

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 03-51
Table of Allotments,	)	RM-10555
FM Broadcast Stations	)	
(Dickson and Pegram, Tennessee)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: October 1, 2003**

**Released: October 3, 2003**

By the Assistant Chief, Audio Division:

1. The Audio Division issued a *Notice of Proposed Rulemaking* in response to a Petition for Rule Making filed by Montgomery Broadcasting Company (“Petitioner”), licensee of Station WQZQ-FM, Channel 273C1, Dickson, Tennessee.<sup>1</sup> Petitioner’s request was filed pursuant to the provisions of 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 the opportunity to file competing expressions of interest in the proposed allotment.<sup>2</sup> The *Notice* proposed to change the community of license for Station WQZQ-FM from Dickson to Pegram, Tennessee, as a first local service, and to amend the FM Table of Allotments by deleting Channel 273C1 at Dickson, Tennessee, and by adding Channel 273C1 at Pegram, Tennessee. Petitioner filed comments supporting the changes proposed in the *Notice*. No other comments were received in response to the *Notice*.

2. Petitioner has established that Pegram, an incorporated place with a population of 2,146 persons, is a community for allotment purposes. Petitioner states that Pegram is self-governing with its own mayor, fire department, planning commission, and other city governmental officials and offices.

3. Staff analysis shows that the change of community from Dickson to Pegram would result in a loss area containing 17,616 persons and a gain area containing 4,275 persons, for a net loss of 13,341 persons. There would be no net gain nor loss in the land area served, because the loss and gain area each cover 260 square kilometers. Both the loss area of Channel 273C1 at Dickson and the gain area of Channel 273C1 at Pegram are completely covered by at least five other full-time services, and thus, all areas potentially affected by this proposal would continue to be well-served.

4. Neither Dickson nor Pegram is located within an urbanized area. The existing 70 dBu signal for WQZQ-FM at Dickson covers 100 percent of the Clarksville, Tennessee-Kentucky Urbanized Area

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<sup>1</sup> *Dickson and Piedmont, Tennessee*, 18 FCC Rec. 3209 (M.Bur. 2003).

<sup>2</sup> 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).

and 25.2 percent of the Nashville-Davidson, Tennessee Urbanized Area. The 70 dBu contour of the proposed Channel 273C1 facility at Pegram would cover 100 percent of the Clarksville, Tennessee-Kentucky Urbanized Area and 20.3 percent of the Nashville-Davidson, Tennessee Urbanized Area. Under these circumstances, no *Tuck* analysis is necessary to evaluate this change of community proposal.<sup>3</sup>

5. No white or gray areas (priorities one and two under the Commission's allotment priorities<sup>4</sup>) would result from adoption of the proposals advanced in this proceeding. If Channel 273C1 is reallocated to Pegram as requested, Dickson will continue to receive local service from AM Station WDKN and from a noncommercial educational FM Station WNRZ, Channel 218C3, both of which are licensed to Dickson. Retention of Channel 273C1 at Dickson thus would constitute only a priority level four, while allotment of Channel 273C1 as a first local service at Pegram satisfies the standard for priority level three.

6. Although the proposed reallocation will result in a net decrease in the number of persons served, it represents a preferential arrangement of allotments under the Commission's allotment priorities. We therefore conclude that the public interest would be served by reallocating Channel 273C1 at Pegram, Tennessee. Channel 273C1 can be allotted to Pegram, Tennessee, consistent with the minimum distance separation requirements of the Commission's Rules, with a site restriction of 32.9 km (20.5 miles) northwest of Pegram at the following reference coordinates: 36-17-50 NL and 87-19-31 WL.

7. Accordingly, pursuant to the 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), 0.283, and 1.420(i) of the Commission's Rules, IT IS ORDERED, That effective November 17, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED as follows:

Community	Channel Number
Dickson, Tennessee	-----
Pegram, Tennessee	273C1

9. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Montgomery Broadcasting Company, for FM Station WQZQ, IS MODIFIED to specify operation on Channel 273C1 at Pegram, 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 a construction permit (Form 301), specifying the new facility.

<sup>3</sup> See *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988), and *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10,352 (1995).

<sup>4</sup> *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), *recon. denied*, 56 RR 2d 448 (1983).

(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.

10. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(l), any party seeking a change in community of license of a TV or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Montgomery Broadcasting Company, licensee of FM Station WQZQ, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the changes specified above.

11. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this Order to the following:

John F. Garziglia  
Mark Blacknell  
Womble, Carlyle, Sandridge & Rice, PLLC  
1776 K Street, N.W. – Suite 200  
Washington, D.C. 20036

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

13. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau