

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MB Docket No. 03-35
FM Broadcast Stations.)	RM-10646
(Florence, Quinby, Greeleyville, and Wedgefield,)	RM-10713
South Carolina, and Savannah, Georgia) ¹)	RM-10714
)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: March 10, 2004

Released: March 12, 2004

By the Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making*² issued at the request of SSR Communications Incorporated (“Petitioner”), proposing the allotment of Channel 237A at Florence, South Carolina, as the community’s second FM commercial aural transmission service. Petitioner filed comments reiterating an intention to apply for Channel 237A at Florence, if allotted. Miller Communications, Inc. (“Miller Communications”) filed a counterproposal requesting the allotment of Channel 237A to Quinby, South Carolina, as its first local aural transmission service. Prior to the ending of the comment period, Miller Communications, licensee of FM Station WIBZ, Wedgefield, South Carolina, filed a minor change application requesting to change its transmitter site. Since this site conflicts with the Channel 237A allotment proposed in the *Notice*, the application will be considered as a timely counterproposal in this proceeding.³ Bulldog Broadcasting filed a counterproposal proposing the allotment of Channel 238C3 to Greeleyville, South Carolina, as its first local aural transmission service.⁴ Miller Communications filed consolidated reply comments in response to the comments filed by the Petitioner and the counterproposal filed by Bulldog Broadcasting. In response to the *Public Notice*, Miller Communications filed reply comments. No other counterproposals or additional comments were received in response to this proceeding.

2. In response to the *Notice*, we received two counterproposals. Miller Communications requested the allotment of Channel 237A to Quinby, South Carolina, as its first local aural transmission service. Quinby is a community with a 2000 U.S. Census population of 842 persons. In support of the proposal, Miller Communications states that Quinby has its own local government, town council, community center, volunteer fire department, police department, and courthouse. There are several churches and businesses that serve the community.

¹ Quinby, Greeleyville, and Wedgefield, South Carolina and Savannah, Georgia have been added to the caption. See *Public Notice*, Report No. 2611 released June 19, 2003.

² See *Florence, SC*, 18 FCC Rcd 1605 (MB 2003) (“*Notice*”).

³ See File No. BPH-20030331AAI. See *Conflict Between Applications and Petitions for Rule Making to Amend the FM Table of Allotments*, 7 FCC Rcd 4917 (MMB 1992), recon. granted in part and denied in part, 8 FCC Rcd 4743 (1993).

⁴ This counterproposal is mutually exclusive with the proposed allotment of Channel 237A at Quinby, South Carolina, a Station WIBZ minor change application and the proposed allotment of Channel 237A at Florence, South Carolina.

3. Bulldog Broadcasting requested the allotment of Channel 238C3 at Greeleyville, South Carolina, as that community's first local aural transmission service. In order to accommodate the allotment at Greeleyville, Bulldog Broadcasting requests the substitution of Channel 240A for Channel 238A at Wedgefield, South Carolina, and the modification of Station WIBZ license accordingly.⁵ Moreover, Bulldog Broadcasting requests Station WIXV, Channel 238C1, Savannah, Georgia to change its transmitter site in order to accommodate the allotment of Channel 238C3 at Greeleyville. Greeleyville is a community located in Williamsburg County along U.S. Highway 51 with a 2000 U.S. Census population of 452 persons. Greeleyville has its own zip code (29056), elementary school, police department, town hall, and medical center. Greeleyville has several banks, churches and businesses.

4. Miller Communications contends in consolidated reply comments that its counterproposal would result in a preferential arrangement of allotments since Channel 237A would provide Quinby with its first local aural transmission service. As such, Miller Communications asserts that the counterproposal is preferred over the Petitioner's proposal because the proposed allotment at Florence would result in a sixth local aural transmission service. Moreover, the proposed allotment at Quinby is favored over the proposed allotment at Greeleyville because Quinby is more populous. Miller Communications further states in reply comments that it objects to changing its channel because Station WIBZ minor change application has greater public interest benefits given that Channel 240A at Wedgefield would be short-spaced to FM Station WAVF, Channel 241C1, Hanahan, South Carolina using the coordinates proposed in the application. In response to the *Public Notice*, Miller Communications submitted a technical statement that shows the protected service contour of a Class A station operating on Channel 237 at Quinby would provide service to 134,111 persons while a Class C3 station operating on Channel 238 at Greeleyville would cover only 88,317 persons. Furthermore, Station WIBZ minor change application results in an increase in service to 123,176 persons whereas the current license site only provides service to 116,113 persons.

5. An analysis of the counterproposals determines that each community deserves a FM channel since it would offer a first local aural transmission service, priority (3) under the FM Allotments priorities for each community.⁶ In this instance, the counterproposals are examined under priority (4), other public interest benefits since no alternative channels are available for either community.⁷ In this regard, the community of Quinby has a population of 842 persons. Greeleyville has a population of 452 persons. A staff engineering analysis determined that the allotment of Channel 237A at Quinby would provide service to 134,657 persons while the allotment of Channel 238C3 at Greeleyville would only provide service to 90,692 persons. The community of Quinby currently receives eleven FM reception services while Greeleyville receives eight FM reception services. Thus, both communities are considered well-served since they receive more than five reception services. As a result, we find that the allotment of Channel 237A to Quinby, South Carolina would best serve the public interest and is favored over the allotment of Channel 238C3 at Greeleyville since Quinby is the larger community. Bulldog Broadcasting requested the Commission to issue an *Order to Show Cause* to Miller Communications requesting the licensee to show cause why Station WIBZ license should not be modified to specify operation on Channel 240A in lieu of Channel 238A at Wedgefield, South Carolina. The issuance of an *Order to Show Cause* is unnecessary in this proceeding in light of our action granting the competing Quinby proposal.

6. The counterproposal to allot Channel 237A at Quinby, South Carolina conflicts with the allotment of Channel 237A to Florence, South Carolina. An evaluation of the proposals indicates that

⁵ Miller Communications is also the licensee of Station WIBZ.

⁶ The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3)], *See Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 88, 91 (1988).

⁷ *See St. Marks and Woodville, Florida*, 12 FCC Rcd 11957 (MMB 1997) and *Calico Rock and Leslie, Arkansas*, 12 FCC Rcd 20174 (MMB 1997).

both communities are deserving of an FM channel. Therefore, a comparison of the proposals are guided by the policy set forth in *Revision of FM Assignment Policies and Procedures* since there are no alternative channels available for either community.⁸ The proposal to allot Channel 237A to Florence is compared under priority (4), other public interest factors since the allotment would attribute to a sixth local service.⁹ Florence is a community with a 2000 U.S. Census population of 30,248 persons while Quinby has a population of 842 persons. The proposal to allot Channel 237A at Quinby is evaluated under priority (3), first local service. To this end, we find that the allotment of Channel 237A at Quinby results in a preferential arrangement of allotments and would best serve the public interest. A staff engineering analysis has determined that Channel 237A can be allotted to Quinby in compliance with the Commission's minimum distance separation requirements provided there is a site restriction of 12.7 kilometers (7.9 miles) southeast of the community.¹⁰ Miller Communications filed a minor change application requesting to change its transmitter site for Station WIBZ. As mentioned above, the minor change application conflicted with the proposed allotment of Channel 237A to Florence. The proposed Channel 237A allotment at Florence is no longer an impediment to the grant of this application. A staff engineering analysis has determined that the proposed site would provide an increase in service to 121,553 persons while the current license site provides coverage to 116,090 persons. As such, we find that grant of this application would serve the public interest because it would provide a gain of service to 5,463 persons. Therefore, the minor change application, BPH-20030331AAI, filed by Miller Communications for Station WIBZ will also be granted.¹¹

7. Accordingly, pursuant to the authority found 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 April 26, 2004, 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>
Quinby, South Carolina	237A

8. The window period for filing an application for Channel 237A at Quinby, South Carolina 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.

9. IT IS FURTHER ORDERED, That the minor change application, BPH-20030331AAI, filed by Miller Communications, Inc. for FM Station WIBZ IS HEREBY GRANTED.

10. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED

⁸ *Id.* note 5.

⁹ Florence has three AM station, Stations WYNN, WJMX, and WOLS, one noncommercial station, Station WLPG, and one FM commercial station, Station WYNN-FM.

¹⁰ The reference coordinates for Channel 237A at Quinby, South Carolina are 34-10-23 North Latitude and 79-37-11 West Longitude.

¹¹ The new coordinates for Station WIBZ, Channel 238A, Wedgefield, South Carolina are 33-54-16 NL and 80-19-25 WL.

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

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau