

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 12-270
Table of Allotments,)	RM-11676
FM Broadcast Stations.)	
(Maysville, Georgia))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: December 13, 2012

Released: December 14, 2012

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making filed by Appalachian Broadcasting Company, Inc. (“Petitioner”). Petitioner filed comments. No counterproposals or other comments were received in response to this *Notice*. For the reasons discussed below, we amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules,² by allotting Channel 265A at Maysville, Georgia.³

2. **Background.** The *Notice* proposed the allotment of Channel 265A at Maysville, Georgia, as the community’s second local FM transmission service. Petitioner filed comments, expressing a continued interest in the proposed Maysville allotment. Petitioner states that it will apply for Channel 265A at Maysville, if allotted, and will promptly construct this facility if authorized.

3. **Discussion.** Accordingly, we are allotting Channel 265A at Maysville, Georgia (2010 U.S. Census population of 1,798 persons), as the community’s second local service, under Priority (4) of the four allotment priorities.⁴ A staff engineering analysis confirms that Channel 265A can be allotted to Maysville consistent with the minimum distance separation requirements of the Rules with a site restriction 13.4 kilometers (8.3 miles) northwest of the community. The reference coordinates for Channel 265A at Maysville are 34-20-16 NL and 83-39-52 WL.

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).

¹ *See Maysville, Georgia*, Notice of Proposed Rule Making, 27 FCC Rcd 11408 (MB 2012) (“*Notice*”).

² 47 C.F.R. § 73.202(b).

³ As stated in the *Notice*, Petitioner filed a FCC Form 301 application for the proposed allotment of Channel 265A at Maysville. *See* File No. BNPH-20120713ABO

⁴ 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). *See Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982).

5. **Ordering clauses.** Accordingly, pursuant to the authority found 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, January 27, 2013, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Maysville, Georgia	265A, 279C3

6. The window period for filing applications for Channel 265A at Maysville, Georgia 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.

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

8. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau