

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

MM Docket No. 89-392

In the Matter of

Amendment of Section 73.202(b), RM-6766  
Table of Allotments,  
FM Broadcast Stations.  
(Clinton and Varnado, Louisiana)

**REPORT AND ORDER**  
**(Proceeding Terminated)**

Adopted: August 7, 1990; Released: August 23, 1990

By the Deputy Chief, Policy and Rules Division:

1. At the request of Hoffman Media of Louisiana, Inc. (petitioner), the Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause*, 4 FCC Rcd 6907 (1989), proposing the substitution of Channel 224C2 for Channel 224A at Clinton, Louisiana, and the modification of its license for Station WQCK(FM) to specify operation on the higher powered channel. In order to accomplish the upgrade at Clinton, the petitioner requested the substitution of Channel 225A for Channel 224A at Varnado, Louisiana, and the modification of the license of The Bogue Chitto Communication Company ("Bogue Chitto") for Station WBOX-FM to specify the alternate Class A channel. An *Order to Show Cause* was issued to Bogue Chitto. The petitioner and Bogue Chitto filed comments and petitioner filed reply comments.

2. In comments, the petitioner reiterates its intention to apply for Channel 224C2, if allotted to Clinton. Petitioner also states its willingness to reimburse Bogue Chitto for the legitimate and prudent out-of-pocket costs incurred in modifying the operation of Station WBOX-FM at Varnado to Channel 225A.

3. Bogue Chitto filed comments opposing the substitution of Channel 225A for Channel 224A at Varnado. Bogue Chitto states that such a change would be disruptive to Station WBOX-FM's operations and its audience. However, it states that if the Commission decides to adopt the proposed channel substitution, it must also make clear the petitioner's reimbursement obligation.

4. In its reply comments, the petitioner states that Bogue Chitto has raised no substantial and material question of fact that would require a hearing on the proposed change, and that Bogue Chitto has raised no sufficiently countervailing public interest reasons to warrant a denial of the proposal. The petitioner again submits that it will comply with Commission policy and precedent in reimbursing Bogue Chitto for the expenses incurred in changing its channel.

5. After careful consideration of the comments, we believe the public interest would be served by substituting Channel 224C2 for Channel 224A at Clinton, Louisiana, since it could enable Station WQCK(FM) to expand its

coverage area. As proposed, we will modify petitioner's license for Station WQCK(FM) to specify operation on the higher powered channel. We find that Bogue Chitto's opposition to the modification of its license at Varnado does not present a sufficient showing to warrant a denial of the proposal or a hearing. Without elucidation, it states that the substitution of channels would be disruptive to the operation of the station and its audience. However, as the Commission has held on numerous occasions, the substitution of an existing station's channel at one community serves the public interest where the substitution permits the provision of a new or expanded service at another community. *See, e.g., Marietta, Ohio and Ravenswood, West Virginia*, 2 FCC Rcd 4681 (1987), *Albany, New York, et al.*, 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987), and *Fort Madison, Iowa, and Louisiana, Missouri*, 4 FCC Rcd 7774 (1989). In accordance with Commission policy, the petitioner will be required to reimburse Bogue Chitto for the reasonable and necessary expenses incurred in changing channels.

6. Channel 224C2 can be allotted to Clinton in compliance with the Commission's minimum distance separation requirements at Station WQCK(FM)'s licensed transmitter site.<sup>1</sup> Channel 225A can be substituted for Channel 224A at Varnado, Louisiana, in compliance with the Commission's minimum distance separation requirements and can be used at Station WBOX-FM's licensed transmitter site.<sup>2</sup>

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 **October 10, 1990**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

City	Channel No.
Clinton, Louisiana	224C2
Varnado, Louisiana	225A

8. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Hoffman Media of Louisiana for Station WQCK(FM), Clinton, Louisiana, IS MODIFIED, to specify operation on Channel 224C2 in lieu of Channel 224A, 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 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 impact statement pursuant to Section 1.1301 of the Commission's Rules.

9. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Bogue Chitto Communication

Company for Station WBOX-FM, Varnado, Louisiana, IS MODIFIED, to specify operation on Channel 225A in lieu of Channel 224A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station WBOX-FM's license, BLH-851227KA, except the channel as specified above. Any other changes, except those so specified under Section 73.1620 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-851227KA, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

10. IT IS FURTHER ORDERED, That the Secretary of the Commission SHALL SEND a copy of this *Order* by CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following: Bogue Chitto Communication Company, P.O. Box 351, Columbia, MS 39429.

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

12. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

#### FEDERAL COMMUNICATIONS COMMISSION

Kathleen B. Levitz  
Deputy Chief  
Policy and Rules Division  
Mass Media Bureau

#### FOOTNOTES

<sup>1</sup> The coordinates for Channel 224C2 at Clinton, Louisiana, are 30-55-54 and 91-06-43.

<sup>2</sup> The coordinates for Channel 225A at Varnado, Louisiana, are 30-54-10 and 89-57-36.