

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

MM Docket No. 92-32

In the Matter of  
Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Blacksburg and Roanoke, Virginia  
and Lewisburg, West Virginia)

RM-7907

**REPORT AND ORDER  
(Proceeding Terminated)**

Adopted: July 24, 1992;

Released: August 25, 1992

By the Chief, Allocations Branch:

1. At the request of Blacksburg-Christiansburg Company ("petitioner"), licensee of Station WVVV-FM, Channel 285A, Blacksburg, Virginia, and Susan D. Brown ("Brown"), permittee of Channel 287A at Roanoke, Virginia, the Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause*, 7 FCC Rcd 1741 (1992), proposing the substitution of Channel 287C3 for Channel 285A at Blacksburg and the modification of Station WVVV-FM's license to specify operation on the higher powered channel, and the substitution of Channel 285C3 for Channel 287A at Roanoke and the modification of Brown's construction permit for Station WLUB, Roanoke, accordingly. In order to accommodate the proposed upgrades at Blacksburg and Roanoke, an *Order to Show Cause* was issued to Seneca Broadcasting, Inc. ("Seneca"), licensee of Station WKCJ-FM, Lewisburg, West Virginia, proposing the substitution of Channel 275A for Channel 288A and the modification of Station WKCJ-FM's license to specify operation on the alternate Class A frequency. Petitioner filed comments supporting the channel substitution and modification of its authorization. Comments were

filed by Brown and Seneca.<sup>1</sup> DJ Broadcasting, Inc., licensee of WKDE-FM, Channel 288A, Altavista, Virginia, filed supporting comments. Brown filed reply comments.

2. In response to the *Order to Show Cause*, Seneca states it would prefer not to have its channel changed since this would cause listener confusion and will result in a degradation of its service to the public. However, Seneca acknowledges that petitioner's proposal to upgrade would result in increased service to the public in certain areas. Seneca suggests the substitution of Channel 276A in lieu of Channel 275A. Seneca contends the substitution of Channel 276A would provide its station with more flexibility regarding technical changes it hopes to implement in the future.

3. We believe the public interest would be served by substituting Channel 287C3 for Channel 285A at Blacksburg; Channel 285C3 for Channel 287A at Roanoke, and Channel 276A for Channel 288A at Lewisburg. This action will provide expanded services for Blacksburg and Roanoke. Channel 287C3 and Channel 285C3 can be allotted to Blacksburg and Roanoke, respectively, in compliance with the Commission's minimum distance separation requirements. Channel 287C3 can be allotted to Blacksburg with a site restriction of 6.2 kilometers (3.9 miles) northwest to accommodate petitioner's desired site.<sup>2</sup> Channel 285C3 at Roanoke will require a site restriction of 8.4 kilometers (5.2 miles) northeast to avoid a short-spacing to Station WDCG-FM, Channel 286C, Durham, North Carolina.<sup>3</sup> As noted above, the upgrades at the Blacksburg and Roanoke stations require the substitution of a Class A channel at Lewisburg, West Virginia.<sup>4</sup> While petitioner requested the substitution of Channel 275A for Channel 288A at Lewisburg, we will instead allot Channel 276A to Lewisburg, as requested by Seneca. Channel 276A can be allotted to Lewisburg and can be used at the transmitter site specified in Station WKCJ-FM's license.<sup>5</sup> As proposed, we will also modify Station WVVV-FM's license and the construction permit of Susan D. Brown for Station WLUB at Roanoke to specify operation on Channel 287C3 and Channel 285C3, respectively, in accordance with Section 1.420(g) of the Commission's Rules.

4. 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 8, 1992**, the FM Table

<sup>1</sup> Brown reiterates her intention to apply for Channel 285C3, if allotted to Roanoke. Brown also contends that she should be reimbursed for expenses to be incurred as a result of her acceptance of petitioner proposal. Brown requests that the Commission "specify compensation to Brown for any reasonable and prudent expenses incurred in her change of channel". We reject Brown's claim that she is entitled to reimbursement for her proposed upgrade at Roanoke. The reimbursement of a licensee or permittee by a party benefitting from a change in channel is available where the licensee changes to a channel of equal class in order to effectuate improved or new service elsewhere. Furthermore, Brown has requested the upgrade, as is evident in her comments filed prior to the issuance of this *Notice*. In those comments she urges the relief sought by petitioner, "particularly that involving the proposed channel change at Roanoke". Furthermore, Brown states "conclusions advanced by [petitioner] ....., are adopted by Brown and it is respectfully requested

that they be incorporated by reference in this, Brown's petition".

<sup>2</sup> The coordinates for Channel 287C3 at Blacksburg, Virginia, are North Latitude 37-16-14 and West Longitude 80-27-39.

<sup>3</sup> The coordinates for Channel 285C3 at Roanoke, Virginia, are North Latitude 37-20-33 and West Longitude 79-53-50.

<sup>4</sup> Petitioner has reiterated its intention to reimburse Seneca for the reasonable costs associated with Station WKCJ-FM's channel change.

<sup>5</sup> The coordinates for Channel 276A at Lewisburg, West Virginia, are North Latitude 37-48-17 and West Longitude 80-21-03. Since Lewisburg is located within the protected areas of the National Radio Astronomy Observatory "Quiet Zone" at Green Bank, West Virginia, the licensee of Station WKCJ-FM will be required to comply with the notification requirement of Section 73.1030(a) of the Commission's Rules.

of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Blacksburg, Virginia	287C3
Roanoke, Virginia	222C, 235C, 256C, 285C3
Lewisburg, West Virginia	276A

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of BlacksburgChristiansburg Company for Station WVVV-FM, Blacksburg, Virginia, IS MODIFIED to specify operation on Channel 287C3, in lieu of Channel 285A, 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.

6. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the construction permit of Susan D. Brown for Station WULB, Roanoke, Virginia, IS MODIFIED to specify operation on Channel 285C3, in lieu of Channel 287A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee 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. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Seneca Broadcasting, Inc. for Station WKCJ-FM, Lewisburg, West Virginia, IS MODIFIED to specify operation on Channel 276A in lieu of Channel 288A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station WKCJ-FM's license, BLH-910204KD, 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-910204KD, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

8. 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 proceeding, Blacksburg-Christiansburg Company, licensee of Station WVVV-FM and Susan D. Brown, permittee of Station WULB, station in Roanoke, Virginia, are 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.

9. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the licensee of Station WKCJ-FM, as follows: Seneca Broadcasting Inc., P.O. Box 610, Sulphur Springs, West Virginia 24986.

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

11. For further information concerning this proceeding, contact Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

#### FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau