420(d) of the Commission's Rules; see also Pinewood, South Carolina, 5 FCC Rcd 7609 (1990).

5. We are substituting Channel 257C1 for Channel 256C3 at Barnwell, South Carolina, reallocation Channel 257C1 to Pembroke, Georgia, and are modifying the Station WBAW license to specify operation on Channel 257C1 at Pembroke.<sup>2</sup> This will result in a preferential arrangements of allotments by providing Pembroke with a first local service while Barnwell will continue to receive local service from AM Station WBUB. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989); recon. granted in part, 5 FCC Rcd 7094 (1990). This will also permit Station WBAW to provide service to an additional 401,933 persons in an area of 11,733 square kilometers. Pembroke is an incorporated community of 1,503 persons according to the 1990 U.S. Census. It has its own local government headed by a mayor and city council, as well as its own police and volunteer fire department. Pembroke provides its residents with parks, water and sewage services and trash hauling. Pembroke also has an elementary, middle and high school and is home to several churches and civic organizations. It also has its own local businesses and a weekly newspaper is published in Pembroke. In order to accommodate the Channel 257C1 allotment at Pembroke, we are also reallocation Channel 258C1 from Douglas to Willacoochee, Georgia, and are modifying the Station WDMG license to specify operation on Channel 258C1 at Willacoochee.<sup>3</sup> This will provide Willacoochee with its first local service and enable Station WDMG to provide an additional service to 278,586 persons within an area of 11,936 square kilometers. Willacoochee is an incorporated community with a population of 1,205 persons according to the 1990 U.S. Census. It is governed by a mayor and city council with its own police and volunteer fire departments along with its own public library.

<sup>1</sup> Lacom Communications, licensee of Station WELT, Channel 251A, Swainsboro, Georgia, filed a timely Counterproposal in both MM Docket No. 99-199 and MM Docket No. 99-259. That Counterproposal proposed the substitution of Channel 251C3 for Channel 251A at Swainsboro, reallocation of Channel 251C3 to East Dublin, Georgia, and modification of the Station WELT license to specify operation on Channel 251C3 at East Dublin. In our Order in MM Docket No. 99-199, we determined that this Counterproposal will be considered in conjunction with our resolution of MM Docket No. 99-259. 16 FCC Rcd 3608 (2001).

<sup>2</sup> The reference coordinates for the Channel 257C1 allotment at Pembroke, Georgia, are 32-11-13 and 81-48-04.

<sup>3</sup> The reference coordinates for the Channel 258C1 allotment at Willacoochee, Georgia, are 31-20-27 and 83-24-30.

Willacoochee has its own local businesses, churches and civic organizations. Bullie Broadcasting has agreed to reimburse Jumbo Thing for the costs of relocating the Station WDMG transmitter site and changing community of license. See Circleville, Ohio, 8 FCC 2d 159 (1967). Finally, we are allotting Channel 256C3 to Branwell, South Carolina, as a second local service.<sup>4</sup>

6. Accordingly, pursuant to 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 November 20, 2001, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Douglas, Georgia	294C1
Pembroke, Georgia	257C1
Willacoochee, Georgia	258C1
Barnwell, South Carolina	256C3

7. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Bullie Broadcasting Corporation for station WBAW-FM, Channel 256C3, Barnwell, South Carolina, IS MODIFIED to specify operation on Channel 257C1 in lieu of Channel 256C3, and specify Pembroke, Georgia, in lieu of Barnwell, South Carolina, as its community of license, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order the licensee shall submit to the Commission a minor change application for construction permit (FCC Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules;
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Jumbo Thing, Inc. for Station WDMG-FM, Channel 258C1, Douglas, Georgia, IS MODIFIED to specify Willacoochee, Georgia, in lieu of Douglas, Georgia, as its community of license, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for construction permit (FCC Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules;

<sup>4</sup> The reference coordinates for the Channel 256C3 allotment at Barnwell, South Carolina, are 33-24-29 and 81-16-43.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

9. IT IS FURTHER ORDERED, That the aforementioned Counterproposal filed by Multi-Service Corp. IS DISMISSED.

10. Pursuant to Sections 1.1104(1)(k) and (3)(m) of the Commission's Rules, any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing the application to implement the change in community license and/or upgrade. As a result of this proceeding, Bullie Broadcasting Corporation, licensee of Station WBAW, and Jumbo Thing, inc., licensee of Station WDMG-FM, are required to submit a rulemaking fee in addition to the fee required for the application to effect the change of community of license and/or upgrade.

11. A filing window for the Channel 256C3 allotment at Barnwell, South Carolina, will not be opened at this time. Instead, the issue of opening the allotment for auction will be addressed by the Commission in a subsequent Order.

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

13. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

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