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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 01-62
Table of Allotments,	)	RM-10053
FM Broadcast Stations.	)	RM-10109
(Ardmore, Brilliant, Brookwood, Gadsden, Hoover,	)	RM-10110
Moundville, New Hope, Pleasant Grove,	)	RM-10111
Russellville, Scottsboro, Troy, Tuscaloosa and	)	RM-10112
Winfield, Alabama, Okolona and Vardaman,	)	RM-10113
Mississippi, Linden, McMinnville, Pulaski	)RM-10114	
and Walden, Tennessee)	)	RM-10116

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 28, 2002 Released: August 30, 2002

By the Assistant Chief, Audio Division:

1. The Audio Division has before it the *Notice of Proposed Rule Making* in this proceeding.[1] The *Notice* was issued in response to Petition for Rule Making filed jointly by Capstar TX Limited Partnership ("Capstar"), licensee of Station WQEN, Channel 279C1, Gadsden, Alabama, Station WENN, Channel 290A, Trussville, Alabama, and Station WRTR, Channel 288A, Tuscaloosa, Alabama, Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of Station WKGL, Channel 249A, Russellville, Alabama, and Jacor Licensee of Louisville II, Inc. ("Jacor"), licensee of WTRZ-FM, Channel 280A, McMinnville, Tennessee, ("Joint Parties"). The Petition for Rule Making sets forth eight interrelated proposals. In response to the *Notice*, we received Counterproposals from Buffalo River Broadcasters ("Buffalo River"), Yalobusha Broadcasters, Cox Radio, Inc., Jim Lawson Communications, Inc. ("Lawson Communications"), Southern Broadcasting, LLC and STG Media, LLC. The Joint Parties filed Reply Comments, Supplemental Comments, and Amended Proposal. STG Media, Southern Broadcasting, Lawson Communications, Yalobusha Broadcasters, and Buffalo River filed Reply Comments. Cox Radio filed Reply Comments and Further Reply Comments. For the reasons discussed below, we are modifying the licenses of eight stations and are allotting new FM channels to three communities as first local services.

Background

2. Seven of the proposals set forth in the original *Notice* request a change in community of license. These requests were filed pursuant to Section 1.420(i) of the Commission's Rules which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file a competing expression of interest.[2] In evaluating a proposal, we compare the existing versus the proposed arrangement of allotments using the FM allotment priorities set forth

[1] 16 FCC Rcd 4924 (M.M. Bur. 2001).

[2] *See Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

in *Revision of FM Assignment Policies and Procedures*.[3]

Trussville, Pleasant Grove, Hoover and Springville, Alabama

3. Originally, the Joint Parties proposed the substitution of Channel 288C3 for Channel 290A at Trussville, reallotment of Channel 288C3 to Pleasant Grove, and modification of its Station WENN license to specify operation on Channel 288C3 at Pleasant Grove, Alabama. In its timely Amended Counterproposal, the Joint Parties revised this proposal to substitute Channel 288C2 for Channel 290A, reallot Channel 288C2 to Hoover, Alabama, and modify the Station WENN license to specify operation on Channel 288C2 at Hoover. Both Southern Broadcasting and Cox Radio filed a Counterproposal proposing the allotment of Channel 288A to Springville, Alabama. These Counterproposals conflicts with both the originally proposed Channel 288C3 reallotment to Pleasant Grove and the Amended Counterproposal to reallot Channel 288C2 to Hoover. In order to accommodate the Channel 288C2 allotment at Hoover, the Joint Parties now propose the substitution of Channel 290C3 for Channel 288A at Tuscaloosa, Alabama, reallotment of Channel 290C3 to Brookwood, Alabama, and modification of its Station WRTR license to specify operation on Channel 290C3 at Brookwood. This will provide Brookwood with a first local service. The allotment of Channel 290C3 at Brookwood requires the substitution of Channel 249A for Channel 290A at Winfield, Alabama. In turn, the Channel 249A allotment at Winfield requires the substitution of Channel 278A for Channel 249A at Russellville, Alabama. The Channel 288C2 allotment at Hoover also requires the substitution of Channel 289C0 for Channel 289C at Troy, Alabama.

Winfield and Brilliant, Alabama

4. In view of the proposed removal of Channel 290A from Trussville, the Joint Parties propose the reallotment of Channel 290A from Winfield, Alabama, to Brilliant, Alabama, and modification of the Station WKXM-FM license to specify Brilliant as the community of license. Station WKXM-FM is currently short-spaced to Station WGTX, Channel 290C, Memphis, Tennessee, Station WJEC, Channel 293A, Vernon, Alabama, and Station WENN, Channel 290A, Trussville, Alabama. At the new transmitter site, Station WKXM-FM will comply with the spacing requirements set forth in Section 73.207 of the Rules and serve 4,074 additional persons. This will provide Brilliant with a first local service while AM Station WKXM will continue to provide local service to Winfield. Ad-Media Management Corporation, licensee of Station WKXM-FM, has consented to the proposed change in community of license and transmitter relocation. Capstar and Jacor have agreed to reimburse the licensee for the expenses incurred in changing its community of license and transmitter site.

Gadsden and Trussville, Alabama

5. The Joint Parties propose the reallotment of Channel 279C1 from Gadsden, Alabama, to Trussville, Alabama, and modification of its Station WQEN license to specify Trussville as the community of license. This would replace the sole local service at Trussville currently being provided by Station WENN. To accommodate the reallotment of Channel 279C1 to Trussville, the Joint Parties propose the reallotment of

[3] 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

Channel 280C2 from Columbus, Mississippi, to Okolona, Mississippi, and modification of the Station WACR license to specify Okolona as its community of license. The Counterproposal filed by Southern Broadcasting for a Channel 279A allotment at Derma, Mississippi, conflicts with the proposed Channel 280C2 reallotment to Okolona. Similarly, the Yalobusha Broadcasters Counterproposal for a Channel 279A allotment at Vardaman, Mississippi, also conflicts with the proposed Channel 280C2 reallotment to Okolona. In this regard, the Yalobusha Broadcasters Counterproposal for Channel 279A at Vardaman is in conflict with the Southern Broadcasting Counterproposal for a Channel 279A allotment at Derma. In a separate context, Lawson Communications, licensee of Station WQZZ, Channel 282A, Eutaw, Alabama, filed a Counterproposal proposing the substitution of Channel 278C3 for Channel 282A at Eutaw, and modification of its Station WQZZ license to specify operation on Channel 279C3. In addition, Lawson Communications proposes allotment of the existing Station WQZZ Channel 282A to Moundville, Alabama, as a first local service.

Pulaski and Linden, Tennessee, and Ardmore, Scottsboro and New Hope, Alabama

6. The Joint Parties propose the substitution of Channel 252C1 for Channel 252A at Pulaski, Tennessee, reallotment of Channel 252C1 to Ardmore, Alabama, and modification of the Station WKSR-FM license to specify operation on Channel 252C1 at Ardmore. The Buffalo River Counterproposal to allot Channel 253A to Linden, Tennessee, is in conflict with the proposed reallotment of Channel 252C1 to Ardmore. In order to reallot Channel 252C1 to Ardmore, the Joint Parties propose the substitution of Channel 278A for Channel 252A at Scottsboro, Alabama, and modification of the Station WKEA license to specify operation on Channel 278A. The STG Media Counterproposal for a Channel 278A allotment at New Hope, Alabama, conflicts with the proposed Channel 278A allotment at Scottsboro. The Channel 278A allotment at Scottsboro also requires the reallotment of Channel 279C1 from Gadsden to Trussville as discussed above.

McMinnville and Walden, Tennessee

7. The Joint Parties propose the substitution of Channel 279C3 for Channel 280A at McMinnville, Tennessee, reallotment of Channel 279C3 to Walden, Tennessee, and modification of its Station WTRZ license to specify operation on Channel 279C3 at Walden. Again, the reallotment of Channel 279C3 to Walden requires the reallotment of Channel 279C1 from Gadsden to Trussville.

Discussion

Trussville, Hoover and Springville, Alabama

8. At the outset, it is necessary to compare the Joint Parties proposal to substitute Channel 288C2 for Channel 290A at Trussville, Alabama, reallot Channel 288C2 to Hoover, Alabama, and modify the Station WENN license to specify operation on Channel 288C2 at Hoover, against the Counterproposals filed by Southern Broadcasting and Cox Radio both proposing the allotment of Channel 288A to Springville, Alabama. This comparison is based upon the FM allotment priorities set forth in *Revision of FM Allotment Priorities and Policies.* Both the underlying proposal for Hoover and the Counterproposals for Springville propose first local services under Priority 3. In such a situation, a first local service to Hoover (with a 2000 U.S. Census population of 62, 742 persons) is preferred over the smaller community of Springville (with a

2000 U.S. Census population of 2,521 persons).[4] We are reallotting Channel 288C2 to Hoover, Alabama.[5] As discussed below, Trussville will continue to have local service.

9. As noted by Cox Radio, we recognize that Hoover is located within the Birmingham Urbanized Area. In this regard, we are concerned with the potential migration of stations from lesser-served rural areas to well-served urban areas. For this reason, we will not blindly apply a first local service preference of the FM allotment priorities when a station seeks to reallot its channel to a suburban community in or near an Urbanized Area. In making such a determination, we apply existing precedents.[6] With regard to this situation, our concern with migration to Urbanized Areas is lessened by the fact that this reallotment proposal involves reallotting a channel from one community in the Birmingham Urbanized Area to another community in same Urbanized Area.[7] In essence, we consider the extent the station will provide service to the entire Urbanized Area, the relative populations of the suburban and central city, and, most important of all, the independence of the suburban community.

10. In this situation, Hoover, with a population of 62,742 persons, is entitled to consideration as a first local service. This population total is substantial and in excess of 20% of the population of Birmingham and supports consideration as a first local service.[8] With respect to coverage of the Urbanized Area, we note that as a Class C2 facility, Station WENN will cover all or most of the Birmingham Urbanized Area and this coverage does preclude favorable consideration as a first local service. In any event, the Commission has stated that these factors have less significance than evidence of independence.[9]

11. Consistent with the factors set forth in *Faye and Richard Tuck, supra,* we conclude that Hoover is not dependent upon the Birmingham Urbanized Area for its existence. Hoover is an incorporated community with an elected mayor and city council. The Hoover local government provides police fire and public works services. Hoover has its own schools and public library. In addition to its own recreation facilities, Hoover has its own commercial establishments and health facilities. Approximately 20% of the Hoover residents work in Hoover. Businesses in Hoover advertise in the local Hoover News and Hoover has its own zip codes and post offices.

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[4] *See West Liberty and Richwood, Ohio*, 6 FCC Rcd 6068 (M.M. Bur. 1991); *Three Oaks and Bridgman, Michigan*, 5 FCC Rcd 1004 (M.M. Bur. 1990); *Clarksville and Lanesville, Indiana*, 4 FCC Rcd 4968 (M.M. Bur. 1989).

[5] The reference coordinates for the Channel 288C2 allotment at Hoover, Alabama, are 33-22-41 and 86-48-35.

[6] *See e.g. Huntington Broadcasting Co. v. FCC,* 192 F. 2d 33 (D.C. Cir. 1951); *RKO General, Inc. (KFRC)*, 5 FCC Rcd 3222 (1990); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

[7] *See e.g. Boulder and Lafayette, Colorado*, 11 FCC Rcd 3632 (M.M. Bur. 1996); *Long Beach and east Los Angeles, California*, 10 FCC Rcd 2864 (M.M. Bur. 1995).

[8] *C.f. Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (M.M. Bur. 1996); *Scotland Neck and Pinetops, North Carolina*, 7 FCC Rcd 5113 (M.M. Bur. 1992).

[9] *Headland, Alabama, and Chattahochee, Florida,* 10 FCC Rcd 10352 (1995).

12. In its Reply Comments, Cox Radio contends that the Channel 288C2 allotment at Hoover is unacceptable because it is short-spaced to the licensed facilities of Station WYAI, Channel 288A, Bowden, Georgia, and contingent upon the licensing of an outstanding construction permit upgrading Station WYAI to specify operation on Channel 287C1 (File No. BPH-20000131ACC). We disagree. In *Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, the Commission specifically clarified the consequence of a grant of a one-step application to change a station channel or upgrade its class. The Commission stated that the grant of the application amends the FM Table of Allotments and, unlike routine minor change applications under Section 73.208 of the Rules, the formerly licensed facilities are no longer protected.[10] In this situation, the grant of the Station WYAI application to upgrade to Channel 287C1 was final before the Joint Parties filed its Amended Proposal and the former Station WYAI facility on Channel 288A is therefore no longer an impediment to a Channel 288C2 allotment at Hoover.[11]

13. In its Further Reply Comments, Cox Radio argues that the Hoover allotment proposal must be rejected because "local zoning restrictions and FAA regulations likely will prevent" the Joint Parties from constructing a tower at the proposed coordinates. This argument also is unavailing. A 200-foot commercial building is at the proposed site. Contrary to the suggestion from the Cox Radio zoning consultant, this proposed transmitter site is zoned commercial and, consistent with the applicable zoning regulations attached to the Joint Parties Supplemental Comments, local zoning regulations would not prohibit the tower structure. We conclude that there is a reasonable likelihood that the proposed transmitter site would gain local zoning approval.[12] Similarly, the Cox Radio argument concerning FAA regulations does warrant denial of the Hoover allotment. The Cox Radio airspace consultant merely notes that the proposed structure will require FAA prescribed marking and lighting and coordination with the FAA regarding electromagnetic interference to air navigation facilities.

14. Accordingly, we reallot Channel 279C1 from Gadsden, Alabama, to Trussville, Alabama, and are modifying the Station WQEN license to specify Trussville as the community of license.[13] This will replace the sole local service at Trussville formerly provided by Station WENN. Gadsden will continue to receive local service from five stations. The population and area losing Station service from Station WQEN as a result of this reallotment will continue to receive in excess of five services.[14] Capstar, one of the Joint Parties, is the licensee of Station WQEN and has agreed to this change in community of license.

15. We are denying a Counterproposal filed by Lawson Communications, licensee of WQZZ, Channel 282A, Eutaw, Alabama. In its Counterproposal, Lawson Communications proposed that Channel 278C3 be substituted for Channel 282A at Eutaw, and that an Order to Show Cause be directed to Lawson Communications to show cause why its license should not be modified to Channel 278C3. This proposal

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[10] 13 FCC Rcd 14849 (1998) at note 22.

[11] *See also Hewitt, Texas,* 16 FCC Rcd 10849 (M.M. Bur. 2001).

[12] *C.f. Mount Wilson FM Broadcasyers v. FCC,* 884 F. 2d 1462 (D.C. Cir. 1989); *Johannesburg and Edwards, California,* 15 FCC Rcd 15801 (M.M. Bur. 2000); *Sebring and Miami, Florida*, 10 FCC Rcd 6577 (M.M. Bur. 1995).

[13] The reference coordinates for the Channel 279C1 allotment at Trussville, Alabama, are 33-26-38 and 86-52-47.

[14] *See e.g. Atlantic and Glenwood, Iowa*, 10 FCC Rcd 3160 (M.M. Bur. 1995).

conflicts with the proposed Channel 279C1 allotment at Trussville. The Channel 279C1 allotment at Trussville is favored over the proposed upgrade of Station WQZZ at Eutaw. This is in accordance with Commission policy that an increase in an existing service does not provide as great a public interest benefit as a new primary service.[15] Moreover, the proposed Channel 278C3 upgrade is not mutually exclusive with the existing Station WQZZ authorization on Channel 282A. For this reason, such an upgrade proposal would only be entertained after inviting competing expressions of interest in this allotment.[16]

Brookwood, Alabama

16. In order to accommodate the Channel 288C2 allotment at Hoover, we are substituting Channel 290C3 for Channel 288A at Tuscaloosa, Alabama, reallotting Channel 290C3 to Brookwood, Alabama, and are modifying the Station WRTR license to specify operation on Channel 290C3 at Brookwood.[17] Capstar TX Limited Partnership, one of the Joint Parties, is the licensee of Station WRTR and has agreed to relocate its transmitter site and change its community of license. In addition to the fact that this proposal will result in service to an additional 29,953 persons, this will also provide Brookwood with a first local service while Tuscaloosa will continue to receive local service from nine stations.

17. Even though Brookwood is located outside of the Tuscaloosa Urbanized Area, Station WRTR will provide a 70 dBu signal to more than 50% of the Tuscaloosa Urbanized Area. In such situations, we review the proposal under *Faye and Richard Tuck, supra*, before we determine that the proposal is entitled to consideration as a first local service.[18] In this situation, our concern with stations migrating from suburban communities to urbanized areas is not applicable because the Joint Parties propose to reallot the channel from the central city to a community outside the Urbanized Area.[19] Nevertheless, we note that Brookwood is an incorporated community with its own elected government providing municipal services. Brookwood has its own local media outlets, businesses, zip code. Schools are provided by Tuscaloosa County and not the City of Tuscaloosa.

18. In order to accommodate Channel 290C3 at Brookwood, we are substituting Channel 249A for Channel 290A at Winfield, Alabama, and are modifying the license of Station WKXM to specify operation on Channel 249A.[20] Ad-Media Corporation, licensee of Station WKXM has agreed to the channel change and transmitter site relocation. The Joint Parties have agreed to reimburse AdMedia Corporation for the costs of changing the Station WKXM channel and transmitter site. In its Reply Comments, Cox Radio notes that this transmitter site change will result in net loss of service to 1,138 persons. In this regard, the area losing service will continue to receive 5 services and would be mitigated by the fact that the changes at Winfield enables

[15] *See Benton, Clarksville, Dardanelle, Hampton, Harrison, Huntsville, Mena, Ozark and Sherwood, Arkansas, Homer, Louisiana, Salisaw and Vinita, Oklahoma, Hooks and Gifford, Texas*, 2 FCC Rcd 1963 (1987).

[16] *See* Section 1.420(g) of the Commission's Rules.

[17] The reference coordinates for the Channel 290C3 allotment at Brookwood, Alabama, are 33-12-36 and 87-24-40.

[18] *Headland, Alabama, and Chattachochee, Florida, supra.*

[19] *C.f. Boulder and Lafayette, Colorado, supra,* and *Long Beach and East Los Angeles, California, supra.*

[20] The reference coordinates for the Channel 249A allotment at Winfield, Alabama, are 33-59-47 and 87-43-43.

Brookwood to receive a first local service.[21] To accommodate Channel 249A at Winfield, we are substituting Channel 278A for Channel 249A at Russellville, Alabama, and are modifying the Station WKGL license to specify operation on Channel 278A. Clear Channel, one of the Joint Parties in this proceeding, is the licensee of Station WKGL and has agreed to the channel substitution.

Troy, Alabama

19. In order to accommodate the Channel 288C2 allotment at Hoover, we are also substituting Channel 289C0 for Channel 289C at Troy, Alabama, and are modifying the license of Station WZHT to specify operation on Channel 289C0.[22] Capstar, one of the Joint Parties in this proceeding, has agreed to the downgrade and change in reference coordinates. In its Reply Comments and Further Reply Comments, Cox Radio contends that FAA regulations would not permit construction of the tower necessary to implement the Troy allotment, and, in any event, the Troy downgrade to Class C0 would be result in a loss of service to a minimum 57,400 persons and would be contrary to the public interest.

20. On the basis of our own engineering review, the downgrade at Troy will result in 48,014 persons in an area of 4,689 square kilometers losing service. However, this entire area will continue to receive in excess of five services and is considered to be well-served.[23] We also note that this downgrade enables the allotment of Channel 288C2 to Hoover, Alabama, as a first local service, and that the overall proposal advanced by the Joint Parties results in a net service gain to 1,252,870 persons.

21. There is also a reasonable assurance that a transmitter site is available that would enable the necessary tower consistent with FAA regulations. In its engineering exhibit responding to this contention, the Joint Parties note that the proposed tower is 11 miles from the Troy Municipal Airport and FAA safety concerns could be addressed by a change in the holding pattern and the minimum vectoring altitude used at the airport as well as high-intensity lighting. For this reason, there is a reasonable likelihood that a technically feasible site consistent with FAA regulations would be available.[24] In addition, the Joint Parties have also identified a separate area in which the tower could be constructed.

Columbus, Okolona, Vardaman and Derma, Mississippi

22. In order to allot Channel 279C1 to Trussville, as discussed above, we are reallotting Channel 280C2 from Columbus, Mississippi, to Okolona, Mississippi, and are modifying the Station WACR license to

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[21] The Commission has considered five or more reception services to be "abundant." *Family Broadcasting Grouip*, 53 RR2d 662 (Rev. Bd. 1983), *rev. denied* FCC 83-559 (Comm'n Nov. 29, 1983); *see also LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995).

[22] The reference coordinates for the Channel 289C0 allotment at Troy, Alabama, are 31-52-03 and 86-14-58.

[23] *See Family Broadcasting Group, supra.*

[24] *C.f. Sebring and Miami, Florida, supra.*

specify Okolona as its community of license.[25] T&W Communications, Inc., licensee of Station WACR, has agreed to this reallotment and license modification. This will provide Okolona with a first local service while Columbus will continue to receive local service from six stations. Okolona, with a population of 3,267 persons, is governed by an elected mayor and town counsel, with its own police and fire departments. In addition to its own zip code and weekly newspaper, Okolona has its own school district, hospital and local businesses. At the new transmitter site, Station WACR will provide service to an additional 90,879 persons while the area losing service will continue to receive service from five stations.

23. We received two Counterproposals in conflict with the Joint Parties proposal to reallot Channel 280C2 to Okolona. First, Yalobusha Broadcasters proposes the allotment of Channel 279A to Vardaman, Mississippi, as a first local service. Second, Southern Broadcasting proposes the allotment of Channel 279A to Derma, Mississippi, as a first local service. The Southern Broadcasting Counterproposal conflicts with the Yalobusha Broadcasters Counterproposal for a Channel 279A allotment at Vardaman.

24. At the outset, on the basis of our own engineering study, we are allotting alternate Channel 258A to Vardaman as a first local service.[26] In regard to the Southern Broadcasting Counterproposal for a first local service at Derma (with a population of 959 persons), the Joint Parties proposal for a first local service at Okolona (with a population of 3,267 persons) would be preferred as the larger community.[27]

Pulaski and Linden, Tennessee, and Ardmore, Scottsboro and New Hope, Alabama

25. As stated earlier, the Joint Parties proposed the substitution of Channel 252C1 for Channel 252A at Pulaski, Tennessee, reallotment of Channel 252C1 to Ardmore, Alabama, and are modification of the Station WKSR-FM license to specify operation on Channel 252C1 at Ardmore. This would provide Ardmore with a first local service while Pulaski will continue to receive local service from AM Station WKSR. Buffalo River filed a Counterproposal proposing the allotment of Channel 253A to Linden, Tennessee, as a first local service. This Counterproposal conflicted with the proposed Channel 252C1 allotment at Ardmore, Alabama. On the basis of our own engineering review, we are allotting alternate Channel 267A to Linden, Tennessee.[28] On the basis of terrain profiles from the reference site, there would be no line-of-sight obstruction precluding principal city coverage of Linden.

26. In order to accommodate the Channel 252C1 allotment at Ardmore, the Joint Parties proposed the substitution of Channel 278A for Channel 252A at Scottsboro, Alabama, and are modification of the license of Station WKEA to specify operation on Channel 278A. STG Media filed a Counterproposal proposing the allotment of Channel 278A to New Hope, Alabama. This Counterproposal is in conflict with the proposed

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[25] The reference coordinates for the Channel 280C2 allotment at Okolona, Mississippi, are 33-51-38 and 88-30-44.

[26] The reference coordinates for the Channel 258A allotment at Vardaman, Mississippi, are 33-46-13 and 89-15-26. This site is 13.8 kilometers (8.6 miles) southwest of Vardaman.

[27] *See West Liberty and Richwood, Ohio, supra; Three Oaks and Bridgman, Michigan, supra;* and *Clarksville and Lanesville, Indiana, supra.*

[28] The reference coordinates for the Channel 267A allotment at Linden, Tennessee, are 35-37-47 and 87-45-09.

Channel 278A allotment at Scottsboro. In view of the fact that the Scottsboro allotment is necessary to accommodate the new allotment at Ardmore, it is necessary to compare a first local service at Ardmore versus a first local service at New Hope. We are allotting Channel 278A to New Hope, Alabama.[29] In this situation, a first local service to the larger community of New Hope (with a 2000 U.S. Census population of 2,539 persons) is entitled to a preference over the smaller community of Ardmore (with a 2000 U.S. Census population of 1,034 persons).[30] Like the proposal advanced by the Joint Parties for a Channel 280C2 allotment at Okolona, Mississippi, and the Channel 278A allotment at Scottsboro, Alabama, this allotment also requires the reallotment of Channel 279C1 from Gadsden to Trussville, Alabama, and modification of the Station WQEN license to specify Trussville as the community of license.

McMinnville and Walden, Tennessee

27. We are substituting Channel 279C3 for Channel 280A at McMinnville, reallotting Channel 279C3 to Walden, and are modifying the Station WTRZ license to specify operation on Channel 279C3 at Walden, Tennessee.[31] This will provide a first local service to Walden while McMinnville will continue to receive local service from four stations. Walden is governed by an elected mayor and aldermen, and is not part of any Urbanized Area. The Joint Parties have identified Walden businesses and civic organizations. This reallotment will also result in a net service gain to 354,270 persons.

28. 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 October 15, 2002, 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:

City	Channel No.
Brookwood, Alabama	290C3
Hoover, Alabama	288C2
New Hope, Alabama	278A
Troy, Alabama	289C0
Trussville, Alabama	279C1
Tuscaloosa, Alabama	225C1, 239C1
Winfield, Alabama	-------
Columbus, Mississippi	235C2, 276C2
Okolona, Mississippi	280C2
Vardaman, Mississippi	258A
Linden, Tennessee	267A
Walden, Tennessee	279C3
McMinnville, Tennessee	-------

[29] The reference coordinates for the Channel 278A allotment at New Hope, Alabama, are 34-34-50 and 86-25-17.

[30] *See West Liberty and Richwood, Ohio*, *supra*; *Three Oaks and Bridgman, Michigan*, *supra*; *Clarksville and Lanesville, Indiana*, *supra*.

[31] The reference coordinates for the Channel 279C3 allotment at Walden, Tennessee, are 35-14-32 and 85-22-17.

30. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Capstar TX Limited Partnership for Station WENN, Channel 290A, Trussville, Alabama, IS MODIFIED to specify operation on Channel 288C2 at Hoover, Alabama, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall file with 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 site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

31. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Capstar TX Limited Partnership for Station WRTR, Channel 288A, Tuscaloosa, Alabama, IS MODIFIED, to specify operation on Channel 290C3 at Brookwood, Alabama, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall file with 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 site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

32. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Ad-Media Corporation for Station WKXM, Channel 290A, Winfield, Alabama, IS MODIFIED, to specify operation on Channel 249A, subject to the following conditions:

(a) Within 90 days of the effective date of this Order, the licensee shall file with 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 herein shall be construed to authorize a change in transmitter site or to avoid the

necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

33. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Clear Channel Broadcasting Licenses, Inc. for Station WKGL, Channel 249A, Russellville, Alabama, IS MODIFIED, to specify operation on Channel 278A, subject to the following conditions:

(a) Nothing contained herein shall be construed to authorize any change in the authorization for Station WKGL except for the channel as described above. Any other changes, except for those specified under Section 73.1690 of the Commission's Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301);

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Commission's Rules, PROVIDED the transmission facilities comply in all respects with the authorization for Station WKGL except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of the commencement of program tests.

34. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Capstar TX Limited Partnership for Station WZHT, Channel 289C, Troy, Alabama, IS MODIFIED, to specify operation on Channel 289C0, 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 site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

35. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of T&W Communications, Inc. for Station WACR, Channel 280C2, Columbus, Mississippi, IS MODIFIED, to specify Okolona, Mississippi, 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 transmitter site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

36. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Jacor Licensee of Louisville II, Inc. for Station WTRZ, Channel 280A, McMinnville, Tennessee, IS MODIFIED, to specify operation on Channel 279C3 at Walden, Tennessee, 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 site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

37. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Capstar TX Limited Partnership for Station WQEN, Channel 279C1, Gadsden, Alabama, IS MODIFIED, to specify Trussville, Alabama, as the 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 site or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

38. Pursuant to Sections 1.1104(1)(k) and (2)(k) of the Commission's Rules, any party seeking a change in 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 of license and/or upgrade. As a result of this proceeding, the licensees receiving an upgrade and/or change in community of license are required to submit a rulemaking fee in addition to the fee required for the application to effect the upgrade and/or change in community of license.

39. A filing window for the Channel 267A allotment at Linden, Tennessee, the Channel 278A

allotment at New Hope, Alabama, and the Channel 258A allotment at Vardaman, Mississippi, will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent Order.

40. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to:

T&W Communications, Inc. Radio Station WACR P.O. Box 1078 Columbus, Mississippi 39703	Ad-Media Corporation Radio Station WKXM P.O. Box 08 Winfield, Alabama 35594

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

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

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau