

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
FM Table of Allotments,)	
FM Broadcast Stations.)	
(Homerville, Georgia))	MB Docket No. 05-32
)	RM-10988
Reclassification of License of)	
Station WKQL(FM), Jacksonville, Florida)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: August 9, 2006

Released: August 11, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* issued at the request of Association for the Studies of American Heritage Corporation (“Petitioner”), seeking to amend the FM Table of Allotments by allotting Channel 246A at Homerville, Georgia, as the community’s second local aural transmission service. To accommodate the proposal consistent with the minimum distance separation requirements of the Commission’s Rules,¹ Petitioner’s proposal also requires the reclassification of Station WKQL(FM), Jacksonville, Florida, Channel 245C to specify operation on Channel 245C0.² Petitioner filed comments in support of its proposal, pledging to file the necessary applications.³ No other comments or counterproposals were filed.

2. **Background.** Station WKQL(FM) operates on Channel 245C with an effective radiated power of 100 kilowatts at 309 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of 451 meters HAAT. Therefore Station WKQL(FM) is subject to reclassification as a Class C0 facility.⁴ Petitioner certified, as required, that no other channels were available for allotment at Homerville.⁵ Pursuant to the requirements set forth in Note 4 of Section 73.3573 of the rules, we issued an *Order to Show Cause* to Cox Radio, Inc., licensee of Station WKQL(FM), affording it 30 days to express in writing an intention to seek authority to upgrade its technical facilities to preserve Class C status, or otherwise challenge the proposed action.⁶ No response

¹ See Section 73.207(b)(1).

² The distance between the required site for requested Channel 246A at Homerville and the license site of Station WKQL(FM) is 152 kilometers. A minimum distance separation of 165 kilometers is required in this instance. However, if Station WKQL(FM) is reclassified to operate as a Class C0 facility, the short spacing issue will be eliminated.

³ The petition was signed by Clyde Scott, Jr., President, but not verified. In response to the Notice, Petitioner’s comments included his signed sworn statement as required by Section 1.52 of the rules.

⁴ See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*, 15 FCC Rcd 21,649 (2000).

⁵ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

⁶ See *In Re Reclassification of License of Station WKQL(FM), Jacksonville, Florida*, 19 FCC Rcd 10970 (MB 2004).

was received, and therefore, in accordance with the Commission's reclassification procedures noted above, the license for Station WKQL(FM) will be reclassified in the context of this proceeding to specify operation on Channel 245C0 instead of Channel 245C at Jacksonville, Florida.

3. In further support of its proposal, Petitioner asserts that Homerville is a community for allotment purposes. Homerville already has one radio station and is an incorporated city with its own elected mayor/council government. It has a 2000 U.S. Census population of 2,508 persons and its own post office and zip code. Petitioner states that 17,699 persons would gain a service by the addition of Channel 246A at Homerville, and that there would be no loss area from the reclassification of Station WKQL(FM).

4. **Discussion.** We will grant the allotment of Channel 246A at Homerville as proposed by Petitioner. The allotment will provide Homerville with its second local aural transmission service. A staff engineering analysis of the proposal confirms the unavailability of any alternate Class A channel to accommodate Petitioner's proposal at Homerville. The staff analysis also shows that the reclassification of Station WKQL(FM), Jacksonville, Florida, to specify operation on Channel 245C0, will eliminate any short spacing to requested Channel 246A at Homerville, Georgia, by using Petitioner's requested site 11.1 kilometers (6.9 miles) northwest of the community.^{7,8} Operation on Channel 246A from the restricted site specified also will comply with the requirements of Section 73.315 of the Commission's Rules to provide 70 dBu coverage over the entire community.

5. 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).

6. Accordingly, pursuant to the authority contained in 47 U.S.C. §§ 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. §§0.61, 0.204(b) and 0.283, IT IS ORDERED That effective September 25, 2006, the FM Table of Allotments, 47 C.F.R. § 73.202(b) IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Homerville, Georgia	246A, 254A
Jacksonville, Florida	236C, 241C, 245C0, 256C, 275C, 297C1

7. In addition, a copy of this *Report and Order* shall be sent to Cox Radio, Inc., as follows:

WKQL Radio	Kevin F. Reed, Esq.
Cox Radio, Inc.	Dow Lohnes & Albertson, PLLC
8000 Belfort Parkway	Suite 800
Jacksonville, Florida 32256	1200 New Hampshire Ave., NW
	Washington, DC 20036
	(Counsel to Cox Radio, Inc.)

8. A window period for filing applications for Channel 246A at Homerville will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

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

⁷ Coordinates for Channel 246A at Homerville are 31-07-16 NL and 82-48-51 WL.

⁸ The license coordinates for Station WKQL(FM) on Channel 245C0 are 30-16-34 NL and 81-33-53 WL.

10. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau