

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

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SEP - 7 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Petition of)
METROCITIES COMMUNICATIONS, INC.,)
WWSF-FM, Andalusia, Alabama)
)
For Amendment of §73.202(b),)
FM Table of Allotments, to)
Delete Channel 251C1 from)
Andalusia, Alabama and to Add)
Channel 251C1 at Wright,)
Florida)

RM- _____

MM Docket No. _____

To: The Chief, Allocations Branch

PETITION FOR RECONSIDERATION
AND REINSTATEMENT

On July 22, 1993, MetroCities Communications, Inc. ("MetroCities") submitted a Petition for Rulemaking to amend the FM Table of Allotments to change the community of license of FM Channel 251C1 from Andalusia, Alabama to Wright, Florida and to modify the license of MetroCities' WWSF-FM, which operates on that channel. By letter dated August 5, 1993 (Ref. 1800D5) from the Chief of the Allocations Branch, however, the Commission advised MetroCities that its Petition is "unacceptable for consideration at this time." Observing that Wright, Florida is located within the Fort Walton Beach, Florida Urbanized Area, the Commission stated -- without further specific analysis -- that MetroCities' proposal did not include adequate information to enable the Commission "to determine for comparative purposes whether Wright is deserving of a first local service preference."

MetroCities respectfully submits that the Commission erred in refusing to consider the reallocation proposal. As shown in MetroCities' July 22, 1993 Petition and as further set forth below, Wright is a substantial community (1990 population 18,945) which has experienced rapid growth in recent years. It compares very favorably in size with nearby Ft. Walton Beach (1990 population 21,471), and is growing at a much faster rate. Wright has an independent business and employment base and numerous local facilities and services, but currently has no licensed broadcast station. Notwithstanding Wright's inclusion in an "urbanized area," MetroCities' proposal therefore is entitled, under applicable Commission precedent, to a preference under the FM Allotment criteria for provision of a first local transmission service. Accordingly, MetroCities urges the Commission to reconsider its letter action of August 5, 1993, reinstate the July 22, 1993 Petition for Rulemaking,¹ and promptly initiate proceedings to change the community of license of Channel 251C1 and modify the WWSF-FM station license to specify service to Wright, Florida.

In Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd. 7094, 7097 and n.14 (1990), referred to in the August 5 Allocations Branch

¹ A copy of the MetroCities' Petition, stamped "received" by the Commission on July 22, 1993, is attached hereto. The original copy of the Petition was not returned to MetroCities and presumably remains in the Commission's files.

letter, the Commission addressed the appropriate treatment of FM or TV allotment proposals involving "suburban communities" located in "urbanized areas" and receiving "numerous signals from the adjacent metropolis." The Commission stated that if the facts show that "a suburban station could provide service to the metropolis, and if the suburban community is relatively small, is within the Urbanized Area, and exhibits a high degree of interdependence with the metropolis, we are generally disinclined to grant a first local service preference to the suburban community proposal."² Those considerations do not obtain here, however, and MetroCities' proposal is entitled to consideration on its merits.

First, it should be noted that the Commission's discussion of such "suburban community" proposals came in the context of its consideration of the policies that would be applied to proposals to remove the only existing broadcast service from the old community of license. In the instant case, Andalusia, Alabama will not be deprived of its only service, but will retain three other local transmission outlets. See Appendix A, p. 2. More importantly, the Commission certainly did not suggest that mere inclusion of a community within a designated urbanized area, without more,

² The Commission stated (7 FCC Rcd. at 7097) that proposals to award a first local service preference to such a suburban community within an urbanized area would be evaluated under the criteria enumerated in RKO General, Inc., 5 FCC Rcd. 3222 (1990) and Faye and Richard Tuck, 3 FCC Rcd. 5374 (1988).

would presumptively disqualify the proposal from receiving a first local service preference. Rather, the Commission's clearly expressed concern was with respect to proposals specifying suburban communities that were already well-served by stations licensed to a nearby "metropolis."

While the Commission is correct in observing that Wright, Florida is part of the Fort Walton Beach Urbanized Area, MetroCities respectfully submits that Wright is not merely a suburban appendage of a dominant nearby central city, but an independent community fully capable of supporting a local broadcast outlet. As shown in MetroCities' July 22, 1993 Petition, Wright is a Census Designated Place in Okaloosa County which had a 1990 population of 18,945 persons, representing a 45 percent increase (from 13,011 persons) since 1980. By comparison, Fort Walton Beach had a 1990 population of 21,471, only 2,526 more than that of Wright. Moreover, Fort Walton Beach grew far more slowly than Wright between 1980 and 1990 -- from 20,829 to 21,471, or by only 3 percent. Based on these figures, Fort Walton Beach cannot be viewed as a "metropolis" dominating the surrounding urbanized area. Similarly, Wright is not an overshadowed extension or appendage of Fort Walton Beach, but a "sister city" nearly equal in size.³ Indeed, if

³ By contrast, the Tuck decision involved several communities within the Dallas/Ft. Worth metropolitan area (the nation's eighth largest market), and the RKO decision involved stations licensed to communities near San Francisco
(continued...)

recent growth patterns continue, Wright will soon be the larger of the two communities. Accordingly, the policies cited by the Commission in its letter of August 5 as the basis for rejecting MetroCities' proposal are, in fact, inapposite.

Even if MetroCities' proposal is evaluated under the "RKO/Tuck analysis" outlined briefly in the Commission's August 5 letter, Wright, Florida should not be denied consideration as a licensable community worthy of a first local service preference. For example, figures supplied by the Economic Development Council of Okaloosa County indicate that Wright has a population density of 3,444.5 persons per square mile -- greater than that of the city of Fort Walton Beach (2,941.2 persons per square mile). Wright has a labor force of 14,595, per capita income of \$12,238 (compared to \$13,147 for Fort Walton Beach), and an economic impact of over \$178,613,610 annually on the Okaloosa County area. Adjusted for continued population growth since 1990, Wright's annual economic impact is now estimated at \$231,848,910.

The local telephone company, Centel, recognizes Wright as a separate service area, with three exchanges (862,863,

³(...continued)
(in the fifth-ranked San Francisco/Oakland/San Jose MSA). Huntington Broadcasting Co. v. FCC, 192 F.2d 33 (D.C. Cir. 1951), similarly related to communities in a major metropolitan area (Los Angeles). Finally, New South Broadcasting Corp. v. FCC, 879 F.2d 867 (D.C. Cir. 1989), involved the "quiet village" of Fairforest, South Carolina, which was found to be "dwarfed" by nearby Spartansburg (1980 population 43,968). See 879 F.2d at 869.

and 864) that are exclusive to Wright. Wright and Ocean City, a smaller Census Designated Place near Wright, are assigned zip code 32547, while virtually all of Ft. Walton Beach is assigned zip code 32548. As stated in MetroCities' original petition, Wright has its own school and fire-fighting unit, at least ten shopping centers, and several health care facilities, including Humana Hospital.⁴

The Okaloosa County Water and Sewer Department is headquartered in Wright, with a new multi-million dollar complex completed earlier this year. The American Red Cross, YMCA, the University of West Florida, and Okaloosa-Walton Community College also maintain offices or facilities in Wright. Wright is also home to over forty manufacturing businesses, as identified in the listing attached as Appendix B, which provide employment to many local residents. Law enforcement services are provided by the Okaloosa County Sheriff's Department. (By contrast, the nearby city of Fort Walton Beach has its own police department.) While Wright is not served by a local newspaper, its organizations, businesses, and activities receive coverage in the Northwest Florida Daily News, a regional daily published in Fort Walton Beach, and are frequently identified in news stories and

⁴ With approximately 700 employees, Humana Hospital is one of the area's largest employers. White-Wilson Medical Center, Harbour Oaks Hospital, and Westwood Retirement Community, which are also located in Wright, have a combined employment of 671 people.

advertisements by specific reference to their home community of Wright.

In short, while Wright is not a large city, it is a substantial community that compares very favorably in size with its neighbor, Fort Walton Beach. Wright is not a mere "bedroom" suburb, but has its own independent business/employment base, public services, commercial establishments, health care facilities, and many other recognized indicia of community status, as identified by the Commission in its prior decisions. Although Wright is part of a (small) urbanized area, it plainly does not fit the description of a suburban community overshadowed by a nearby metropolis that formed the basis for the Commission's expressions of concern in Tuck, RKO, and the 1990 rulemaking decision on changes in community of license.

Accordingly, MetroCities respectfully submits that the Commission should reconsider its August 5, 1993 letter ruling, reinstate MetroCities' Petition for Rulemaking, and issue a notice of proposed rulemaking looking toward reallocation of Channel 251C1 from Andalusia, Alabama to

Wright, Florida and modification of the WWSF-FM license to specify the new community of license.

Respectfully submitted,

METROCITIES COMMUNICATIONS, INC.

By:


John C. Quale
James R. Bayes
of

Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006
202-429-7000

Its Attorneys

September 7, 1993

DUPLICATE

APPENDIX A

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION JUL 22 1993
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Petition of)
METROCITIES COMMUNICATIONS, INC.)
WWSF-FM, Andalusia, Alabama)
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For Amendment of § 73.202(b),)
FM Table of Allotments,)
to Delete Channel 251C1 from)
Andalusia, Alabama and to Add)
Channel 251C1 at Wright,)
Florida)

RM - _____

MM Docket No. _____

To: The Chief, Allocations Branch

PETITION FOR RULEMAKING

MetroCities Communications, Inc. ("MetroCities"), licensee of FM station WWSF-FM, Andalusia, Alabama, by its attorneys and pursuant to Section 1.401 of the Commission's rules, hereby petitions for rulemaking to amend the FM Table of Allotments (Section 73.202(b) of the Commission's Rules) to change the community of license of FM Channel 251C1 from Andalusia, Alabama to Wright, Florida, and to modify the WWSF-FM station license accordingly.

This petition is submitted pursuant to Section 1.420(i) of the Commission's Rules and the Report and Order on Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd. 4870 (1989), clarified, 5 FCC Rcd. 7094 (1990), which allow a licensee to seek amendment of the Table of Allotments to specify a new community of license for an FM or television station without placing its existing authorization at risk. Under this

procedure, a change in community of license will be approved if the new allotment is mutually exclusive with the existing allotment, if the allotment change would not deprive the community of its sole broadcasting station, and if the allotment to the new community would further the Commission's FM allotment priorities.¹ 4 FCC Rcd. at 4873-74. Here, the proposed community of license change meets the Commission's criteria.

As shown in the accompanying Engineering Statement by Clarence M. Beverage, the proposed change to Wright, Florida is mutually exclusive with WWSF-FM's existing allotment and currently authorized facilities. Moreover, Andalusia is the community of license of WAAO(FM), Channel 279A (104.7 MHz), WTCG(AM), 1400 kHz, and WWSF(AM) (920 kHz);² therefore, Andalusia will not be deprived of its only FM or other aural service by the relocation. Wright, on the other hand, has no licensed broadcast station. Thus, the proposed amendment would serve the Commission's FM allotment priorities by providing a first local transmission service to Wright, and would leave Andalusia well served by other local transmission services.

¹ The FM allotment priorities are (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982).

² WWSF(AM), also licensed to MetroCities, is currently silent during nighttime hours, pursuant to special temporary authorization by the Commission.

Wright, a Census Designated Place located in Okaloosa County, Florida, is an independent community whose substantial population and significant civic life warrant a local service. The 1990 Census records the population of Wright as 18,945 persons and the population of Okaloosa County as 143,776. Both Wright and Okaloosa County have experienced significant growth in recent years: Wright grew by forty-five percent from 1980 to 1990, while Okaloosa County experienced a thirty-one percent increase during the same period.³ Andalusia, in contrast, lost eleven percent of its population during the same period, and has a current population of only 9,269.⁴ Covington County, where Andalusia is located, also declined in population (from 36,850 in 1980 to 36,478 in 1990) between the last two Censuses.

MetroCities believes that the fast-growing Wright community is better able to support WWSF-FM than the much smaller Andalusia community. Wright is the site of the Ocean City-Wright Fire Control District fire-fighting unit and the Wright Elementary School. Wright contains at least ten shopping centers and over forty manufacturing businesses. Wright is also home to several medical care facilities, including Humana Hospital, one of the area's largest employers. Also based in Wright are White-Wilson Medical

³ The 1980 Census figures for Wright and Okaloosa County were 13,011 and 109,920, respectively.

⁴ Andalusia's 1980 Census population was 10,415.

Center, Harbour Oaks Hospital, Westwood Retirement Community, and over twenty professional office buildings housing multiple professional/doctors' offices.

As detailed more fully in the attached Engineering Statement, the proposed change in WWSF-FM's community of license complies with the Commission's technical provisions, including all pertinent distance separation requirements. MetroCities respectfully submits that the proposed change, by providing the growing Wright community with its first local transmission service, would serve the Commission's allotment priorities better than the current Andalusia allotment. Accordingly, MetroCities respectfully requests that Section 73.202(b) of the Commission's Rules be amended in the following manner:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Andalusia, Alabama	251C1, 279A	279A
Wright, Florida	--	251C1

MetroCities further requests that the license of WWSF-FM be modified to specify operation on Channel 251C1 at Wright, Florida. Upon receipt of appropriate Commission authorization, MetroCities will promptly undertake the

necessary modification of the station's facilities to provide service to its new community of license.

Respectfully submitted,

METROCITIES COMMUNICATIONS, INC.

By: 

John C. Quale
James R. Bayes

of

WILEY, REIN & FIELDING
1776 K Street, NW
Washington, D.C. 20006
(202) 429-7000

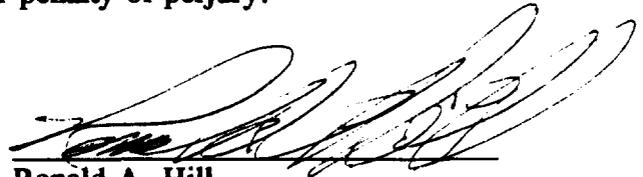
Its Attorneys

July 22, 1993

STATEMENT OF RONALD A. HILL

I am General Manager of FM station WWSF-FM, Andalusia, Alabama, which is licensed to MetroCities Communications, Inc. I assisted in the preparation of a Petition for Rulemaking to change the community of license of WWSF-FM to Wright, Florida. The facts set forth in the Petition concerning the local services and business base in the Wright community were provided by me, based upon information obtained from the Okaloosa County Sheriff's Department, the Economic Development Council of Okaloosa County, the Ocean City-Wright Fire Control District, the United State Postal Service, and the Greater Ft. Walton Chamber of Commerce, and are true and correct to the best of my knowledge and belief.

The foregoing statement is submitted under penalty of perjury.

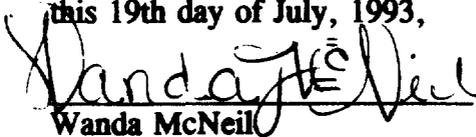


Ronald A. Hill

Date: July 19, 1993

SUBSCRIBED AND SWORN TO before me

this 19th day of July, 1993,



NOTARY PUBLIC

Wanda McNeil
Notary Public of Florida

My commission expires 1/28/94.

**ENGINEERING STATEMENT REGARDING
PETITION FOR RULEMAKING
AMENDMENT TO SECTION 73.202(b) OF THE FCC RULES
TO DELETE CHANNEL 251C1
AT ANDALUSIA, ALABAMA
AND ADD
CHANNEL 251C1 AT
WRIGHT, FLORIDA**

JULY 1993

**ENGINEERING STATEMENT REGARDING
PETITION FOR RULEMAKING
AMENDMENT TO SECTION 73.202(b) OF THE FCC RULES
TO DELETE CHANNEL 251C1
AT ANDALUSIA, ALABAMA
AND ADD
CHANNEL 251C1 AT
WRIGHT, FLORIDA**

JULY 1993

SUMMARY

This Engineering Statement has been prepared on behalf of **MetroCities Communications, Inc.** (**MetroCities**), licensee of FM station WWSF-FM in Andalusia, Alabama, in support of a Petition for Rulemaking to amend *Section 73.202(b)* of the Rules and Regulations, to delete Channel 251C1 at Andalusia, Alabama and add Channel 251C1 at Wright, Florida. The proposal would not be in conflict with existing operations, with regard to the required minimum distance separations found in *Section 73.207* of the FCC Rules.

POPULATION DATA

Andalusia is located in Covington County, Alabama. The 1990 U.S. Census population for Andalusia is 9,269 persons. The 1990 U.S. Census population for Covington County is 36,478 persons. The 1980 Census shows Andalusia with a total population of 10,415 persons and Covington County with a population of 36,850 persons.

Wright is a Census Designated place located in Okaloosa County, Florida. The 1990 U.S. Census population for Wright is 18,945 persons. The 1990 U.S. Census population for Okaloosa County is 143,776 persons. The 1980 Census shows Wright with a total population of 13,011 persons and Okaloosa County with a population of 109,920 persons.

Based on the population statistics enumerated above, the community of Andalusia has experienced an eleven percent drop in population between the 1980 and 1990 Census, whereas Wright has experienced a forty-five percent increase. In a similar fashion, Covington County has experienced a one percent drop in population while Okaloosa County has experienced a thirty-one percent increase in population.

AURAL SERVICES

The community of Andalusia has four authorized aural services:

WKYD(AM) 920 kHz	5 kW ND-D, 0.5 kW DA-N
WTXQ(AM) 1400 kHz	1 kW ND-U
WWSF(FM) Ch 251C1	89 kW @ 312 m HAAT
WAAO(FM) Ch 279A	3 kW @ 100 m HAAT

The community of Wright has no aural services.

SECTION 73.207

An allocation study has been conducted for the proposed Channel 251C1 allocation at Wright, Florida to determine compliance with *Section 73.207* of the Rules. The proposed allocation meets all *Section 73.207* distance separation requirements from the proposed reference coordinates specified herein.

North Latitude:	30° 24' 51"
West Longitude:	86° 37' 40"

Table I, attached, is a printout of the allocation study based on these coordinates. The proposed reference coordinates are located 3.7 kilometers from the U.S. Atlas reference coordinates for Wright at a bearing of 175 degrees True.

=

CONCLUSION

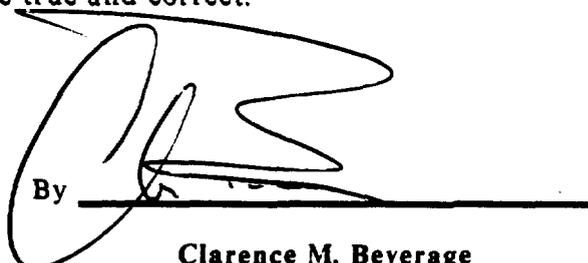
MetroCities proposes an amendment to the Table of Allotments which will bring a first transmission service to Wright, Florida, a community which has experienced a significant growth in population between the 1980 and 1990 U.S. Census.

The allocation meets all *Section 73.207* standards for Channel 251C1 operation and will provide 70 dBu service to Wright, Florida.

In summary, the following changes are proposed to the Table of Allotments:

<u>PRESENT</u>	<u>PROPOSED</u>	<u>COMMUNITIES</u>
251C1, 279A	279A	Andalusia, Alabama
--	251C1	Wright, Florida

The foregoing was prepared on behalf of **MetroCities Communications, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By 
Clarence M. Beverage
for *Communications Technologies, Inc.*
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me

this 8th day of July, 1993,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT 15, 1997

TABLE 1
 ALLOCATION STUDY - CHANNEL 251C1
 WRIGHT, FLORIDA

JULY 1993

Search of Channel 251C1 (98.1 MHz), at N. 30 24 51, W. 86 37 40.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Mobile	AL	248	C	U	119.3	105.0	284.8°	14.3
WABBFM	Mobile	AL	248	C	L	119.3	105.0	284.8°	14.3
WTBB	Bonifay	FL	249	C1	C	109.8	82.0	84.4°	27.8
ALC	Bonifay	FL	249	C1	U	101.6	82.0	71.9°	19.6
WTBB	Bonifay	FL	249	A	L	101.6	75.0	71.9°	26.6
ALC	Andalusia	AL	251	C1	U	64.1	245.0	352.2°	-180.9
WWSF-F	Fort Walton Beach	FL	251	D	C	4.3	0.0	40.6°	4.3
WWSFFM	Andalusia	AL	251	C1	L	64.1	245.0	352.2°	-180.9
ALC	Chickasaw	AL	252	C2	U	167.9	158.0	276.5°	9.9
WDLT	Chickasaw	AL	252	A	L	148.8	133.0	283.9°	15.8
WDLT	Chickasaw	AL	252	C2	C	158.4	158.0	276.9°	0.4
ALC	Panama City	FL	253	C	U	109.8	105.0	84.4°	4.8
WFSY	Panama City	FL	253	C	L	109.8	105.0	84.4°	4.8
ALC	Pensacola	FL	254	C2	V	80.6	79.0	270.2°	1.6
NEW	Pensacola	FL	254	C2	A	81.1	79.0	284.0°	2.1
NEW	Pensacola	FL	254	C2	A	83.6	79.0	277.4°	4.6
NEW	Pensacola	FL	254	C2	A	83.7	79.0	268.8°	4.7
NEW	Pensacola	FL	254	C2	A	81.3	79.0	267.6°	2.3
NEW	Pensacola	FL	254	C2	A	81.1	79.0	267.2°	2.1

WRIGHT AREA INDUSTRY AND NUMBER OF EMPLOYEES

Amcorp Corporation	1
B & B Well Drilling	2
Busby Electric, Heating & Air Conditioning	64
Classic Cabinets	33
Coastal Insulation	35
Compucover, Inc.	22
Computer Science Corporation	14
Datatec, Inc.	5
Diamond Drill Anchoring Systems, Inc.	15
Dynetics, Inc.	23
Florida Mining & Materials Corporation	18
Florida Industrial Machinery, Inc.	140
General Electric Company	5
Georgia Institute of Technology	4
Gulf Coast Paper Company	21
Herco Sheet Metal, Inc.	7
ITT	4
Ivanco, Inc.	20
Metric Systems Corporation	219
Microwave Modules and Devices	1
Northwest Florida Daily News	145
Panhandle Cabinet Works, Inc.	5
Precision Metal Finishers, Inc.	5
Richard Oates Marketing	2
Science Applications International Corp.	11
TASC (The Analytic Sciences Corp.)	79
Watkins/Johnson Company	3
Westwork Associates	1
WNG Associates	7
Wright Ice Company	3
Wright Electrical Contractors	21

STATEMENT OF RONALD A. HILL

I am General Manager of station WWSF-FM, Andalusia, Alabama, which is licensed to MetroCities Communications, Inc. I assisted in the preparation of a Petition for Reconsideration to change the community of license of WWSF-FM to Wright, Florida. The facts set forth in the Petition concerning the local services and business base in the Wright community were provided by me, based upon information obtained from the Okaloosa County Sheriff's Department, the Economic Development Council of Okaloosa County, the Ocean City-Wright Fire Control District, The United States Postal Service, the Greater Ft. Walton Chamber of Commerce, and the Northwest Florida Daily News, and are true and correct to the best of my knowledge and belief.

The foregoing is submitted under penalty of perjury.


Ronald A. Hill

Date: September 2, 1993

SUBSCRIBED AND SWORN TO before me

this 2nd day of September, 1993,

 NOTARY PUBLIC
Wanda McNeil

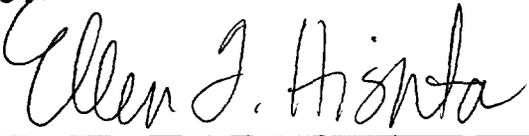
Notary Public of Florida

My commission expires January 28, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of September, 1993, I caused copies of the foregoing "Petition for Reconsideration and Reinstatement" to be hand delivered to the following:

Michael C. Ruger
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW
Room 8318
Washington, D. C. 20554



Ellen T. Hishta