

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 97-60
Table of Allotments,)	RM-8982
FM Broadcast Stations.)	
(Waynesboro and Collinwood,)	
Tennessee))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: August 27, 1997

Released: September 5, 1997

By the Chief, Allocations Branch:

1. At the request of Ohio Broadcast Associates ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 12 FCC Rcd 194 (1997), proposing the reallocation of Channel 235C3 from Waynesboro to Collinwood, Tennessee, and the modification of Station WFRQ-FM's license to specify Collinwood as its community of license. Petitioner filed supportive comments. No other comments were received.

2. Petitioner filed comments stating that its proposal will serve the public interest by providing Collinwood with its first local aural transmission service, while Waynesboro will retain service from AM Station WTNR. Petitioner contends that it desires to operate a local aural service to serve the Collinwood's residents and will apply for the channel immediately, if reallocated.

3. Based on the information before us, we believe the reallocation of Channel 235C3 from Waynesboro to Collinwood and the modification of Station WFRQ-FM's license to specify Collinwood as its community of license is in the public interest. In examining a change of community of license proposal, we must determine whether the proposal would result in a preferential arrangement of allotment pursuant to the Commission's change of community procedures. See Modification of FM and TV Authorization to Specify a New Community of License, 4 FCC 4870, 4874 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990). Under these procedures, we compare the existing arrangement of allotments with the proposed arrangement using our FM allotment priorities. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).¹ In this case, we find that pursuant to the Commission's allotment priorities,

¹ 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).]

Collinwood would receive its first local aural transmission service (priority 3), and therefore is favored over the retention of two local transmission services at Waynesboro (priority 4) which will continue to be served locally by AM Station WTNR. Moreover, petitioner does not seek to relocate its transmitter site, the reallocation will not result in any gain or loss areas, and the station will continue to provide Waynesboro with city grade 70 dBu coverage.

4. Channel 235C3 can be allotted to Collinwood in compliance with the Commission's minimum distance requirements at the licensed site of Station WFRQ-FM.² In accordance with the provisions of Section 1.420(i) of the Commission's Rules, we will modify the license for Station WFRQ-FM to specify Collinwood, Tennessee, as its community of license on Channel 235C3 in lieu of its use at Waynesboro, Tennessee.

5. Accordingly, pursuant to the authority contained 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 20, 1997, 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>City</u>	<u>Channel No.</u>
Waynesboro, Tennessee	--
Collinwood, Tennessee	235C3

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of for Station WFRQ-FM, Channel 235C3, Waynesboro, Tennessee, IS MODIFIED to specify Collinwood, Tennessee, as the community of license, 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).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(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 Section 1.1307 of the Commission's Rules.

7. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and /or upgrade. As a result of this

² The coordinates for Channel 235C3 at Collinwood are 35-08-16 NL and 87-49-43 WL.

proceeding, Ohio Broadcast Associates, licensee of Station WFRQ-FM, is required to submit a rule making fee in addition to the fee required for the applications to effect the change in community of license and/or upgrade.

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

9. For further information concerning this proceeding, contact Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau