

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

In the Matter of
Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Bass River Township and Ocean City,
New Jersey)
MB Docket No. 05-188
RM-11240

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 9, 2005

Released: November 10, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the Notice of Proposed Rule Making ("Notice") issued in response to a Petition for Rule Making filed on behalf of Press Communications, LLC ("Petitioner"), licensee of Station WKOE(FM) ("WKOE"), Channel 292A, Ocean City, New Jersey. Petitioner seeks to substitute Channel 293A for Channel 292A, to reallocate Channel 293A from Ocean City to Bass River Township, New Jersey, and to modify Station WKOE's license accordingly. Petitioner filed comments and reply comments in which it reiterates its intent to effectuate its proposal. No other comments or counterproposals have been filed. For the reasons stated below, we grant Petitioner's rulemaking requests.

2. Petitioner made the reallocation request in this docket 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 competing expressions of interest. In this instance, the reallocation will allow the establishment of a first local transmission service by Petitioner at Bass River Township, New Jersey (2000 U.S. Census population of 1,510 persons). Petitioner has submitted sufficient information to demonstrate that Bass River Township is a community to which an FM channel may be allotted. Provision of first local service falls under priority (3) of the FM priorities and is preferred to the providing of a fourth local service to Ocean City (2000 U.S. Census of 15,378 persons), which falls under priority (4) of the FM allotment priorities. In light of all the relevant factors in this case, we find that changing the community of license of Station WKOE from Ocean City to Bass River Township, New Jersey is in the public interest. Further, the allotment of Channel 293A

1 Bass River Township and Ocean City, New Jersey, 20 FCC Rcd 8907 (MB 2005).

2 47 C.F.R. § 1.420(i).

3 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).

4 The FM allotment priorities are listed in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). The allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

to Bass River Township would not deprive Ocean City of its sole local transmission outlet, because Ocean City will retain local service from three local radio transmission stations.

3. Consistent with the technical requirements of the Commission's rules, Channel 293A can be allotted to Bass River Township, New Jersey, coordinates of 39-39-00 NL and 74-21-20 WL, with a site restriction of 10.4 kilometers (6.4 miles) northeast of Bass River Township. We note that both the gain and loss areas resulting from this change of community are well-served with five or more broadcast radio services.

4. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

5. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective December 27, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Bass River Township, New Jersey	293A
Ocean City, New Jersey	252A

6. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Citicasters Licenses, L.P. IS GRANTED.

7. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Press Communications, LLC for Station WKOE(FM), Ocean City, New Jersey, IS MODIFIED to specify operation on Channel 293A at Bass River Township, New Jersey, 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;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

8. Pursuant to 47 C.F.R. Section 1.1104(3)(l), Press Communications, LLC, licensee of Station WKOE(FM), is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license for Station WKOE(FM), Channel 292A, from Ocean City, New Jersey, to Channel 293A, Bass River Township, at the time it submits its Form 301 application.

9. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

10. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
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Audio Division  
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