

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MB Docket No. 16-422
FM Broadcast Stations.)	RM-11783
(Fort Walton Beach, Florida))	
)	

REPORT AND ORDER

Adopted: August 3, 2017

Released: August 4, 2017

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making*,¹ issued in response to a Petition for Rule Making (Petition) filed by Northwest Florida Media, LLC (NWF Media) to allot Channel 295A at Fort Walton Beach, Florida.² NWF Media filed comments, as did Media One Communications, Inc. (Media One). NWF Media filed reply comments in response to Media One's comments.³ For the reasons discussed below, we amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules,⁴ by allotting Channel 295A at Fort Walton Beach, Florida.

2. **Background.** The *Notice* proposed the allotment of Channel 295A at Fort Walton Beach, Florida, as a sixth local service. Fort Walton Beach is an incorporated community with a 2010 U.S. Census population of 19,507 persons. NWF Media filed comments, reiterating its expression of interest in Channel 295A. NWF Media states that if the allotment is made it will prosecute its application, participate in the auction, and promptly construct the authorized facilities.⁵

3. Media One also filed comments and states that the allotment of Channel 295A at Fort Walton Beach would displace FM translator W295AP (Facility ID No. 150909), which Media One uses to rebroadcast the programming of WRNE(AM), Gulf Breeze, Florida. Media One contends that this displacement would cause great financial hardship to Media One, and that, for most of the past 25 years, WRNE(AM) has been the only station serving the African American and Hispanic communities in the Gulf Coast area. Media One asks that it either be allowed to continue re-broadcasting WRNE(AM) using its current FM translator and frequency, or alternatively, that it be afforded the use of a different FM frequency to re-broadcast WRNE's programming. In response, NWF Media argues that FM translators are secondary services which are not considered in allotment proceedings.

4. **Discussion.** The Commission is subject to a Congressional directive to ensure that FM translators

¹ *Fort Walton Beach, Florida*, Notice of Proposed Rulemaking, DA 17-125 (rel. Feb. 3, 2017) (*Notice*).

² Petition for Rulemaking of Northwest Florida Media, LLC, (filed Nov. 22, 2016).

³ Reply Comments of Northwest Florida Media, LLC (filed Apr. 10, 2017).

⁴ 47 C.F.R. § 73.202(b).

⁵ NFW Media comments at 2 (filed Mar. 22, 2017).

remain secondary to full-service FM stations.⁶ We therefore will not consider potential displacement of FM Translator W295AP as a negative factor in evaluating this allotment proposal.⁷

5. We find that the public interest would be served by allotting a sixth local service at Fort Walton Beach, Florida, which would advance Priority (4) of our FM Allotment Priorities.⁸ A staff engineering analysis indicates that Channel 295A at Fort Walton Beach can be allotted consistent with the minimum distance separation requirements of the Commission's rules without a site restriction. The reference coordinates are 30-24-40 NL and 86-37-28 WL.

6. **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, September 18, 2017, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Fort Walton Beach, Florida	295A

7. The window period for filing applications for 295A at Fort Walton Beach, Florida, will not be opened at this time. Instead, the issue of opening a filing window for this allotment will be addressed by the Commission in a subsequent order.

8. The Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

9. IT IS FURTHER ORDERED, that this proceeding IS TERMINATED.10. For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

⁶ See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, 26 FCC Rcd 2556, 2571-72, n.77 (2011), recon. granted in part, 27 FCC Rcd 12829 (2012). See also *Willows and Dunnigan, California*, 15 FCC Rcd 23852, 23856-57 (MMB 2000).

⁷ If FM translator W295AP is displaced, Media One is free to request to operate its FM translator station on a different channel, pursuant to Rule 74.1233. See 47 CFR § 74.1233.

⁸ The hierarchy of allotment priorities is: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Priorities 2 and 3 receive equal weight. *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, 90-93 (1982) ("FM Allotment Priorities").