

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

RECEIVED

NOV 06 1995

FCC MAIL ROOM

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 94-78
Table of Allotments,) RM-8472
FM Broadcast Stations.) RM-8718
(Cloverdale, Alabama))
)

TO: Chief, Allocations Branch

DOCKET FILE COPY ORIGINAL

COMMENTS OF WILLIAM P. ROGERS

William P. Rogers ("Rogers"), by his attorney, hereby respectfully submits the following Comments in the above-referenced proceeding:

1. This proceeding commenced with a Notice of Proposed Rule Making, 9 FCC Rcd 3311 (1994), which proposed to allot Channel 254A to Cloverdale, Alabama. The Commission questioned whether Cloverdale qualified as a community for allocation purposes, and the original petitioner, Pulaski Broadcasting, Inc., counterproposed, suggesting that the channel be allotted to St. Florian, Alabama.

2. A joint counterproposal was filed by North Jefferson Broadcasting Company, Inc., the licensee of WLBI(FM), Warrior, Alabama (in the Birmingham market), and Deep South Broadcasting Company, Inc., the licensee of WBAM(FM), Montgomery, Alabama. The

No. of Copies rec'd 025
List ABCDE

joint counterproposal proposed to simultaneously upgrade Station WLBI(FM) from Class C3 to Class C1 operation on Channel 254 at Warrior, and downgrade WBAM(FM) on Channel 255 at Montgomery from Class C1 status to Class C2 or C1 status.

3. In their joint counterproposal, at page 4, North Jefferson and Deep South recognize that if Cloverdale qualifies as a community the first local service at Cloverdale would be preferred to the WLBI(FM)/WBAM(FM) proposal. Just to make sure that the joint counterproposal would work, Lelon Michael Tracy, the general manager of Station WLBI(FM) (Warrior), filed a counterproposal to allot Channel 254A to Crump, Tennessee, a place where there would be no conflict with the joint counterproposal.

4. In point of fact, the joint counterproposal was in conflict with a rule making in Docket 94-64, which proposed new allotments at Ider, Alabama, and Lookout Mountain, Georgia. On September 29, 1995, the Chief, Allocations Branch, released a Report and Order, published at 1995 WL 577359, reciting that the Commission's staff, sua sponte, had conducted a terrain profile analysis which showed that "a city grade signal could not be provided to Lookout Mountain on Channel 254A from the site proposed by McDougald due to an intervening major terrain obstruction." Additionally, the staff noted that the Ider, Alabama, proposal had been withdrawn. Thus, the staff accommodated the joint proposal put forward by North Jefferson and Deep South.

5. Rogers, of course, continues to support the allotment of Channel 254A to Florence. If, however, the Commission is

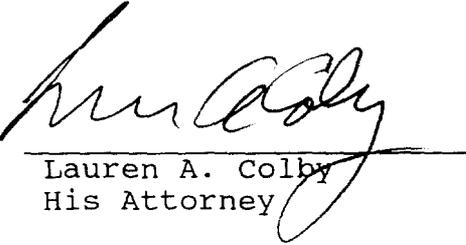
unwilling to allot the channel to Florence or to Cloverdale, Rogers suggests that the channel be allotted to St. Florian.

Respectfully submitted,

November 3, 1995

WILLIAM P. ROGERS

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

By: 

Lauren A. Colby
His Attorney

CERTIFICATE OF SERVICE

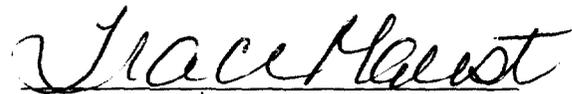
I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 3rd day of November, 1995, to the offices of the following:

Hershel Lake, President
Pulaski Broadcasting, Inc.
P.O. Box 738
Pulaski, TN 38478

Kirk A. Tollett
Commsouth Media Associates
4001 Highway 78 East
Jasper, AL 35501

Mark N. Lipp, Esq.
Mullin, Rhyne, Emmons & Topel
1225 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036

Lelon Michael Tracy
c/o Station WLBI(FM)
651 Arkadelphia Rd.
Warrior, AL 35180


Traci Maust