

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 98-112
FM Broadcast Stations.)	RM-9027
(Anniston and Ashland, Alabama, and College)	RM-9268
Park, Covington, Milledgeville and)	RM-9384
Social Circle, Georgia))	
)	

MEMORANDUM OPINION AND ORDER
(Proceeding Terminated)

Adopted: November 2, 2001

Released: November 8, 2001

By the Commission:

1. The Commission has before it a Petition for Reconsideration and Request for Protection filed by Preston Small directed to the staff Memorandum Opinion and Order in this proceeding. 16 FCC Rcd 3411 (2001). WNNX LICO, Inc. filed an Opposition to Petition for Reconsideration. Preston Small filed a Reply to Opposition to Petition for Reconsideration. We have thoroughly reviewed the staff Memorandum Opinion and Order as well as the earlier Report and Order, 15 FCC Rcd 9971 (2000), and find that there are no errors of law or new facts that would warrant reversing the staff action. Accordingly, we deny the Petition for Reconsideration and Request for Protection.¹

2. We would also like to address the reference by Preston Small to a decision in which the staff denied a proposal filed by the previous licensee of Station WHMA, Anniston, Alabama, to reallocate Channel 263C1 from Anniston to Sandy Springs, Georgia, located within the Atlanta Urbanized Area. Eatonon and Sandy Springs, Georgia, and Anniston and Lineville, Alabama, 6 FCC Rcd 6580 (1991), app. for review dismissed, 12 FCC Rcd 8392 (1997), app. for review dismissed, 13 FCC Rcd 2104 (1998). Even though that decision does not address the merits of the College Park reallocation proposal, also located within the Atlanta Urbanized Area, that action is distinguishable and does not support a finding that College Park is not entitled to allocation of a first local service. Specifically, the earlier Sandy Springs proposal would have resulted in interference to reception of FM radio service by 18,662 persons. Moreover, Sandy Springs was not incorporated, received all of its governmental services from either Atlanta or Fulton

¹ The "Request for Protection" concerns the fact that Preston Small filed an identical Petition for Reconsideration on March 12, 2001. The staff Memorandum Opinion and Order was published in the Federal Register on March 14, 2001. 66 Fed. Reg. 14862 (published March 14, 2001). In the event the earlier Petition for Reconsideration was deemed to be "somehow premature," Preston Small filed the instant Petition for Reconsideration and Request for Protection on March 30, 2001. In this Petition for Reconsideration and Request for Protection, Preston Small also states that if the staff considers this pleading to be repetitious, that it be referred to the Commission as an Application for Review. The Petition has been referred to the Commission and is being considered as an Application for Review.

County, and many of the Sandy Springs civic organizations listed Atlanta addresses. In contrast, the Memorandum Opinion and Order in this case correctly concluded that the College Park proposal meets the criteria set forth in Faye and Richard Tuck, 3 FCC Rcd 5374 (1998), with respect to suburban communities seeking allocation of a first local service. Furthermore, as stated in the staff Report and Order, 15 FCC Rcd 9971 (2000), the College Park proposal will result in the elimination of a 57.1-kilometer short-spacing to Station WUSY, Cleveland, Tennessee, and a 1.8-kilometer short-spacing to Station WVNA-FM, Tuscumbia, Alabama. The elimination of the short-spacing with Station WUSY will also eliminate interference to Station WUSY reception for 2,306 persons within an area of 115 square kilometers. The College Park proposal will result in no new interference.

3. Accordingly, IT IS ORDERED, That the aforementioned Petition for Reconsideration and Request for Protection filed by Preston Small IS DENIED.

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

5. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau,(202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary