

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

In the Matter of	)	
	)	
Reclassification of License of	)	RM-10365
Station WOGK(FM)	)	
Ocala, Florida	)	

**ORDER TO SHOW CAUSE**

**Adopted:** January 16, 2002

**Released:** January 25, 2002

By the Chief, Allocations Branch:

1. The Allocations Branch has before it a petition for rule making filed by Nancy C. Harper, seeking to amend the FM Table of Allotments by allotting Channel 229C3 to St. Simons Island, Georgia, as its second local aural service. Harper claims that, in order to meet spacing requirements to Station WOGK(FM), Ocala, Florida, that station must be reclassified as a Class CO facility. Station WOGK presently operates on Channel 229C with an effective radiated power of 100 kilowatts at 411 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of 450 meters HAAT. Harper asserts that because Station WOGK is operating below minimum Class C standards, it is subject to reclassification as a Class CO facility pursuant to the triggering procedures adopted in the Commission's Second Report and Order, MM Docket No. 98-93, 15 FCC Rcd 21649 (2000)<sup>1</sup> and outlined in note 2 to Section 1.420(g) and note 4 to Section 73.3573 of the Commission's Rules. The staff has tentatively concluded that if WOGK operates as a Class CO facility, any short-spacing between Station WOGK and the proposed use of Channel 229C3 at the proposed St. Simons Island site would be eliminated. For the reasons discussed below, we are issuing this Order to Show Cause directed to Ocala Broadcasting, L.L.C. ("Ocala Broadcasting"), the licensee of Station WOGK, Ocala, Florida.

2. Pursuant to the reclassification procedures set forth in the Second Report and Order, *supra*, and note 2 of Section 1.420 (g) of the Commission's Rules, the reclassification of a Class C FM station to a Class CO station may be initiated through the filing of an original petition for amendment of the FM Table of Allotments. In those instances in which a triggering petition proposes an amendment or amendments to the FM Table of Allotments in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to Section 73.3573 of the Rules, and a notice of proposed rule making will be issued only after the reclassification issue is resolved. In order to comply with the foregoing reclassification procedures, it is first necessary to issue this Order to Show Cause directed to Ocala Broadcasting to show cause why its Station WOGK license should not be modified to specify operation on Channel 229CO in lieu of Channel 229C at Ocala, Florida. Section 316(a) of the

---

<sup>1</sup> The title of that docket is: 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules.

Communications Act of 1934, as amended, permits us to modify a license or construction permit if such action is in the public interest. Section 316(a) requires that we notify the affected stations of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules. See Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act, 2 FCC Rcd 3327 (1987). In this instance, the reclassification of Station WOGK as a Class CO station at Ocala, Florida, will accommodate the allotment of Channel 229C3 to St. Simons Island, Georgia, as proposed by Harper. We consider this new allotment proposed by Harper to have sufficient public interest benefits to justify the issuance of a show cause order.

3. The Station WOGK license at Ocala, Florida, can be modified to allow the reclassification of Channel 229C to Channel 229CO at its currently authorized transmitter site.<sup>2</sup>

4. Accordingly, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Ocala Broadcasting, L.L.C., licensee of Station WOGK, Ocala, Florida, SHALL SHOW CAUSE why its license should not be modified to specify operation as a Class C0 station on Channel 229CO, Ocala, Florida.

5. Pursuant to Section 1.87 of the Commission's Rules, Ocala Broadcasting, L.L.C., may, no later than March 11, 2002, file a written statement showing with particularity why its construction permit should not be modified as proposed in this Order to Show Cause. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the licensee will be deemed to have consented to a modification as proposed in this Order to Show Cause and a final Order will be issued if the modification is found to be in the public interest. If Ocala Broadcasting, L.L.C. chooses to seek authority to modify Station WOGK's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT must be on file with the Commission within 180 days subsequent to the show cause response due date (March 11, 2002).

6. IT IS FURTHER ORDERED, That a copy of this Order to Show Cause shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

Ocala Broadcasting, L.L.C.  
3502 N.E. 20<sup>th</sup> Place  
Ocala, Florida 32670

---

<sup>2</sup> The reference coordinates for Channel 229C0 at Ocala are 29-16-06 NL and 82-04-51 WL.

7. For further information concerning this proceeding, contact R. Barthen Gorman, Mass Media Bureau, (202) 418-2180,

**FEDERAL COMMUNICATIONS COMMISSION**

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