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Federal Communications Commission

DA 96-2062

DISPATCHED BY

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 95-88
Table of Allotments,	)	RM-8641
FM Broadcast Stations.	)	RM-8688
(Rose Hill, Trenton, Aurora, and	)	RM-8689
Ocracoke, North Carolina) <sup>1</sup>	)	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: December 6, 1996

Released: December 13, 1996

By the Chief, Allocations Branch:

1. At the request of Duplin County Broadcasters ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 10 FCC Rcd 6611 (1995), proposing the substitution of Channel 284C2 for Channel 284A at Rose Hill, North Carolina, the reallocation of Channel 284C2 to Trenton, North Carolina, and the modification of Station WBSY's license to specify Trenton as its community of license.<sup>2</sup> Comments were filed by the petitioner, W & B Media, Inc. ("W&B") and Topsail Broadcasting, Inc. ("Topsail"). Comments and counterproposals were filed by Aurora Broadcasting ("AB"), requesting the allotment of Channel 283A to Aurora, North Carolina, and by JEE Broadcasting, Inc.. L.P. ("JEE"), requesting the

<sup>1</sup> The communities of Aurora and Ocracoke have been added to the caption.

<sup>2</sup> At the time the Notice of Proposed Rule Making was issued, the Commission had before it an application to assign the license of Station WBSY to RMB Broadcasting, Inc. ("RMB") ("File No. BALH-950323GH). Petitioner stated that the petition was filed by the licensee/assignor with the understanding that RMB would continue to prosecute the petition following consummation of the assignment of license. The assignment of license application to RMB was granted on June 7, 1995, but was never consummated. On September 6, 1995, an application (BTCH-950906GL) for involuntary transfer of control from Jeff B. Wilson to Judith A. Harrell, Executrix of the estate of Jeff B. Wilson was filed and consummated on October 3, 1996. On April 12, 1996, an application for assignment of license to Conner Media Corporation was filed, the application was granted on June 7, 1996, but has not yet been consummated.

allotment of Channel 284C3 to Ocracoke, North Carolina.<sup>3</sup> Reply comments were filed by the petitioner, AB and MusicRadio of North Carolina, Inc. ("MusicRadio").<sup>4 5</sup>

2. Petitioner reiterates its intention, as well as that of the then proposed assignee, RMB, to apply for the channel, if allotted. It argues that the upgrading of Station WBSY to a Class C2 channel and its reallocation to Trenton would create a more efficient use of the spectrum because it would provide both Trenton and Jones County with their first local aural broadcast service, there would be a significant gain in the population and area which the station would serve and the area which would lose service would remain well-served. In the Notice, petitioner was requested to provide information concerning the areas and populations which would lose existing service as a result of the deletion of the channel from Rose Hill as well as the reception services within the gain and loss areas. In response, petitioner states that only a small portion of the population which currently receives service from Station WBSY would continue to do so. Specifically, it states that 32,114 persons would lose 60 dBu service if the station is relocated to Trenton. However, petitioner submits that the loss area, "in whole or part," will receive 60 dBu service from at least sixteen (16) FM stations. As to the reception services within the gain area, petitioner states that the newly served population currently receives 60 dBu or better service from thirty (30) FM stations.

3. AB counterproposes the allotment of Channel 283A to Aurora as its first local aural broadcast service. Aurora and Trenton are located approximately 59 kilometers apart while the

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<sup>3</sup> Public Notice of the filing of the counterproposals was given on August 21, 1995, Report No. 2092. On August 25, 1995, JEE filed a motion to dismiss its counterproposal. JEE states that in light of the "one-step" upgrade application of Ocracoke Station WAHL-FM, it believes that the population within the proposed station's service area is too small to economically support two wide-area radio stations. In accordance with Section 1.420(j) of the Commission's Rules, JEE states that no consideration was received for withdrawing its counterproposal. Since no other party expressed an interest in the allotment of Channel 284C3 to Ocracoke, the counterproposal will be dismissed.

<sup>4</sup> The comments filed by MusicRadio are moot and will not be considered. MusicRadio, then licensee of Station WMSQ (now WANG), objected to the allotment of Channel 284C2 at Trenton because of a perceived impact on MusicRadio's ability to locate a transmitter site for its Havelock station which would meet the Commission's mileage separation requirements and also receive approval from the Federal Aviation Administration. However, on October 19, 1994, MusicRadio filed a construction permit application (BPH-941019IC) for a Class C3 facility requesting that the allotment be downgraded from Channel 286C2 to Channel 286C3. That application was granted on May 1, 1996, and the licensee has now filed a license application to cover the station's construction permit.

<sup>5</sup> Numerous pleadings were filed after the record closed. Topsail filed a motion to strike the reply comments of the petitioner to which the petitioner filed an opposition. AB filed motions to accept and responsive pleadings in response to petitioner's reply comments to AB's counterproposal and to MusicRadio's reply comments. Petitioner filed an opposition to AB's responsive pleading and AB filed a reply to petitioner's opposition. The Commission's rules do not contemplate the filing of pleadings beyond the comment and reply comment periods set forth in the Notice and the comment deadline set forth in the Public Notice announcing the filing of the counterproposal. Further, we find that none of the pleadings provide information of decisional significance. Therefore, these unauthorized pleadings will not be accepted for consideration herein.

Commission's Rules specify a minimum distance separation of 106 kilometers between first adjacent Class A and C2 allotments. Therefore, the two proposals are mutually exclusive. AB states that Aurora is an incorporated town with a 1990 population of 654 persons, which provides its residents with police, fire, water and sewer services. It also states that Aurora has a library, schools, retail stores such as grocery, hardware and service stations, five churches, and a health center. According to AB, Aurora is not located within or near any Urbanized Area. AB commits to apply for the channel, if allotted.

4. AB argues that Trenton, with its very small population, ill-defined boundaries and undemonstrated community indicia, is not a community for allotment purposes. It states that even though Trenton is a county seat, no evidence has been provided that it has its own local government or any local businesses, civic organizations or other political, economic or social components normally associated with community status.

5. W&B, licensee of Station WSFL-FM, New Bern, North Carolina, and Topsail, licensee of Station WZXS(FM), Topsail Beach, North Carolina, also oppose petitioner's proposal. Both parties contend that the public interest would not be served by reallocating the channel from the rural community of Rose Hill to Trenton, which is centrally located close to several major population centers and an Urbanized Area. Rose Hill, with a population of 1,287 persons, is located in Duplin County, with a population of 39,995 persons. According to AB, Topsail and W&B, the removal of Channel 284A from Rose Hill will deprive the community of its only local aural nighttime transmission service since the only remaining local station, WEGG(AM), is a 250 watt daytime-only AM station. Further, W&B states that the move will result in a loss of service to 33,848 persons within an area of 2,055 square kilometers. W&B also submits that within Station WBSY's present 60 dBu contour, there are only one FM and three AM (one fulltime, two daytime-only) stations, whereas there are 14 FM and 11 AM (10 fulltime, one daytime-only) stations within a Trenton Channel 284C2 60 dBu contour.

6. W&B states that Station WBSY, if licensed to Trenton, will provide a 70 dBu, city-grade signal to 30% of the Jacksonville Urbanized Area, and a 60 dBu signal to the entire Urbanized Area, which has a population of 149,838 persons. In addition, it states that the station would provide at least a 60 dBu signal to Kinston, with a population of 25,295 persons, New Bern, with a population of 17,363 persons, and Havelock, with a population of 20,268 persons.<sup>6</sup> W&B points out that petitioner has proposed to move Station WBSY 65.3 kilometers (40.6 miles) in order to situate the station close to these communities.<sup>7</sup>

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<sup>6</sup> Population figures are taken from the 1990 U.S. Census.

<sup>7</sup>W&B also argues that Trenton is not deserving of a first local service preference and should be credited with the aural services licensed to Jacksonville, New Bern, Kinston and Havelock, N.C., pursuant to the three factors set forth in RKO General Inc. (KERC), 5 FCC Rcd 3222 (1990), vacated as moot pursuant to settlement, 6 FCC Rcd 1808 (1991) ("KERC") and Faye and Richard Tuck, 3 FCC Rcd 5374 (1988) ("Tuck"). See Comments of W&B Media, Inc., August 10, 1995, page 5. However, as discussed infra, it is not necessary to address this issue in this Report and Order.

7. W&B also argues that petitioner's requested change of community is designed to "abandon an area with a small number of other aural services to an area of numerous other services." In this regard, W&B points out that the Commission has stated that "the public has a legitimate expectation that existing service will continue, and this expectation is a factor which we must consider independently against the service benefits that may result from reallocating a channel from one community to another." See Modification of FM and TV Authorizations to Specify a New Community of License ("Change of Community R&O"), recon denied in part, ("Change of Community MO&O"), 5 FCC Rcd 7094, 7097 (1990).

8. Topsail, like AB, argues that the petitioner has not demonstrated that Trenton is a community for allotment purposes, noting that it has a population of only 284 persons. Its county, Jones, has a population of 9,414 persons. It contends that the fact that Trenton is incorporated is not sufficient to confer community status, citing Klamath Falls, Altamont and Butte Falls, Oregon, and Dorris, California ("Klamath Falls"), 10 FCC Rcd 7583 (1995) (presumption of community status based on listing in U.S. Census or incorporation can be rebutted). It acknowledges that Jones County, like Duplin County, is rural in nature, but states that the county is located in the middle of the Jacksonville-New Bern-Havelock-Kinston-Goldsboro radio markets and in close proximity to their population centers, describing it as a rural "hole" in the center of a "doughnut" of cities. Further, it states that Trenton receives city-grade FM service from three New Bern stations and 1.0 mV/m or better service from stations licensed to Jacksonville, Goldsboro, Havelock, Newport and Kinston, while Rose Hill receives no city-grade FM service from any station other than Station WBSY.

9. Topsail characterizes petitioner's proposal as nothing more than an attempt to slip a high-powered regional channel into the middle of a major media market and population center. Topsail contends that petitioner's reliance on Scotland Neck and Pinetops, North Carolina, 7 FCC Rcd 5113 (1992), is misplaced. It states that even though the relocation of the station from Scotland Neck to Pinetops resulted in the station moving closer to the Rocky Mount Urbanized Area, there was virtually no change in the station's coverage of the Urbanized Area since it already provided service to 90% of the Urbanized Area as a Scotland Neck station. Station WBSY, as a Rose Hill station, provides no service whatsoever to the Jacksonville Urbanized Area or to the adjacent metro areas and MSA's. Topsail submits that the petitioner must not be allowed to abuse the provisions of Section 1.420 of the Commission's Rules by permitting Station WBSY to abandon a smaller market for a larger one, citing Eatonton and Sandy Springs, Georgia, and Anniston and Lineville, Alabama ("Anniston"), 6 FCC Rcd 6580 (1991), recon. pending. Topsail believes that petitioner's intent to serve the larger metropolitan area surrounding Trenton, rather than Trenton itself, is proven by the fact that petitioner has requested an upgrade to a Class C2 channel. It contends that if the intent were to serve only Trenton and its county, petitioner would have proposed a modification to a more than adequate 6 kW Class A or Class C3 channel which would provide local service but not reach the nearby population centers. Topsail also argues that petitioner's proposal must be denied because it would deprive Rose Hill of its only local FM transmission service and its only nighttime service, citing Fredericksburg,

Helotes and Castroville, Texas ("Fredericksburg R&O"), 10 FCC Rcd 6580 (1995).<sup>8</sup> It also submits that the sole public service benefit that petitioner can present from the allotment at Trenton is increased FM service to an already well-served area that presently receives numerous Class C and Class C2 FM stations. However, it states that this benefit is insufficient to grant the request, citing Van Wert, Ohio, and Monroeville, Indiana, 7 FCC Rcd 6519, 6520-6521, paras. 10-12 (1992).<sup>9</sup> Topsail also points out that where both communities are well-served, the allotment goes to the larger community, citing Berlin, De Forest, Markesan, and Wautoma, Wisconsin, 10 FCC Rcd 7733 (1995).<sup>10</sup>

10. Finally, Topsail states that even if Trenton is considered to be a community for allotment purposes, it may not be entitled to a Section 307(b) preference over Rose Hill. Rather, it contends that Trenton is a "quiet village" which has no need for its own local transmission service, citing Scranton and Surfside Beach, South Carolina, 3 FCC Rcd 2798, 2799 (1988).<sup>11</sup>

11. In reply, petitioner argues that there is no basis upon which to find that Trenton is not a community for allotment purposes. Petitioner contends that Trenton is a self-governing community with distinct local characteristics and interests. Specifically, it states that Trenton is a historic place, established in 1784 and subsequently incorporated. It has an elected form of government, with a mayor and town board, a town clerk and a town attorney. The city of Trenton, operating under a corporate charter and tax authority, provides such services as sewer, streets and street lights. In addition, the city has recently signed a cable television franchise. Petitioner also points out that Trenton has a number of businesses which are patronized by the city's residents. These businesses include a bank, dry goods store, hardware store, auto repair

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<sup>8</sup> On reconsideration, the staff, by delegated authority, overturned the Report and Order and granted the change of community from Fredericksburg to Helotes. See Memorandum Opinion and Order, ("Fredericksburg MO&O") released July 5, 1996, 61 FR 37840, July 22, 1996.

<sup>9</sup> In Fredericksburg MO&O, *supra*, the Commission stated that the Van Wert, *supra*, decision was contrary to Commission policy and would no longer be taken into consideration in resolving reallocation proposals.

<sup>10</sup> In Berlin, et al., Wisconsin, *supra*, two communities were competing for a first local aural transmission service and the Commission allotted the channel to the more populous of the two communities.

<sup>11</sup> In Debra D. Carrigan, the Commission described the "quiet village" situation as follows:

Situated somewhere between the 'traditional model' and the 'suburbanite model' are the even rarer examples exemplified by our recent decisions in Ruarch Associates, 56 RR 2d 1593 (Rev. Bd. 1984) and Santee Cooper Broadcasting Co., 57 RR 2d 662 (Rev. Bd. 1984). Although finding that certain applicants in both cases had established that the exceedingly small communities without aural transmission outlets they had specified in their applications were, at least, 'identifiable communities' (as that term is used by the Commission), no measurable Section 307(b) preferences were due those applicants, in part, because (1) the signals of any and all of the applicants would cover both competing communities; and (2) the larger competing communities had shown a far greater public interest need for a first *competitive* aural service than the fractionally smaller communities (population under 1000 in both cases) had shown for a first aural transmission service. (Emphasis in original). 58 R.R. 2d 96, at 104 (1985) (footnote omitted).

shop, drug store, restaurant, automobile dealer, game room, tire and feed store, hair stylist, attorneys, accountants, and a medical center with five doctors. In addition, Trenton has its own churches, post office, library, and schools. Petitioner also points out that the community has its own Moose Lodge, Masonic Lodge, American Legion Post, and several other clubs such as the Methodist Women, Men and Young Adults. Trenton telephone listings are in a separate section of the New Bern telephone book. Located in Trenton, as the county seat, are the Jones County Courthouse, the Sheriff's office and other county facilities, in addition to the John D. Larkins Federal Building. According to the petitioner, Trenton does not depend on New Bern or any other community for police or fire protection or emergency medical systems. Petitioner states that the Sheriff's Department provides all of the community's law enforcement needs, Trenton has its own volunteer fire and rescue departments, as well as two county-paid, full-time, emergency medical technicians. The bi-weekly Jones County Post newspaper is published in Trenton.<sup>12</sup>

12. Petitioner argues that the fact that the reallocation of Channel 284 to Trenton will deprive Rose Hill of its only local FM transmission and only local nighttime service is not legally cognizable. It submits that what is significant is that the reallocation will not deprive Rose Hill of its sole local transmission outlet, citing Change of Community R&O and MO&O, *supra*. In addition, petitioner states that the area will remain well-served because there will remain at least twenty-two (22) aural services, including FM and nighttime services, within the existing Station WBSY 60 dBu contour. Further, petitioner states that Station WBSY presently simulcasts a substantial portion of AM Station WEGG's programming, which is ranked the number one station in its market by Arbitron while FM Station WBSY has yet to show up in the ratings.

13. In response to AB's counterproposal, petitioner submits that the reallocation of Channel 284C2 to Trenton would make the most efficient use of the spectrum by maximizing service to the largest population and geographic area. According to the petitioner's present consulting engineer, the allotment of Channel 284C2 at Trenton could provide service to 336,401 persons within the station's 60 dBu contour, while the allotment of Channel 283A to Aurora would provide service to only 31,096 persons, none of whom are presently unserved or underserved. Petitioner acknowledges that Aurora is not located within an Urbanized Area. However, unlike Trenton and its county, petitioner states that Aurora is not a county seat and there are a number of stations licensed to communities within Beaufort County serving the needs and interests of the county's residents. Thus, it believes that the allotment of Channel 284C2 to Trenton would result in a fairer and more equitable distribution of service.

14. Petitioner also rejects the arguments advanced by the opponents that Trenton should be considered a "quiet village," citing in support Bloomington and Nashville, Indiana, 4 FCC Rcd 5764 (1989) (first service allotted to alleged "quiet village" of a few hundred people which was the county seat), and Bartow, et al., Georgia, 4 FCC Rcd 6876 (1989), recon dismissed, 5 FCC

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<sup>12</sup> The petitioner also contends, based upon these same facts, that there is no basis upon which to attribute to Trenton the stations licensed to Jacksonville, New Bern, Kinston and Havelock, NC. However, as explained *infra*, we need not address this issue.

Rcd 442 (1990) (channel allotted over "quiet village" objections to a self-governing community of 350 persons). Further, it states that the population attributed to Trenton is "artificially small" because the city has not formally annexed areas just outside of Trenton where approximately 1,000 people live who consider themselves to be residents of Trenton.

15. However, petitioner believes that its desire to relocate to Trenton and AB's desire to provide Aurora with a first local service can both be accommodated by allotting Channel 284C2 to Trenton and Channel 221A to Aurora. It states that Channel 221A can be allotted to Aurora at coordinates 35-18-13 North Latitude, 76-47-18 West Longitude, in compliance with the Commission's mileage separation requirements. It submits that the short-spacings with respect to the presently licensed facility of Station WQSL, Channel 222C2, Jacksonville, NC, and the application of American Family Association ("AFA") for a new noncommercial educational station on Channel 220A at New Bern, NC (BPED-950626MA), have been resolved. Petitioner states that Station WQSL has filed a license application (BLH-950612KD) to cover construction at a new site which eliminates the spacing conflict with Channel 221A at Aurora and that AFA has agreed to file a frequency change amendment to its pending New Bern application specifying operation on Channel 211 instead of Channel 220.

16. In reply comments, AB reiterates its intention to apply for Channel 283A, if allotted to Aurora. It also restates that the provision of a first local service to Aurora is to be preferred over the reallocation of Channel 284 from Rose Hill to Trenton, which it characterizes as only a change in existing service.

#### DISCUSSION

17. As an initial matter, the allotment of Channel 283A to Aurora and the substitution of Channel 284C2 for Channel 284A at Rose Hill and its reallocation to Trenton remain mutually exclusive. Although petitioner believes that the conflict can be resolved by allotting Channel 221A to Aurora, this is not the case. Channel 221A at Aurora is short-spaced to the outstanding construction permit of Station WRSV, Channel 221A, Rocky Mount, NC (BPH-951002IB), and to Station WAHL, Channel 224C1, Ocracoke, North Carolina. Station WAHL filed its one-step upgrade application (BMPH-950728IC) on July 28, 1995, requesting that the station's construction permit be modified from Channel 224A to Channel 224C1. The petitioner submitted the alternate Channel 221A proposal for Aurora on September 5, 1995. Therefore, in accordance with the policy set forth in Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, 8 FCC Rcd 4735 (1995), the prior filed application is protected against later-filed alternate channel proposals as advanced by the petitioner.

18. After carefully reviewing the pleadings before us, we find that the public interest would best be served by allotting Channel 283A to Aurora, North Carolina, as its first local aural transmission service. In determining which proposal will better serve the public interest, we are guided by the allotment priorities set forth in Revision of FM Assignment Policies and

Procedures, 90 FCC 2d 88 (1982).<sup>13</sup> In this case, neither the allotment of Channel 283A to Aurora nor Channel 284C2 to Trenton will provide either a first or second reception service but will provide either community with its first local transmission service. Both communities are well-served with reception services, with Trenton receiving fourteen (14) AM and FM stations and Aurora receiving fifteen (15) AM and FM stations.

19. Thus, the next determination to be made is whether Aurora and Trenton are communities for allotment purposes. Aurora is an incorporated city with a population of 654 persons. It provides its residents with police, fire, water and sewer services. It also has its own library, schools, retail stores, churches and a health center. It is not located within or near any Urbanized Area. We believe that Aurora is a community for allotment purposes. See Virgie and West Liberty, Kentucky, 4 FCC Rcd 7475 (1989), and Scranton and Surfside Beach, South Carolina, 3 FCC Rcd 2798 (1988).

20. Trenton also is an incorporated city with an elected mayor and town board, town clerk, and town attorney. In addition, Trenton has commercial businesses, churches, civic organizations, a library and a volunteer fire department. Therefore, we believe that Trenton is a community for allotment purposes. See Virgie and West Liberty, Kentucky, *supra*, and Scranton and Surfside Beach, South Carolina, *supra*.

21. Next, we find that there is no need to consider whether Trenton should be credited with all of the services licensed to communities within the Jacksonville Urbanized Area since we have confirmed that Channel 284C2 at Trenton will not provide 50% or more of the Urbanized Area with a 70 dBu signal. See Headland, Alabama and Chattahoochee, Florida, 10 FCC Rcd 10352 (1995).<sup>14</sup> Likewise, we need not consider whether the stations licensed to New Bern, Kinston or Havelock should be attributed to Trenton because these are not parts of Urbanized Areas as defined by the U.S. Census and are, therefore, too small for raising Huntington/Tuck concerns under our change of community precedents. Specifically, the Census Bureau defines an Urbanized Area as consisting of central places and adjacent densely settled areas that together have a minimum of 50,000 persons.<sup>15</sup> By way of contrast, the populations of New Bern, Kinston, and Havelock are 17,363, 25,295 and 20,268, respectively. Further, since the Commission established the change of community procedures, Huntington and Tuck issues have only been raised with respect to Urbanized Areas. We see no reason to expand this policy here.

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<sup>13</sup> The allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local aural service; and (4) other public interest matters. Priorities (2) and (3) are given equal weight.

<sup>14</sup> In this case, the Commission determined that stations seeking to move from rural communities to suburban communities located outside of but proximate to urbanized areas must make the same showing that is currently required of stations seeking to move into urbanized areas if they would place a city-grade (70 dBu) signal over 50% or more of the urbanized area.

<sup>15</sup> See 1990 Census of Population and Housing, North Carolina, at A-12 (1990 CPH-2-35).

22. Because the Trenton proposal is mutually exclusive with the allotment of Channel 283A at Aurora, we must decide this case based on the allotment priorities set forth in Revision of FM Assignment Policies and Procedures, *supra*, to determine which community should receive the allotment. The allotment of Channel 284C2 to Trenton or Channel 283A to Aurora will not provide any population with first or second aural reception service (priorities 1 and 2) but would provide each with its first local aural service (priority 3). In addition, as stated above, both communities receive numerous aural services from nearby communities. However, Aurora is more than twice as populous as Trenton. Petitioner argues that Trenton's population is artificially small because there are approximately 1,000 people living outside of Trenton but who consider themselves to be residents of Trenton. However, the Commission does not take into consideration people who may be residing outside of a community in arriving at population figures. Rather, we use figures published by the U.S. Census, where available, or from other official sources, such as state or county government officials. Therefore, in conformance with Commission precedent, we will grant the allotment of Channel 283A to Aurora as it is the larger of the two communities. *See, Athens and Atlanta, Illinois*, 11 FCC Rcd 3445 (1996) and *Blanchard, Louisiana and Stephens, Arkansas*, 8 FCC Rcd 7083 (1993). *See also, Obion and Tiptonville, Tennessee*, 7 FCC Rcd 2644 (1992) (first local service awarded to community with larger population instead of location where the service contour would encompass more people).<sup>16</sup>

#### Technical Summary

23. Channel 283A can be allotted to Aurora in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.<sup>17</sup>

24. 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 January 27, 1997, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Aurora, North Carolina	283A

25. The window period for filing applications for Channel 283A at Aurora, North Carolina, will open on January 27, 1997, and close on February 27, 1997.

26. IT IS FURTHER ORDERED, That the counterproposal (RM-8689) filed by JEE to allot Channel 284C3 to Ocracoke, North Carolina, IS DISMISSED.

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<sup>16</sup> We need not address the issue of whether Trenton is a "quiet village" and should be given a Section 307(b) preference over Rose Hill because we are denying the change of community proposal. Rather, as discussed above, the ultimate comparison in this case is between first local transmission services at Trenton or Aurora.

<sup>17</sup> The coordinates for Channel 283A at Aurora are 35-18-13 North Latitude and 76-47-18 West Longitude.

27. IT IS FURTHER ORDERED, That the proposal to substitute Channel 284C2 for Channel 284A at Rose Hill, North Carolina, reallocate Channel 284C2 to Trenton, North Carolina, and modify the license of Station WBSY accordingly, IS DENIED.

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

29. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
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