

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

ORIGINAL
FILE

In the matter of)
)
 Amendment of Section 73.202(b))
 Table of Allotments)
 FM Broadcast Stations)
 (Tallassee and Tuskegee, Alabama))

MM Docket No.

RM-

RECEIVED

JUN 16 1992

To: Chief, Allocations Branch

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

Tiger Broadcasting Company, Inc. ("Tiger"), by its attorneys and pursuant to Section 1.420 of the Commission's Rules, hereby requests that the Commission amend the FM Table of Allotments, § 73.202(b) of its rules, to change the community of license of Channel 260A from Tuskegee, AL to Tallassee, AL, and to modify the license of Station WACQ-FM accordingly. In support thereof, the following is stated.

Tiger is the recent permittee of Station WACQ-FM at Tuskegee, Alabama and licensee of Station WACQ(AM) at Tallassee, Alabama. By this Petition, Tiger seeks to change the community of license of its FM station to Tallassee. The allotment will provide that community with its first local FM station and its first "full-time" local aural service of any kind.

Section 1.420(i) of the Commission's Rules permits a station to change its community of license where (1) the new allotment is mutually exclusive with the existing allotment; (2) the change will not deprive the original community of its sole existing broadcast station; and (3) the new allotment will better serve the Commission's allotment process. Amendment of the Commission's

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Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd. 4870 (1989) ("Community of License"), recon. granted in part, 5 FCC Rcd. 7094 (1990) ("Reconsideration Order"). Tiger's proposal satisfies all three requirements.

First, as the attached Technical Exhibit reflects, the proposed allotment of Channel 260A to Tallassee as its first FM allotment and first full-time local aural service is mutually exclusive with the current allotment of Channel 260A at Tuskegee.^{1/} Second, removal of Channel 260A from Tuskegee, will not deprive that community of its only aural origination service. In addition to Station WACQ(FM), full-time Station WBIL-FM and Station WBIL(AM) are currently licensed to Tuskegee. Both Stations WBIL-FM and WBIL(AM) have long-been serving the needs of Tuskegee and are currently operating. Furthermore, Tuskegee will still be served by numerous area stations, including WACQ-FM which will continue to provide service to Tuskegee and the area.

Finally, the new allocation will better serve the public interest and, accordingly, the Commission's allotment priorities. Tallassee is an incorporated community which is recognized by the 1990 U.S. Census as having a population of 5,112 people. This is a 7.3% increase over the 1980 U.S. Census statistics. Furthermore, according to a demographic trend report prepared for

^{1/} In fact, as the attached exhibit reflects, the city of license change will not require relocation of the WACQ-FM transmitting facilities. Petitioner does not contemplate moving the transmitter/antenna location from its present site.

the city of Tallassee, the population is projected to continue to rise.

Tallassee is a community governed by a Mayor and a seven member council. Tallassee has its own fire department, school system, hospital and other healthcare services, and provides its own water and sanitation facilities. To name but a few of its services and businesses, there are two banks, one savings and loan, twenty-three churches, extensive community athletic facilities, a local newspaper (The Tallassee Tribune) and an Industrial Park located in Tallassee. Despite the size of Tallassee and its growing population, there is currently no FM station licensed to Tallassee. Further, although two AM stations are licensed to Tallassee, both operate only during daytime hours.

Tuskegee, on the other hand, is a community already well-served by local aural service, which will remain well-served even if Channel 260A is reallocated. Additionally, unlike Tallassee, the population of Tuskegee, has been declining in population and the 1990 U.S. Census reports a 8.0% decrease in population since 1980.

A community of license change from a well-served community with a declining population to a growing community without full-time local aural service will result in a better overall arrangement of allotments. Such an allotment is consistent with the Commission's allotment policy which has long recognized the importance of providing a community such as Tallassee with its

first local FM service and its first local full-time aural service. Homerville, Lakeland and Statenville, GA, 69 R.R.2d 1726 (1991) (provision of first local FM service is preferred over upgrade of existing service); Palmetto Communications Company WDIX, 68 R.R.2d 1570 (1991) (307(b) statutory preference is awarded for the provision of first local nighttime service over allocation to community which already has such full service); Lenoir and Blowing Rock, North Carolina, 4 FCC Rcd. 2642, 2643 (1989) (provision of first local nighttime service is a worthwhile goal). Thus, the provision of a first FM and first full-time local service to Tallassee must take preference over the retention of the channel by a community with a decreasing population which is already well-served by local stations.

Furthermore, the reallocation of Channel 260A to Tallassee serves the goals of Section 307(b) of the Communications Act as required by the Reconsideration Order, 5 FCC Rcd. at 7095. Neither Tuskegee nor Tallassee are located in an urbanized area. Thus, a change in community of license is not requested for, and will not result in, a shift in service from a rural to an urbanized area.

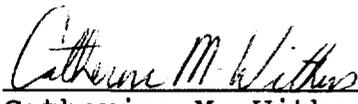
Upon reallocation of Channel 260A to Tallassee, Tiger will file any necessary modification application and, upon grant, operate on Channel 260A at Tallassee. Tiger does not contemplate changing its current transmitting facilities and, thus, it will be able to quickly begin operation at Tallassee upon FCC authorization.

WHEREFORE, for the foregoing reasons, Tiger respectfully requests that the Commission change the community of license of Channel 260A from Tuskegee to Tallassee, Alabama, and modify the facilities of Station WACQ-FM accordingly.

Respectfully submitted,

TIGER BROADCASTING COMPANY, INC.

By: 
M. Scott Johnson

By: 
Catherine M. Withers

Its Attorneys

GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20554
(202) 408-7100

June 16, 1992

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PROPOSED RULE MAKING
CHANGE OF CITY OF LICENSE
TIGER BROADCASTING, INC.
CHANNEL 260A
PRESENTLY: TUSKEGEE, ALABAMA
PROPOSED: TALLASSEE, ALABAMA

Technical Exhibit
TE-1

Bromo Communications, Inc.
P.O. Box M - 1331 Ocean Boulevard, Suite 201
St. Simons Island, Georgia 31522
(912) 638-5608

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PROPOSED RULE MAKING
CHANGE OF CITY OF LICENSE
TIGER BROADCASTING, INC.
CHANNEL 260A
PRESENTLY: TUSKEGEE, ALABAMA
PROPOSED: TALLASSEE, ALABAMA

This Technical Exhibit supports the proposal by Tiger Broadcasting, Inc., permittee of WACQ-FM Radio Station, Tuskegee, Alabama, to change the city of license to Tallassee, Alabama. This change will provide the community of Tallassee with its first full time aural service.

This city of license change will not require relocation of the WACQ-FM transmitting facility. WACQ-FM presently serves the city of Tallassee with 3.16 mV/m service (See Exhibit #1). The allocation of Channel 260A to Tallassee, Alabama, is mutually exclusive with Channel 260A in Tuskegee, Alabama (See Exhibit #2).

The city of Tuskegee, population 12,257 (1990 Census), will continue to be served by WBIL(AM), 580 kHz, 0.5 kW day, and WBIL-FM, 95.9 MHz (Channel 240A), both licensed to Tuskegee. Tuskegee is also served by numerous area stations (AM and FM) which, while not licensed to Tuskegee, provide 1.0 mV/m (FM) or 0.5 mV/m (AM) service to the entire area. WACQ-FM would also continue to provide Tuskegee with city grade service. Further, when comparing the 1980 census (13,327) to 1990 census (12,257) figures, Tuskegee shows an 8% population decline.

Tallassee is an incorporated city located in Elmore and Tallapoosa Counties in East Central Alabama with a population of 5,112 residents (1990 Census). Comparing the 1980 census (4,763) to the 1990 census (5,112) figures, Tallassee is growing in population at a rate of 7%. Tallassee has a fire department, provides city services and has a city government. Tallassee has an elected Mayor and City Council and is deserving of local full-time service.

It is noted that although Tallassee is presently served by two AM stations, both of these stations operate daytime only and do not provide licensed nighttime signals to the area. WACQ-FM is prepared to activate licensed full-time service to Tallassee upon grant of this proposal since no change to WACQ-FM's transmitting facility is required.

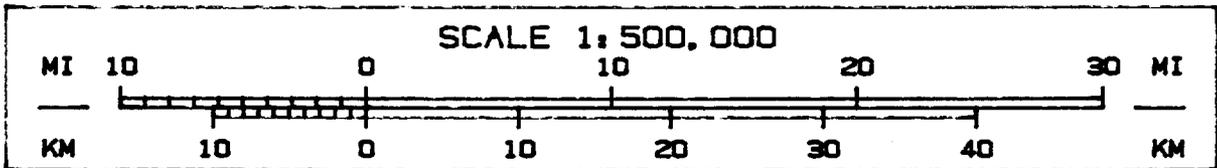
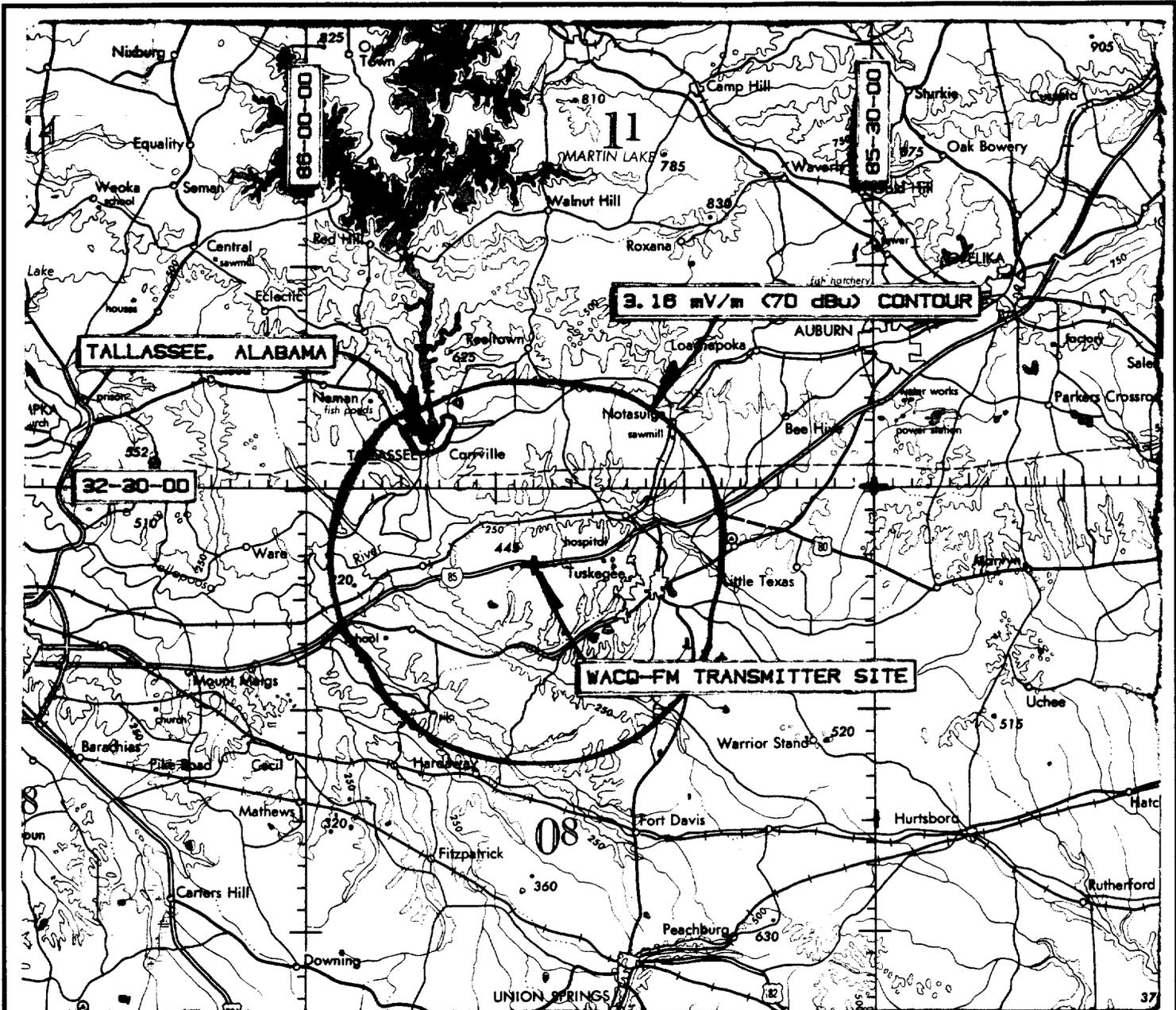
Tuskegee, Alabama

<u>PRESENT</u>	<u>PROPOSED</u>
240A	240A
260A	----
580 kHz (AM) (DAYTIME)	580 kHz (AM) (DAYTIME)

Tallassee, Alabama

<u>PRESENT</u>	<u>PROPOSED</u>
----	260A
1130 kHz (AM) (DAYTIME)	1130 kHz (AM) (DAYTIME)
1300 kHz (AM) (DAYTIME)	1300 kHz (AM) (DAYTIME)

We have tried to be as accurate as possible in the preparation of this report. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.



CITY GRADE SERVICE MAP

MAP IS A PORTION OF THE 500,000 SCALE SECTIONAL AERONAUTICAL CHART 'ATLANTA'

THE CITY OF TALLASSEE IS CLEARLY FULLY SERVED BY THE WACQ-FM CITY GRADE CONTOUR.

WACQ-FM TRANSMITTER COORDINATES:
 NORTH LATITUDE 32-26-30
 WEST LONGITUDE 85-47-45

EXHIBIT #1

TIGER BROADCASTING, INC.
 WACQ-FM RADIO STATION
 CHANNEL 260A - 99.9 MHZ
 PRESENT: TUSKEGEE, AL
 PROPOSED: TALLASSEE, AL
 MAY 1992

BROMO BROADCAST TECHNICAL CONSULTANTS
COMMUNICATIONS
 St Simons Island, Georgia Washington, D.C.

PROPOSED RULE MAKING - CHANGE OF CITY OF LICENSE
WACQ-FM RADIO STATION FROM TUSKEGEE TO TALLASSEE, ALABAMA

REFERENCE	CLASS A	DISPLAY DATES
32 26 30 N	Current rules spacings	DATA 03-26-92
85 47 45 W	CHANNEL 260 - 99.9 MHz	SEARCH 05-20-92

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WACQFM	260A	Tuskegee	AL	0.0	0.00	115.0	-115.00 *
WGSY	261A	Phenix City	AL	84.0	74.15	72.0	2.15 <
WOOFFM	259C1	Dothan	AL	159.9	140.44	133.0	7.44
WDXX	261C2	Selma	AL	269.6	114.29	106.0	8.29
WLBF	206C1	Montgomery	AL	263.6	37.99	22.0	15.99
WYAZ.A	257C2	Lumpkin	GA	114.4	72.18	55.0	17.18
WYAZ.C	257C2	Lumpkin	GA	115.6	72.96	55.0	17.96
WAPW	259C	Atlanta	GA	41.4	198.39	165.0	33.39
WHMAFM	263C	Anniston	AL	356.2	131.78	95.0	36.78
DE263	263C	Anniston	AL	359.2	137.44	95.0	42.44
WKRGM	260C	Mobile	AL	224.8	274.00	226.0	48.00
AD261	261C3	Anniston	AL	359.2	137.44	89.0	48.44

ALLOCATION CLEARANCE

NO CHANGE OF TRANSMITTING SITE IS PROPOSED

EXHIBIT #2

TIGER BROADCASTING, INC.
WACQ-FM RADIO STATION
CHANNEL 260A - 99.9 MHZ
PRESENT: TUSKEGEE, AL
PROPOSED: TALLASSEE, AL
MAY 1992

BROMO BROADCAST
COMMUNICATIONS TECHNICAL CONSULTANTS
St Simons Island, Georgia Washington, D.C.

Predicted Signal Contours:

32 26 30 - WACQ-FM
85 47 45 -

Radial	HAAT	kW	FM - 2-6 dBk	Tables Field	70 dBu.5
0 Degr.	129.6M	2.950	4.698	1.000	15.3
15 Degr.	132.7M	2.950	4.698	1.000	15.5
30 Degr.	142.0M	2.950	4.698	1.000	16.1
45 Degr.	143.9M	2.950	4.698	1.000	16.2
60 Degr.	144.2M	2.950	4.698	1.000	16.3
75 Degr.	139.4M	2.950	4.698	1.000	15.9
90 Degr.	129.5M	2.950	4.698	1.000	15.3
105 Degr.	124.7M	2.950	4.698	1.000	15.0
120 Degr.	139.3M	2.950	4.698	1.000	15.9
135 Degr.	144.1M	2.950	4.698	1.000	16.3
150 Degr.	149.7M	2.950	4.698	1.000	16.6
165 Degr.	150.0M	2.950	4.698	1.000	16.7
180 Degr.	147.9M	2.950	4.698	1.000	16.5
195 Degr.	148.1M	2.950	4.698	1.000	16.5
210 Degr.	149.7M	2.950	4.698	1.000	16.6
225 Degr.	146.5M	2.950	4.698	1.000	16.4
240 Degr.	137.7M	2.950	4.698	1.000	15.8
255 Degr.	146.9M	2.950	4.698	1.000	16.4
270 Degr.	149.4M	2.950	4.698	1.000	16.6
285 Degr.	148.3M	2.950	4.698	1.000	16.5
300 Degr.	147.0M	2.950	4.698	1.000	16.5
315 Degr.	151.7M	2.950	4.698	1.000	16.8
330 Degr.	135.5M	2.950	4.698	1.000	15.7
345 Degr.	133.5M	2.950	4.698	1.000	15.5

Ave. HAAT= 142.1M, Ant. COR= 228.0M AMSL

TABULATION OF 70 dBu CONTOUR

70 dBu CONTOUR TABULATED USING THE FACILITY PROPOSED IN THE MODIFICATION OF BPH-880210MN, OCTOBER 1991

NOTE: 24 EVENLY SPACED RADIALS USED IN DETERMINING THE HAAT AND CONTOUR.

EXHIBIT #3

TIGER BROADCASTING, INC.
WACQ-FM RADIO STATION
CHANNEL 260A - 99.9 MHZ
PRESENT: TUSKEGEE, AL
PROPOSED: TALLASSEE, AL
MAY 1992

BROMO BROADCAST TECHNICAL CONSULTANTS
COMMUNICATIONS
St Simons Island, Georgia Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

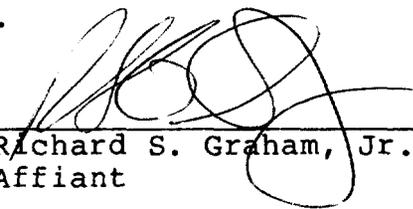
State of Georgia)
St. Simons Island) ss:
County of Glynn)

RICHARD S. GRAHAM, JR. being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Tiger Broadcasting, Inc., licensee of WACQ-FM, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in broadcast engineering since 1972.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 21st day of May, 1992.


Richard S. Graham, Jr.
Affiant

Sworn to and subscribed before
me this the 21st day of
May, 1992.


Notary Public, State of Georgia
My Commission Expires: August 21, 1995

