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ADMITTED IN
SOUTH CAROLINA
NORTH CAROLINA

PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

December 6, 1998

BY HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street
Washington, DC 20554

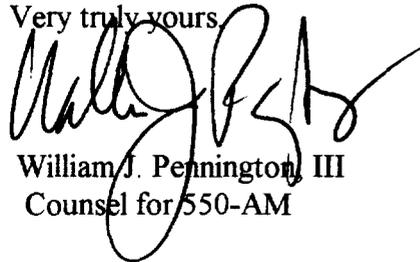
RE: Petition for Reconsideration
MM Docket No. 97-233
East Brewton, Alabama and Navarre, Florida

Dear Ms. Salas:

Transmitted herewith on behalf of 550-AM, are an original and four copies of its Petition for Reconsideration, filed in the above-referenced proceeding in response to the *Report and Order*, DA 98-2243 (released November 6, 1998). This Petition for Reconsideration is being timely filed in accordance with Sections 1.429 and 1.4(b) of the Commission's rules. 47 CFR Sections 1.429, 1.4(b).

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,



William J. Pennington III
Counsel for 550-AM

Enclosure

cc(w/encl.): Certificate of Service (by first-class mail)

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FEDERAL COMMUNICATIONS COMMISSION

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.97-233
FM Broadcast Stations) RM-9162
(East Brewton, Alabama and Navarre,)
Florida))

Directed To: Chief, Mass Media Bureau

PETITION FOR RECONSIDERATION

550-AM

William J. Pennington, III
Attorney at Law
Post Office Box 403
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(413) 562-3341

December 4, 1998

SUMMARY

In this allotment proceeding, the Allocations Branch made a series of errors which resulted in the denial of a 550-AM's proposal to upgrade and reallocate an FM channel 239 from East Brewton, Alabama to Navarre, Florida, a larger community more deserving of a first local transmission service. As demonstrated herein, in evaluating which community should obtain the allotment, the Commission relied upon its inaccurate and sorely dated population data while ignoring current and accurate data presented by the Petitioner.

In addition, the Branch failed to include all of the reception services when seeking to determine the area and population that would be undeserved if Channel 239 were reallocated to Navarre.

Furthermore, the Branch erred in its evaluation of "public interest benefits" that the two communities in question would receive through the allotment of the FM channel by ignoring a substantial population and area gain if the reallocation were effectuated. The Branch also ignored the unique and highly important "public interest benefits" that the reallocation of the channel could create at Navarre.

As a result, the Report and Order in this proceeding is arbitrary and capricious.

For all of these reasons, the Branch's R&O should be reversed and 550-AM's rulemaking petition should be granted.

107-1003
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10 11 98

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 97-233
FM Broadcast Stations)	RM-9162
(East Brewton, Alabama and Navarre,)	
Florida))	

Directed to: Chief, Mass Media Bureau

PETITION FOR RECONSIDERATION

550-AM ("550" or "Petitioner") permittee of unbuilt FM Broadcast Station WGCX at East Brewton, Alabama, by counsel, files this Petition for Reconsideration of the Report and Order of the Chief, Allocations Branch, released November 6, 1998, DA 97-233 (therein "R&O" or "Order"), requesting reconsideration and reversal of the Order which denied the reallocation of FM Channel 239 from East Brewton, Alabama to Navarre, Florida and the modification of the construction permit for Station WGCX(FM) authorizing operation from Navarre with upgraded Class C3 facilities. As shown herein, the R&O denied what would have been a preferential channel reallocation allowing for a first local service and major public interest benefits to a rapidly growing community in addition to providing a substantial increase in the number of persons and area served by the facility.

JURISDICTION AND STANDING

1. This petition is filed in accordance with the provisions of Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. Section 405 and Sections 1.104, 1.106 and 1.420(f) of the Commission's Rules, 47 C.F.R. Sections 1.104, 1.106 and 1.420(f). 550-AM, WGCX(FM) participated in the rulemaking and as such party is has standing to seek reconsideration of the Order and the channel allotment changes that were denied.

BACKGROUND

2. This case involves the desire of the construction permit holder to reallocate Channel 239 from East Brewton, Alabama to the unincorporated community of Navarre, Florida and upgrade the facilities of Station WGCX(FM) from Class A to Class C3. The proposal would allow the station to upgrade facilities, provide a first local transmission service to a rapidly growing community and substantially increase the number of persons served and area within its 60 dBu service contour. The proposal was opposed by Root Communications, L.P. ("Root"), licensee of first adjacent channel Station WRBA(FM) at Springfield, Florida. Root argued that if Channel 239C3 were reallocated from Est Brewton to Navarre that Station WRBA(FM) wouldn't be able to relocate to a preferred new antenna location. In addition, Root submitted that Navarre was not a community for allotment purposes.

3. 550-AM presented the Commission with material that showed that the community of

Navarre has seen tremendous growth and that all indications pointed to a continued high level of growth for years to come. Included in this material were maps which showed the street pattern in Navarre, photographs of the community, stories from the local newspaper, lists of community organizations and schools in Navarre, lists of housing subdivisions, voting precinct information and a page from the local telephone directory showing just a portion of the many businesses in Navarre. All of these items proved that Navarre is quickly growing and was a community for allotment purposes.

4. The R&O denied 550-AM's request for the channel reallocation and modification of the WGCX(FM) construction permit. The R&O agreed with 550-AM that Navarre was a community for allotment purposes. The R&O did not agree with the great weight of material that the Petitioner presented concerning the growth in population over the past few years and stood firmly by the population figure of "900 persons" that was attributed to Navarre in the Rand McNally Commercial Atlas and Marketing Guide "Atlas". Navarre, not being an incorporated community, was not identified in the 1990 census nor did it qualify as a Census Designated Place "CDP" at the time of the last census nine years ago. The R&O further stated that no governmental entity, such as Santa Rosa County, verified that Navarre had the number of voters that the Petitioner claimed nor did they accept the local chamber of commerce estimated population of 18,000 persons in the community. Even in the face of pages of pertinent information provided by the Petitioner concerning growth and population in the community, the R&O was unimpressed and held firm to the population figure of 900, as presented in the Atlas.

5. Using a population of 900 persons, as attributed to Navarre in the Atlas, the R&O set out to weigh the proposed reallocation of Channel 239 to Navarre with the present allotment to East

Brewton. The R&O's decision to deny the reallocation to Navarre was based on utilization of the FM allotment priorities set forth in Revision of Assignment Policies and Procedures ("FM Priorities"), 90 FCC 2d 88 (1982). In making the determination to deny the reallocation request, the R&O considered the "totality of factors" in this matter. The R&O submitted that a community with a population of 2,579 persons (East Brewton) was more deserving of a first local transmission service than a community with a population they could only attribute with 900 persons (Navarre).

6. The R&O did make passing mention that the reallocation of Channel 239 to Navarre would greatly increase the population served by twelve times and the area served by over two and one half times. The R&O placed more weight though on a study it commissioned which showed that the reallocation of Channel 239 to Navarre would deny a portion of the present 60 dBu service area at East Brewton with a possible fifth reception service. Specifically, the R&O's study showed that the East Brewton allotment of Channel 239 would provide a fifth service to 7,011 persons in a service area of 746.8 kilometers. The R&O saw this as a "significant" public interest benefit as the allotment at East Brewton would provide a fifth reception service to a "substantial" area and population.

7. In sum, the R&O based its decision not to reallocate Channel 239 to Navarre on the fact that Navarre has a smaller population than the present community of allotment, East Brewton, and that the continued allotment of Channel 239 to East Brewton would provide a "significant" public interest benefit by providing a fifth reception service to a "substantial" area and population.

**THE COMMISSION'S DETERMINATION OF
NAVARRE'S POPULATION IS FATALLY FLAWED**

8. The Commission erred in only attributing 900 persons to the community of Navarre. The Commission only used the population figures provided by the Atlas. In fact, the population figures attributed to Navarre in the 1998 edition of the Atlas are but an estimate from 1992, almost seven years ago. Counsel for 550-AM contacted Rand McNally by telephone on December 2, 1998 and spoke to Jan Pawlowski in the Consumer Affairs Department. Ms. Pawlowski stated to counsel that the figures that appear in the 1998 Atlas are but an estimate that was given Rand McNally back in 1992 by the postmaster that provided service to Navarre. Ms. Pawlowski further stated, that if contacted by the postmaster or another governmental agency with an estimate of the population that the figure would be updated. Exhibit 1 is a copy of a letter from Ms. Pawlowski stating that the population figure shown in the 1998 Atlas is but an estimate from 1992. Thus, the Commission's denial of the reallocation of Channel 239 to Navarre was based on wholly inaccurate information that was outdated by almost seven years. The rapid growth in Navarre has in large part taken place in the time frame since 1992.

9. The R&O stated that the Petitioner had not submitted any official governmental statement as to the population of the community of Navarre. Attached is a letter from Bill Campbell, Santa Rosa County Commissioner for District Five, which includes Navarre. Mr. Campbell states clearly that the estimated present population of Navarre is over 22,000 persons, four thousand larger than even the chamber of commerce figure provided by the Petitioner in this proceeding. He further states that the community of Navarre Beach is but approximately 3,000 persons. Also

of significance, Campbell outlines the boundaries of the community of Navarre, which coincide with the area marked in Exhibit 10 of the Petitioner's Reply Comments (a copy attached to Mr. Campbell's letter) submitted in this proceeding. A copy of Mr. Campbell's letter is attached as Exhibit 2. A letter from Mr. Jerry Sears of the Holley-Navarre Fire Department, attached as Exhibit 3, describes the same boundaries for the community of Navarre. It should be noted that Mr. Sears states that the community of Holley is separate from Navarre and is located north across a "natural boundary", the East Bay River. The same boundaries are what the area chamber of commerce describes as the community of Navarre. A copy of the chamber of commerce description is attached as Exhibit 4.

10. The great growth that the community of Navarre has experienced since 1992 is also shown in information provided by the U.S. Post Office. Exhibit 5, attached hereto, is a letter from James L. Brooks, the Manager for Customer Service at the local post office. Mr. Brooks states that "the number of delivery points in Navarre, Florida 32566 is 7347 residences and 221 business for a total of 7568." This information is further bolstered by a letter from Mike L. Bickers, Postmaster for the area that includes Navarre. Mr. Bicker's, in a letter attached hereto as Exhibit 6, states that the local Navarre Branch has the potential to deliver to 8,029 structures. Although that in no way indicates a hard population count, he further states that usually more than one person lives in each structure. Furthermore he states that the community of Navarre Beach is included in the structure count and that some of those units are only vacation homes. Clearly, although not a hard population count within the community, with post office's potential to deliver to over 7300 residences, where more than one persons resides in a structure, the population of Navarre is far greater than the 900 persons attributed to it by the Commission from the Atlas in its

1992 estimate.

10. Attached hereto as Exhibit 7 is a 1998 demographic study of Navarre prepared by CACI Marketing Systems. The study uses the intersection of U.S. Highway 98 and State Route 87 (the center of Navarre) as its base point. The study shows that in the area radiating five miles out from that base point in directions only north, east and west, that the 1998 population was 14,019 persons with a 2003 population projection of 17,394 persons. The area surveyed encompasses a large part of Navarre, but none of Navarre Beach as it lies south of the community of Navarre. This information provides a harder count of the actual population of the community of Navarre as it is much more than an estimate. By reading the entire study it is evident that this material was obtained and compiled in professional manner and is the type used by planning and decision makers.

11. Attached hereto as Exhibit 8 is a study from the Raymond M. Hass Center for Business Research and Economic Development at the University of Western Florida. This study, commissioned by the Petitioner, is valid for the Navarre postal zip code and shows a 1998 population of 8,052 persons. Once again, this study confirms that Navarre has a substantial population, well above 900, and has experienced tremendous growth since 1992.

12. Although Navarre is not an incorporated community nor was it a CDP in 1990, the Bureau of Census did conduct a housing block count for what is the bounded community of Navarre. Attached hereto as Exhibit 9 is a study performed by the Bureau of Census for the Petitioner within the boundaries of Navarre. According to the study, which was based on eight year old 1990 census data, there were 3270 housing units and a population of 7531 persons

within the bounded area. The exhibit includes a description of the boundaries for the study. Although the bounded area in this study includes the community of Navarre Beach, the impact of that inclusion is minimal on population and housing units. It is obvious that with the great growth experienced in the area over the past seven years that these numbers in the next census will be significantly higher.

13. The Holley-Navarre Fire Department provides fire protection to over ninety percent of the boundaries of the community of Navarre. Although the Holley-Navarre Fire Department also serves the community of Holley, immediately north across East Bay River, the overwhelming majority of the structures it protects are in Navarre. Holley, as shown on Exhibit 10 of the Petitioner's Reply Comments is a very small community the is bounded by East Bay to the west and south and the property of Eglin Air Force Base to the east and north. Being squeezed between these natural boundaries and property owned by the federal government, there is no room for the community to grow, thus it is destined to forever be a small village. Attached hereto is Exhibit 10, provided by the Holley-Navarre Fire District, is a study which shows both the tremendous growth in residential structures over the previous years as well as the fire department's estimate of population within their service area. As of 1997, the fire department estimated 17,107 persons lived within their service area. Discounting the small community of Holley which the department serves, it is clearly evident that the majority of the growth in structures and population has occurred in the community of Navarre. The Holley-Navarre Fire Department does not serve Navarre Beach. The fire departments boundaries mirror that described by County Commissioner Bill Campbell outlined herein in Exhibit 3.

14. The explosion in growth in Navarre is further shown by construction in Navarre. Attached hereto as Exhibit 11 is a letter from Donna Jones, an Administrative Assistant to the

Santa Rosa County Inspection Department. Ms. Jones states that 2,783 family dwellings were constructed between 1991 and 1996 in Navarre-Holley. As large as this yearly total is, it was topped in 1997 when 450 new family dwellings were constructed. The first quarter of 1998 alone showed 103 family dwellings being constructed. It must be noted that Ms. Jones states that only five percent of the construction took place in Holley and that the rest is in the community of Navarre which has seen “tremendous” growth. Since 1990, 3,903 permits for family dwellings have been issued in the Navarre-Holley area. This too is a sign of significant growth since 1992.

15. Exhibit 12 is a recent article from the Pensacola Daily News which details the explosion of growth in Navarre and what the future years hold for the community. This article tells of “phenomenal” growth in both commercial and residential construction. One developer notes in the article that Navarre was a “lonely place at one time, with little more than pine tree stands.” The developer continues speaking of growth in the article to say that “I think we’ll top 1997 big-time in 1998.”

16. It is abundantly clear that the Commission used inaccurate and outdated information when assigning a population of 900 to the community of Navarre and that this information did not reflect the tremendous explosion in population that Navarre has experienced since 1992. The attached studies and information prove that Navarre is a strong, vibrant and growing community with a population many times greater than 900 persons. Furthermore, the Petitioner has provided the Commission with ample proof that Navarre is a distinct community with identifiable boundaries. The Navarre community boundaries presented by the Petitioner in Exhibit 10 of its Reply Comments have been verified now by officials from local governmental agencies.

17. The Petitioner is very concerned that the Commission Staff relied solely on population figures from the Atlas. The Petitioner submits that the Commission has a responsibility, and

petitioners in channel allotment proceedings have an expectation, that the Staff will check the accuracy of the population figures they attribute to nonincorporated communities. Ignoring the many pages of current written information and maps pertaining to Navarre provided by the Petitioner in this proceeding to end up relying solely on what is nothing more than a seven year old estimate of population from a postmaster is certainly cause for concern. The R&O went as far as to chide the Petitioner for relying on population estimates provided by the local chamber of commerce. The fact remains that the Petitioner's estimate of the population obtained from the chamber of commerce was current and supported by other documentation while the Commission staff chose to stand by an outdated and inaccurate estimate that was seven years old. The decisions that must be made on channel allotments are weighty matters. The participants need to know that they are being treated fairly. After finding out this information, the Petitioner wonders how many other deserving unincorporated communities, that have experienced great recent growth, have been wrongly denied a first local transmission service because of the Commission Staff's reliance on inaccurate and outdated population figures in the face of overwhelming current data from the petitioners.

**THE AREA NOT RECEIVING A FIFTH SERVICE AT
EAST BREWTON IS SMALL AND NOT SUBSTANTIAL**

18. The Commission erred when saying that if Channel 239 were reallocated to Navarre that a "substantial" area and population near East Brewton would be denied of a fifth reception service. Specifically, the Commission stated that an area encompassing some 746.8 square kilometers with a population of 7,011 persons would be denied a fifth reception service. It appears that the

Commission failed to consider Station WPHG(FM) when studying this matter. Station WPHG(FM), a Class C2 noncommercial facility operating with 45.0 kilowatts on Channel 215 at Brewton, Alabama, filed a license application to cover the new station on July 15, 1998 (FCC File No. 980715KA). This application received a Commission grant on October 27, 1998. When adding Station WPHG(FM) into the equation, just a very small portion of the present WGCX(FM) 60 dBu service contour would only receive four reception services if the channel were reallocated to Navarre. Moreover, the area that would only receive four services is rural farmland and areas of swamp that is sparsely populated. This specific area has but a small fraction of the 7,011 persons the Commission stated would be denied service. No towns or communities of any size or population are within the area of concern that would only have four reception services.

19. The Petitioner's study, attached as Exhibit 13 show that only 674 people will be denied a fifth service should the channel be reallocated to Navarre. In addition, the area that will not receive the fifth service is not 746.8 square kilometers, as outlined in the R&O, but only 135 square kilometers. This figures represent only 2.3% of the total population and 5.1% of the total area within the 60 dBu service contour. These percentages are anything but "significant", especially in light of the population gain that would be obtained if the channel were reallocated to Navarre.

20. In addition, while the Petitioner fully understands that the Commission only factors in operating stations when determining the level of reception services, it must be noted that at present there is an outstanding construction permit for Station WWGA, a new Class C2 FM facility at Georgiana, Alabama (FCC File No. BMPH-950309IA). When this new station commences operation, its 60 dBu service contour will completely encompass the area that would be denied a fifth reception service if Channel 239 were reallocated to Navarre. In fact, the permittee

at Georgiana will in all probability have Station WWGA(FM) on the air before the proceeding is ultimately decided. Thus, in reality the question about areas only receiving four reception services may soon be moot.

“TOTALITY OF FACTORS” FAVOR ALLOCATION TO NAVARRE

21. In the R&O, the Commission placed much emphasis on the “totality of factors” as outlined in LaGrange and Rollingwood, Texas, 10 FCC Rcd 3337 (1995). The Commission favored to keep the allotment in East Brewton as it “would provide a first local transmission service to that town, which has a population of 2,579 whereas allotting a new FM channel to Navarre, Florida would provide that community, which has a population of 900, with its first local transmission service.” The R&O further stated “since East Brewton has a greater population than Navarre, the larger community of East Brewton is the preferred allotment.” The Petitioner has since proved that the population data shown in the Atlas and used by the Commission to determine the population of Navarre was grossly outdated and was but an estimate at that time from the postmaster whose branch office served Navarre. In reality, Navarre has a far greater population than East Brewton, and in fact may well be as much as eight and one half times as large if the 22,000 population attributed to the community by County Commissioner Bill Campbell is used. But by any account shown in this pleading, Navarre has a significantly greater population than does East Brewton. Furthermore, the petitioner has shown that the explosion in Navarre’s growth has been recent and that all indications point to its continuance in the future. Navarre is clearly becoming one of the larger communities in the Florida panhandle. With the knowledge that Navarre has a far greater population than East Brewton, based on 1998

information, and that it will continue to grow at a rapid pace, it is abundantly clear that Navarre is the preferred community of allotment.

22. The R&O also gave great weight to the argument that if Channel 239 were reallocated to Navarre that an area of 746.8 square kilometers, or 29.0% of the total area within the presently authorized WGCX(FM) 60 dBu service contour, would be denied a fifth reception service. It further stated that some 7,011 persons, or 26.1% of those person within the 60 dBu service contour, resided in the area that would be denied the fifth reception service. The Commission erred in its finding. It appears that the Commission did not factor in Station WPHG-FM at Brewton, Alabama which came on the air in July, 1998 and which received a Commission grant of its station license on October 27, 1998. The 60 dBu service contour of Station WPHG-FM completely covers the WGCX(FM) 60 dBu service contour. Without the inclusion of Station WPHG-FM, the area receiving only four reception services would have indeed been larger. The Station WPHG-FM license application was filed in July of 1998, over three lmonths before the R&O was adopted. The fact remains that Station WPHG-FM is a licensed and operating facility which should have been counted towards the total of reception services in the area of concern. With the inclusion of Station WPHG-FM, the area that would be denied a fifth reception service shrinks considerably. Likewise, the population which would be denied a fifth reception service is greatly reduced. The two areas that would be denied a fifth reception service are outlined in Exhibit 12.

23. The fact that the channel reallocation to Navarre would increase the population served by Station WGCX(FM) 12.5 times to 316,060 persons as well as the area served by two and one half times to 4,802.9 square kilometers can not be ignored. Whereas the actual population and area that would be denied a fifth local service at East Brewton is insignificant the tremendous increase

in population and area at Navarre is substantial and quite “significant”. This tremendous increase in population and area served creates a more efficient use of the spectrum and must not be pushed aside. By including WPGH(FM) in the reception services available within the presently authorized WGCX(FM) 60 dBu service contour neither the population or area denied a fifth reception service can be termed, as was by the R&O, as being “substantial”.

24. The community of Navarre is well deserving of an FM channel allotment. The community has seen explosive growth over the past seven years and all indications point to continued growth in the future. Navarre, with its growing population, is in need of a local transmission service to inform the area residents of emergency information regarding life and property specific to their area. Navarre, located adjacent to the Gulf of Mexico, is susceptible to strikes by hurricanes. In fact, over the past decade a number of storms have affected the community. The community is in need of a local transmission facility to inform area residents of evacuation routes, location of shelters as well as storm watches and warnings. The specific preparations that must be made for Navarre are unique to that community. The community, in times such as this, can not rely on broadcast facilities in Fort Walton Beach and Pensacola to adequately inform area residents of the specific details to save life and property in Navarre. Those broadcast facilities have their hands full with relaying specific information to residents of their respective communities. With Navarre’s great growth in population a problem already exists that will only get worse as more residents and businesses move to the community. It is imperative that before, during and after a storm that local law enforcement, fire and governmental agencies have the ability to provide immediate information to area residents concerning evacuation routes, evacuation orders, road closings, tidal flooding, power interruption, quality of drinking water, health care, etc. Under the Commission’s FM technical rules there are no new FM channels that can be allotted to Navarre.

Additionally, with the presence of the Gulf of Mexico creating a “salt water kick” there are no AM frequencies that would meet the Commission’s allocation criteria for licensing to Navarre. It certainly is not a “public interest benefit” to deny a community with Navarre’s present population, projected growth rate and geographic location to be foreclosed from having a local transmission service. In fact, one would be hard pressed to find a community the size of Navarre, also outside of an urbanized area, that did not have a local transmission service. For these reasons, the reallocation of Channel 239 to Navarre would clearly create a far greater public interest benefit than would keeping the channel in the much smaller, less vibrant, community of East Brewton.

25. When evaluating and considering the “totality of factors”, in light of the accurate information relating to population and reception services presented herein by the Petitioner, it is clear that the reallocation of the channel to Navarre should be preferred over its use at East Brewton.

CONCLUSION

26. As demonstrated herein, the Commission erred by only attributing 900 persons to the community of Navarre, as this total was but an outdated and inaccurate estimation made in 1992 by the postmaster who served the community. In fact, the Commission should have attributed 22,000 persons to the community of Navarre, a population figure given by Santa Rosa County Commissioner Bill Campbell. Applying this, or any other population figure shown by the Petitioner

in this pleading, it is clear that Navarre has a far greater population that does East Brewton and should receive preference for the channel allotment.

The Commission also erred by not including Station WPHG-FM at Brewton, Alabama in the reception services considered when evaluating areas that would be denied five reception services if Channel 239 were reallocated to Navarre. After inclusion of Station WPHG-FM this area shrinks dramatically where the area and population denied the fifth reception service becomes insignificant in relation to the gain in population and area if the channel were reallocated to Navarre.

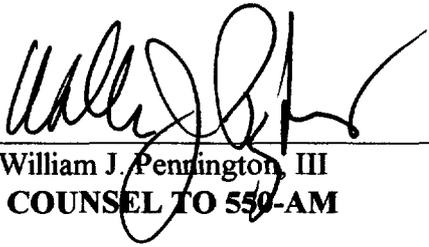
Finally, the Commission erred in its weighing of the public service benefit that the channel allotment would have on each community. The Commission placed more weight on the denial of a fifth service to population and area at East Brewton, which scope has been refuted herein, than to the tremendous gain in population and area the channel would bring if reallocated to Navarre. Furthermore, the Commission failed to even acknowledge the specific public service benefit that the channel allotment would have to Navarre as a result of the tremendous growth, the community's susceptibility to hurricanes and the need for a first local transmission outlet so that local governmental and law enforcement officials can disseminate important information in times of emergency.

For all of these reason, the Commission's R&O should be reversed and channel 239 be reallocated to Navarre.

WHEREFORE, in light of the foregoing, 550-AM respectfully requests that the Commission GRANT this Petition for Reconsideration, Amend the FM Table of Allotments by reallocating Channel 239 from East Brewton to Navarre, Florida as a Class C3 facility and MODIFY the construction permit of Station WGCX(FM) to specify operation on Channel 239C3 at Navarre.

Respectfully submitted,

550-AM

By: 
William J. Pennington, III
COUNSEL TO 550-AM

William J. Pennington, III
Attorney at Law (Admitted in NC & SC Only)
Post Office Box 403
Westfield, MA 01086
(413) 562-3341

December 6, 1998

EXHIBIT 1

LETTER FROM JAN PAWLOWSKI OF RAND McNALLY



8255 North Central Park
Skokie, IL 60076-2970
Tel (847) 329-8100
Cable: RANALLY Skokie IL
Mail to: Box 7600
Chicago, IL 60680 7600

December 2, 1998

Mr Jack Pennington

Fax# 413-572-1385

According to our records, the population figure shown in the 1998 Rand McNally Commercial Atlas and Marketing Guide for Navarre, FL was an estimate from 1992.

Sincerely,

Jan Pawlowski
Jan Pawlowski
Consumer Affairs

EXHIBIT 2

**LETTER FROM SANTA ROSA COUNTY COMMISSIONER
BILL CAMPBELL**



**SANTA ROSA COUNTY
BOARD OF COMMISSIONERS**

6495 Caroline Street
Milton, Florida 32570-4592



JIM WILLIAMSON, District One
H. BYRD MAPOLES, District Two
W.S. (BILL) LUNDIN, District Three
DEBBIE DAWSEY, District Four
BILL CAMPBELL, District Five

HUNTER WALKER, County Administrator
THOMAS V. DANNHEISER, County Attorney
JOEL D. HANFORD, Budget Director

MEMORANDUM

TO: Mike Glinten
WGEX

FAX: 469-9698

DATE: December 3, 1998

FROM: Bill Campbell *Bill Campbell*
County Commissioner, District 5

Navarre is defined on the West by Holley-by-the-Sea, on the North by the East Bay and the East River, on the East by the Okaloosa County line and on the South by the Santa Rosa Sound.

An estimate of population at this time is over 22,000.

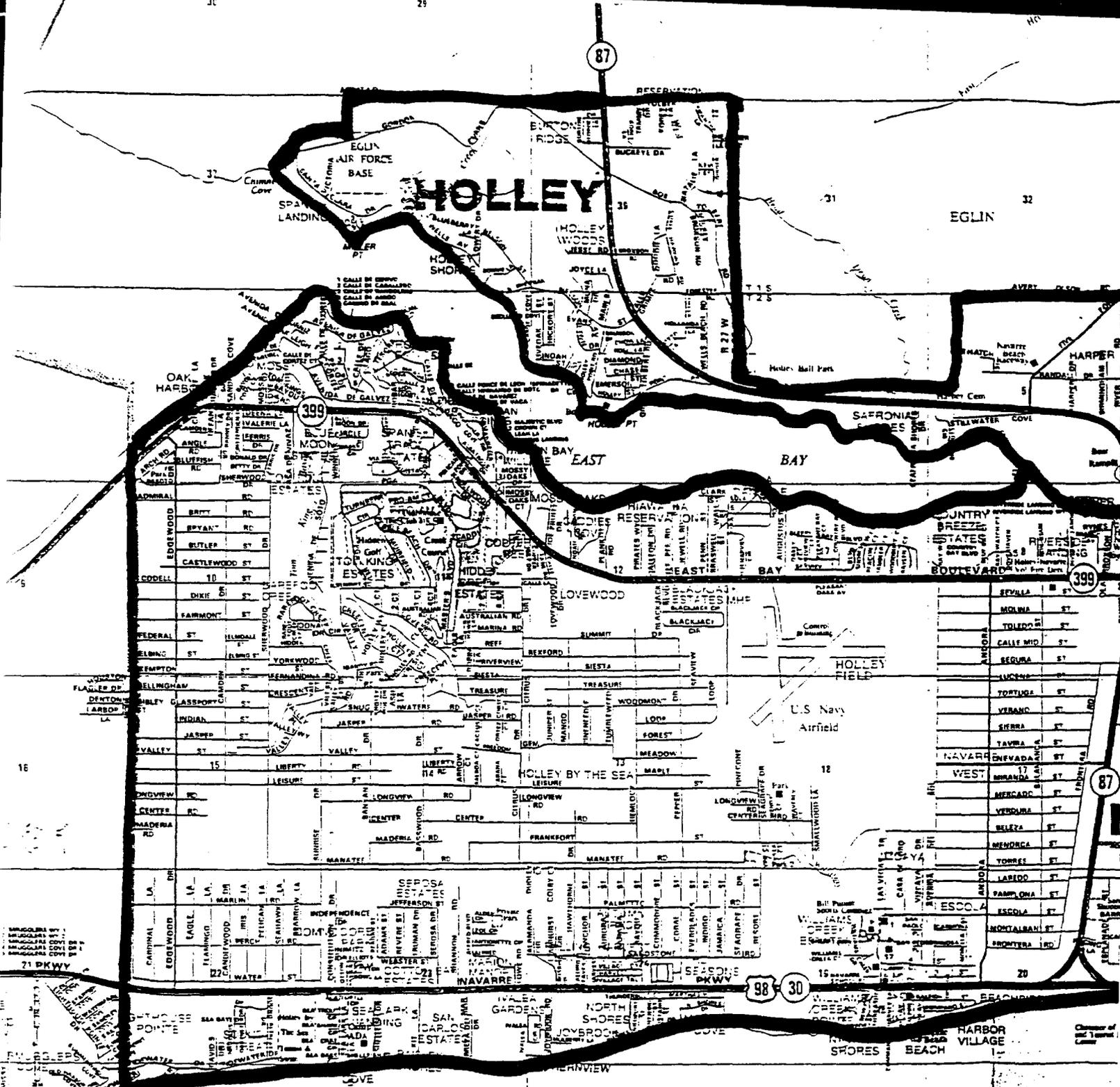
Navarre Beach to the South of Navarre contains approx. 3,000 people.

If you have any further questions, give me a call at 983-1002 or 934-8998.

87

HOLLEY

EGLIN

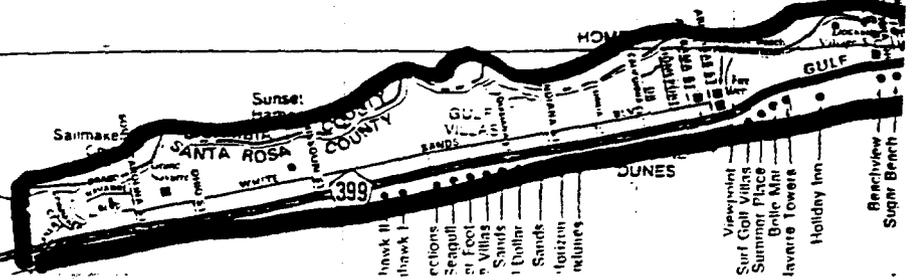


32506

SANTA ROSA COUNTY
ESCAMBIA COUNTY

SANTA ROSA

SUNSET
SANTA ROSA COUNTY
GULF ISLAND NATIONAL SEASHORE
PENSACOLA BEACH



- hawk
- thank
- actions
- Seagull
- at Foot
- at Villas
- Sands
- 1 Dollar
- Sands
- fortress
- relatives
- Viewpoint
- Surf Golf Villas
- Summer Place
- Golf Mir
- lavender Towers
- Holiday Inn
- Reschley
- Sugar Beach
- Paradise Point
- Whispering Sands
- Sugar Dunes
- Indie Winds
- Summer Shirts

AREA

HOLLEY-NAVARRE AND VICINITY FLORIDA

SCALE



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430 North Federal Highway
Fort Lauderdale, FL 33301
1-800-877-3648

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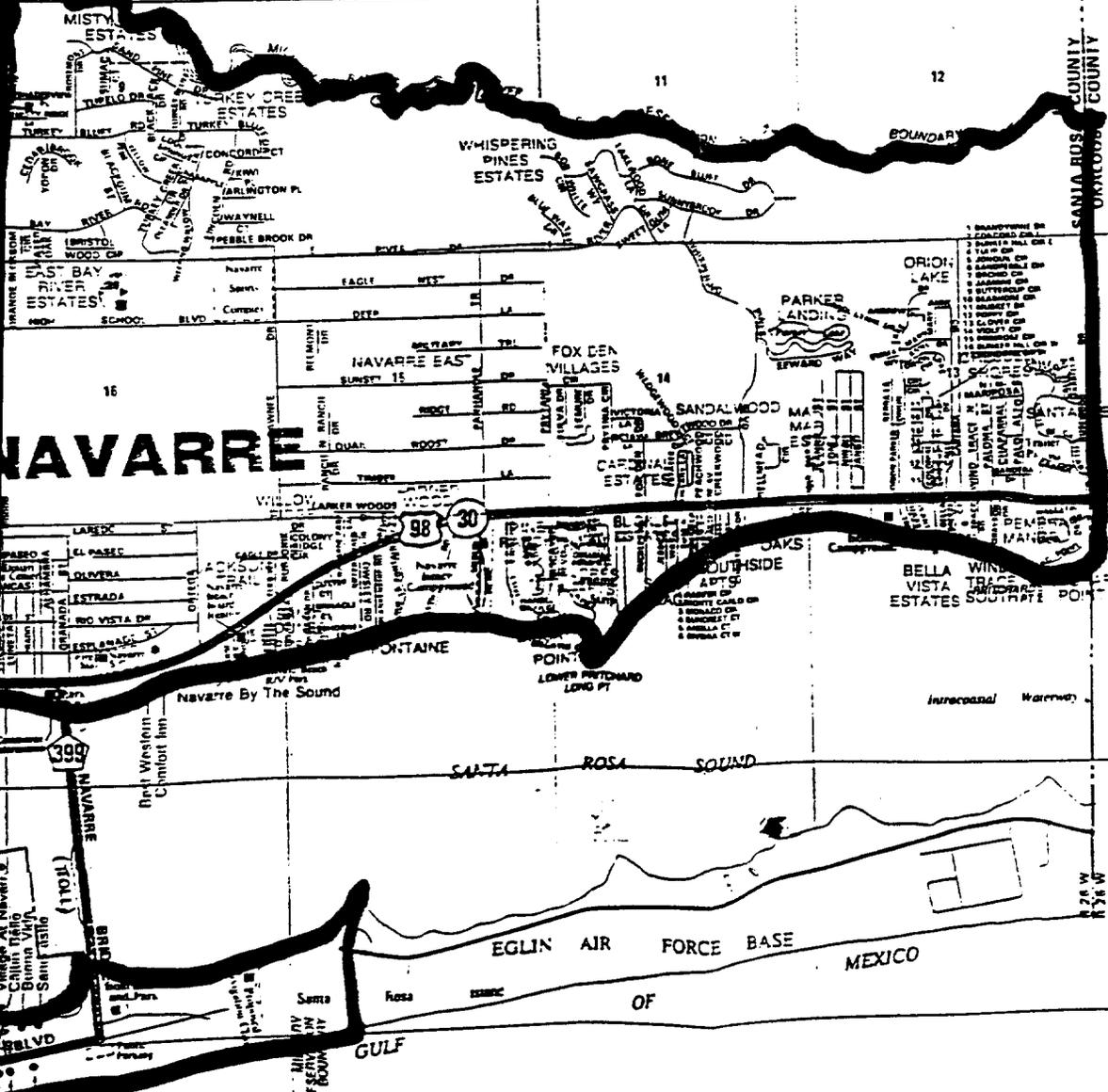
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32566

EAST BAY SWAMP



NAVARRE

NAVARRE BEACH

SANJA ROSA COUNTY
UNINCORPORATED

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Holiday Homes
The Beach Regency

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EXHIBIT 3

**LETTER FROM CHIEF JERRY SEARS
HOLLEY-NAVARRE FIRE DEPARTMENT**

12-4-98

To Whom it may concern:

The Navarre fire district is bounded on the East by the Santa Rosa County line,
On the South, by the Santa Rosa Sound, on the North by the East Bay River, and on the
West by Edgewood Drive.

The Community of Holly is north of Navarre on the other side of its natural boundary, the
East Bay River.

Sincerely,

Jerry Sears
Chief
HNFD

Jerry Sears
Chief HNFD

12-4-98

EXHIBIT 4

**DESCRIPTION OF NAVARRE BOUNDARIES
FROM LOCAL CHAMBER OF COMMERCE**

Demographic Report

LOCATION

For the purposes of this study, the area claimed as the Navarre Beach Area includes the areas of Navarre, Holley and Navarre Beach.

Navarre is located on the Gulf of Mexico in Santa Rosa County, Northwest Florida and is one of the fastest growing areas of Florida. It is easily accessible by automobile along U. S. Highway 98 from the east and west or by State Highway 87 from the north (just 19 miles from Interstate 10). Navarre is bordered on the east by Okaloosa County and on the west by the western boundary of Holley by the Sea.

Holley is located on Navarre's northern boundary on State Highway 87 and is separated from Navarre by the East River. Holley is bordered on the north, east and west by Eglin Air Force Base property.

Navarre Beach is located south of Navarre across the Santa Rosa Sound. It is bordered on the east by Eglin Air Force Base property, on the west by Gulf Island National Seashore, and on the south by the Gulf of Mexico. Navarre Beach is accessed by use of the Navarre Toll Bridge in Navarre and the Pensacola Beach Toll Bridge from Gulf Breeze.

MUNICIPAL CHARACTERISTICS

Incorporation

The Navarre Beach area is presently unincorporated. The area is governed by Santa Rosa County. A five member board of commissioners is elected to 4 year terms. A county administrator is appointed by the County Commission.

Enhanced 911 System

All emergencies of any nature may be reported over this system to a county control center. While reporting such emergencies, the phone location from which the

emergency is being reported appears on computers in the control center.

Police Protection

Police protection for the South end of the County is provided by the Santa Rosa County Sheriff's Department. An office is located in the South Santa Rosa County Service Center. The area is patrolled by permanently assigned deputies.

Fire Protection

Protection is provided by two volunteer fire departments, the Navarre Beach Volunteer Fire Department and the Holley-Navarre Volunteer Fire Department. The beach station is located behind the Beach Administration office, about a quarter mile west of the Holiday Inn. There are two stations to serve the mainland - one located on County Road 399, approximately one half mile west of State Highway 87, and the other located near the Winn Dixie Shopping Center. Both departments include trained paramedics.

Medical Attention

Residents enjoy convenient access to quality health care with Gulf Breeze Hospital Less than 15 minutes away. The 60-bed hospital features a four-bed intensive care unit, three operating rooms, an outpatient surgery program, and a 24-hour emergency department.

The area is also served by Santa Rosa Medical Center which is located in Milton and is the county's largest health care facility.

In Pensacola, three major hospitals are available, including Baptist Health Care, Sacred Heart Hospital and West Florida Regional Medical Center.

An Emergency Medical Service is located in Midway, about 4 miles west of Holley by the Sea.

There are currently three general practice physicians and a surgeon practicing in Navarre. There is also a dentist located in Navarre, who can be reached after hours for emergencies.



EXHIBIT 5

**LETTER FROM JAMES L. BROOKS
CUSTOMER SERVICE MANAGER OF LOCAL POST OFFICE**



December 2, 1998

Mike Gliner
WZNO Radio
2070 N Palafox Street
Pensacola, FL 32503

Mr. Gliner:

The number of delivery points in Navarre, FL 32566 is 7347 residences and 221 businesses for a total of 7568.

If I can be of any further assistance, please contact me at 939-4762.

A handwritten signature in cursive script that reads "James L. Brooks".

JAMES L. BROOKS
Manager, Customer Service
Navarre, FL 32566-9998

EXHIBIT 6

**LETTER FROM MIKE L. BICKERS
POSTMASTER OF U.S. POST OFFICE SERVING NAVARRE**

POSTMASTER
UNITED STATES POSTAL SERVICE



12-2-98

Mike Gliner
WZNO Radio

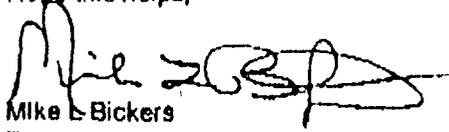
Ref. Navarre possible delivery count

Dear Mike,

As per our conversation the Post Office in Navarre FL 32561-9998 has the potential to deliver to 8,029 structures. This in no way indicates population for the following factors

1. Navarre Beach is included and some of those units are only vacation homes.
2. usually more than one person lives at each structure.

Hope this helps,

A handwritten signature in black ink, appearing to read "Mike L. Bickers".

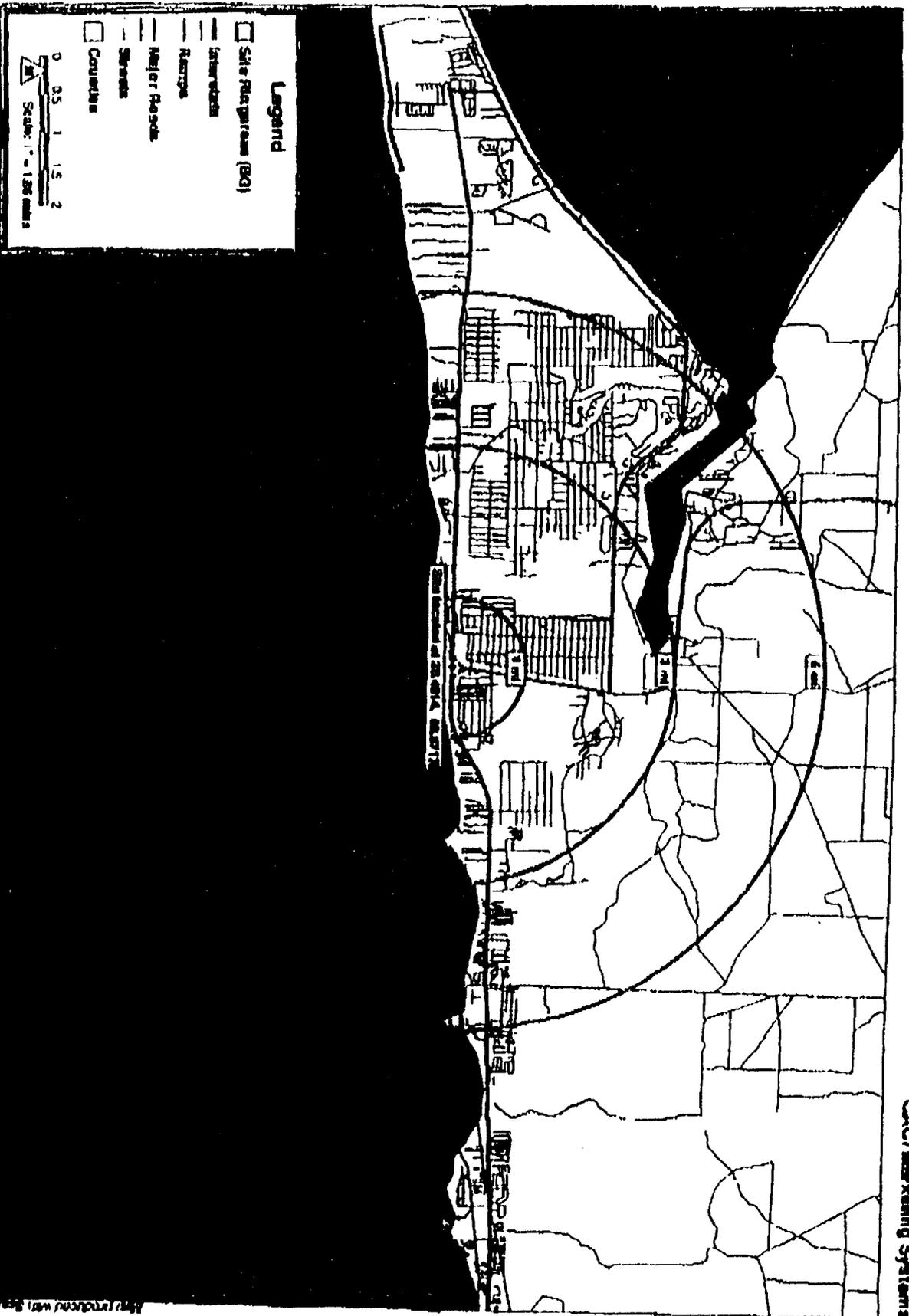
Mike L. Bickers
Postmaster
Gulf Breeze FL 32561-9998

EXHIBIT 7

**DEMOGRAPHIC STUDY OF NAVARRE
PREPARED BY CACI MARKETING SYSTEMS**

Navarre, FL US 98 & Rt-87

CACI Marketing Systems



(800) 292-CACI

1/30/98

Site Facts

	Navarre, FL US 90 & Rt-87 0-1 Miles	Navarre, FL US 90 & Rt-87 0-2 Miles	Navarre, FL US 90 & Rt-87 0-5 Miles
1990 Population	299	4,401	8,448
1998 Population	535	7,584	14,019
2003 Population	678	9,511	17,394
1990 - 1998 Annual Change	7.3%	8.8%	8.3%
1998 - 2003 Annual Change	4.8%	4.6%	4.4%

Population by Age

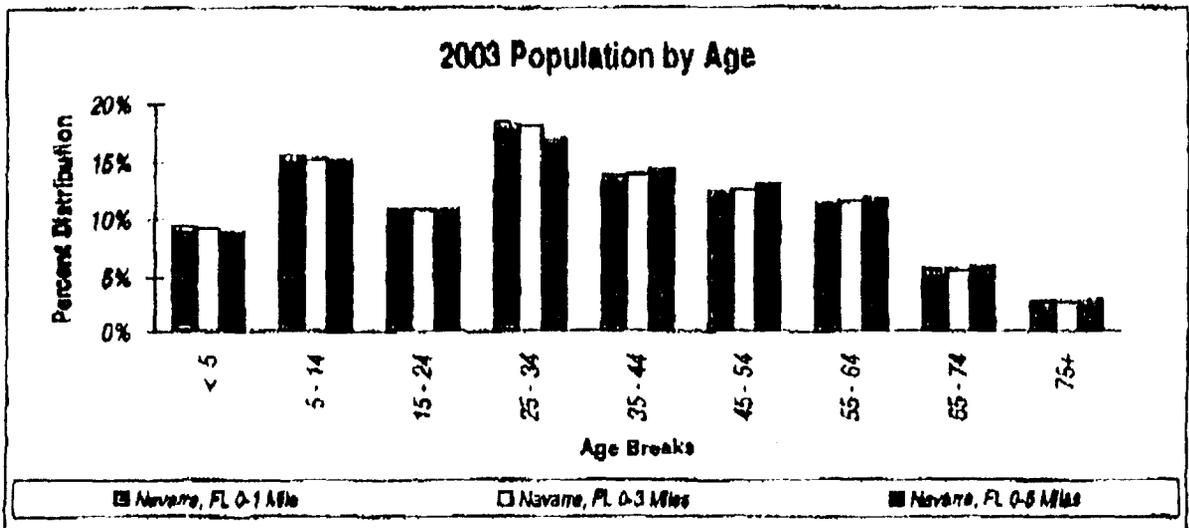
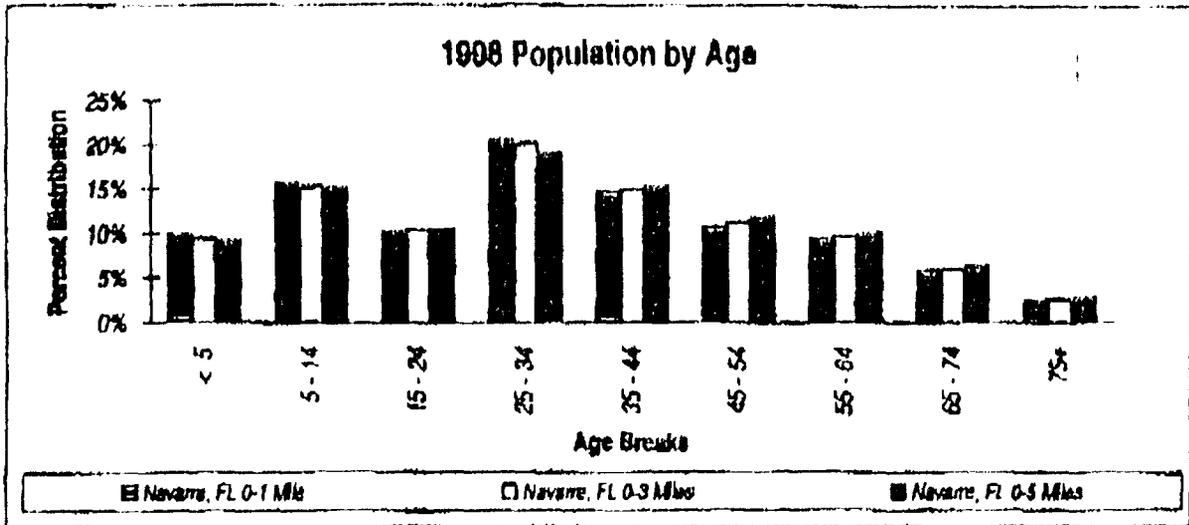
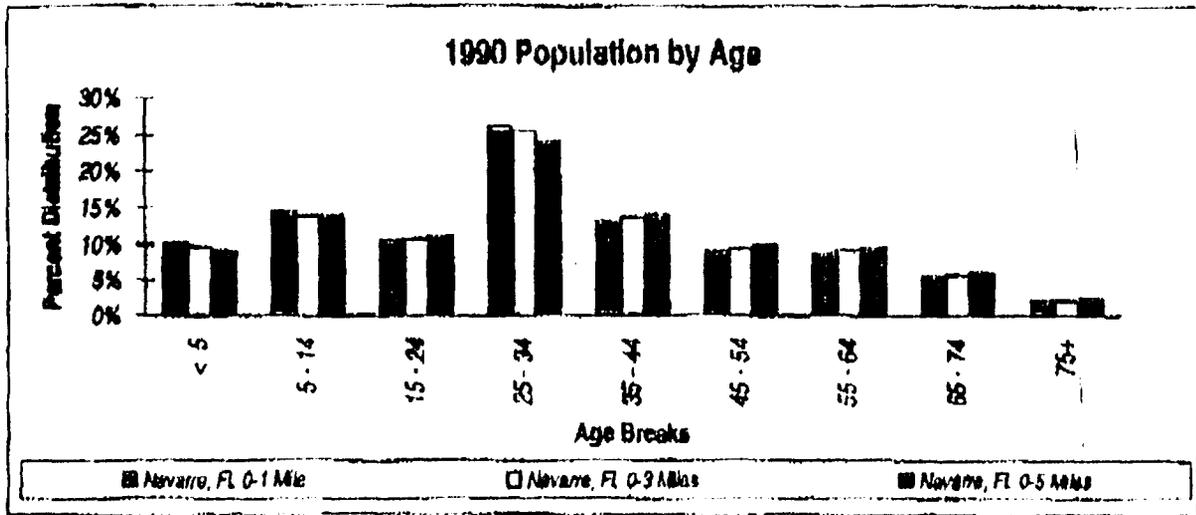
	Navarre, FL US 90 & Rt-87 0-1 Miles	Navarre, FL US 90 & Rt-87 0-2 Miles	Navarre, FL US 90 & Rt-87 0-5 Miles
1990 < 5	9.9%	9.5%	8.1%
5 - 14	14.5%	13.8%	13.8%
15 - 19	4.6%	4.7%	5.0%
20 - 24	6.0%	8.0%	5.9%
25 - 34	28.8%	25.6%	23.9%
35 - 44	13.2%	13.6%	14.2%
45 - 54	8.9%	9.6%	10.0%
55 - 64	9.0%	9.9%	9.6%
65 - 74	5.5%	6.7%	6.0%
75 - 84	1.9%	1.9%	2.0%
85+	0.3%	0.3%	0.4%
18+	72.8%	73.8%	73.8%
Median Age	30.4	31.0	31.6
1998 < 5	9.9%	9.6%	9.1%
5 - 14	15.8%	15.9%	15.2%
15 - 19	5.0%	5.1%	5.9%
20 - 24	5.2%	5.2%	5.1%
25 - 34	20.6%	20.2%	19.0%
35 - 44	14.7%	14.9%	15.4%
45 - 64	10.8%	11.3%	11.7%
55 - 64	8.8%	9.8%	10.0%
65 - 74	5.9%	8.0%	6.4%
75 - 84	2.3%	2.2%	2.4%
85+	0.3%	0.4%	0.4%
18+	71.1%	71.9%	72.2%
Median Age	31.9	32.4	33.1
2003 < 5	9.5%	9.2%	8.7%
5 - 14	15.6%	15.2%	15.0%
15 - 19	5.1%	5.2%	5.4%
20 - 24	5.8%	5.8%	5.5%
25 - 34	18.3%	18.1%	16.9%
35 - 44	13.7%	13.9%	14.3%
45 - 64	12.2%	12.7%	13.2%
55 - 64	11.4%	11.6%	11.9%
65 - 74	5.7%	5.8%	6.1%
75 - 84	2.4%	2.4%	2.5%
85+	0.4%	0.4%	0.5%
18+	71.5%	72.2%	72.7%
Median Age	32.8	33.2	34.1

Sources: 1990 census data from the U.S. Bureau of the Census.

Copyright 1998 CACI East (800) 282-CACI FAX: (703) 243-6272 West (800) 394-3690 FAX: (818) 677-6420

Nov. 30, 1998

Site Facts



Site*Facts

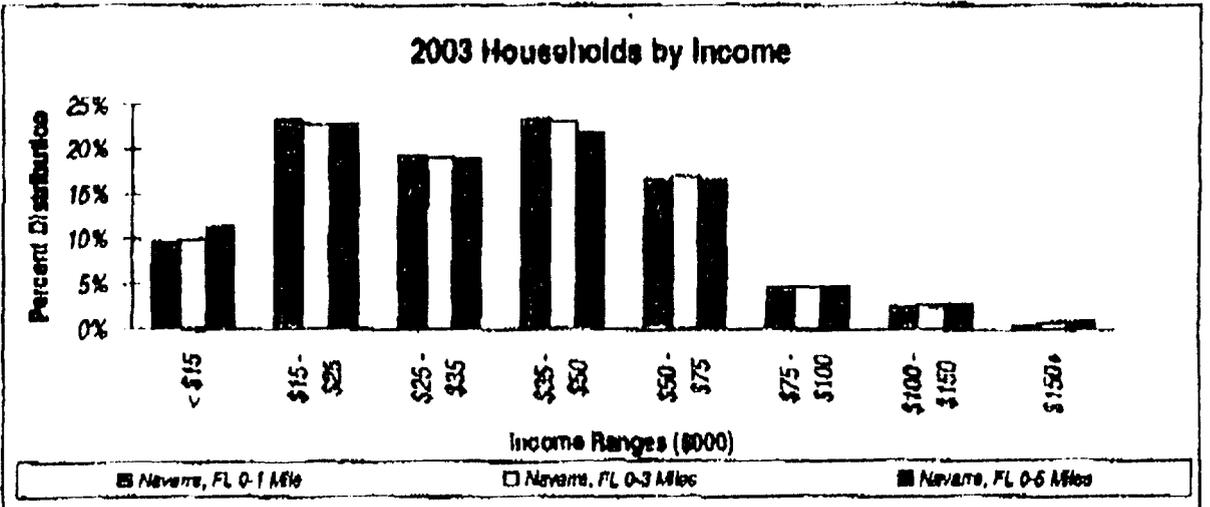
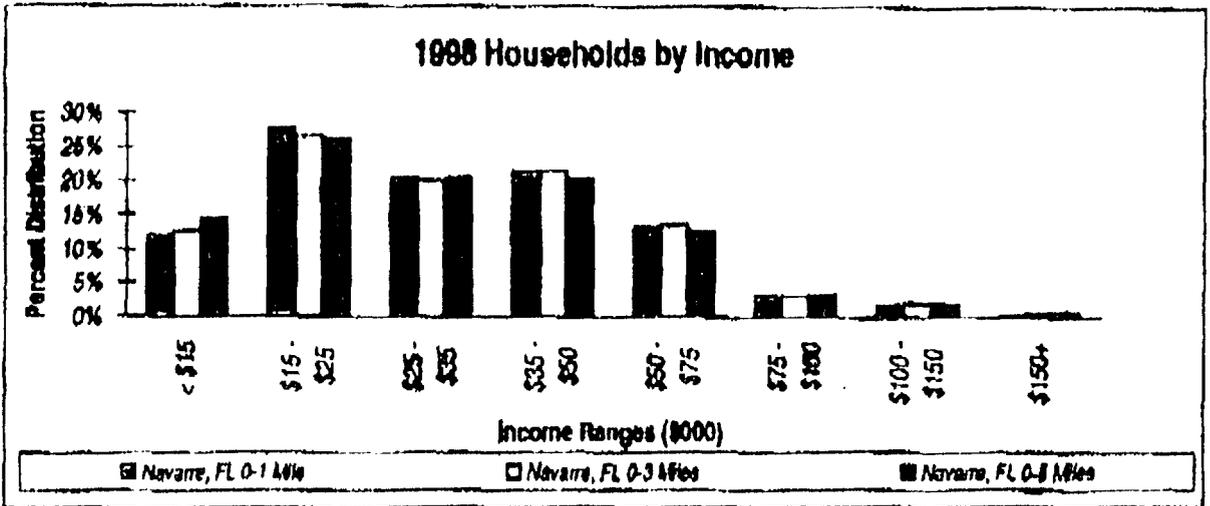
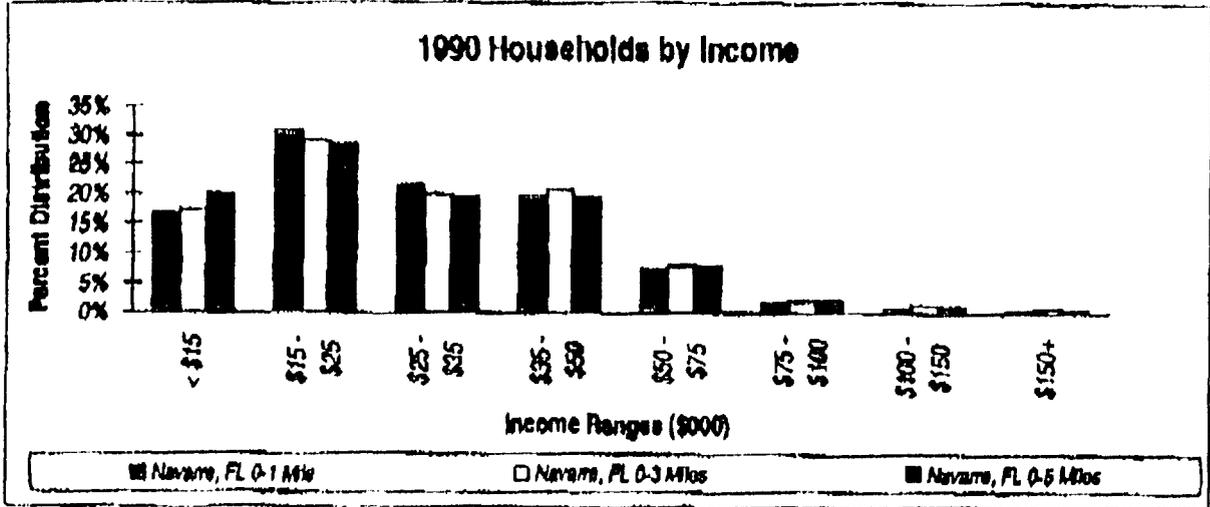
	Navarre, FL		Navarre, FL
	US 90 & Ft-87	US 90 & Ft-87	US 90 & Ft-87
	0-1 Miles	0-3 Miles	0-8 Miles
1990 Group Quarters	1	11	20
1998 Group Quarters	1	11	20
1990 - 1998 Annual Change	0.0%	0.0%	-0.2%
1990 Households	132	1,881	3,220
Average Household Size	2.26	2.61	2.82
1998 Households	232	2,818	5,218
Average Household Size	2.31	2.69	2.68
2003 Households	290	3,484	6,391
1990 - 1998 Annual Change	7.1%	6.6%	6.0%

Households by Income*

1990 Household Income Base	128	1,848	3,210
< \$15,000	18.8%	17.4%	20.1%
\$15,000 - \$24,999	30.8%	29.0%	28.4%
\$25,000 - \$34,999	21.4%	20.1%	19.6%
\$35,000 - \$49,999	20.0%	20.8%	19.6%
\$50,000 - \$74,999	7.7%	8.2%	8.0%
\$75,000 - \$99,999	1.9%	2.2%	2.3%
\$100,000 - \$149,999	0.8%	1.5%	1.4%
\$150,000+	0.4%	0.8%	0.8%
Median Household Income	\$28,067	\$28,783	\$25,694
Average Household Income	\$30,051	\$31,988	\$30,924
1998 Household Income Base	232	2,818	5,219
< \$15,000	12.1%	12.6%	14.4%
\$15,000 - \$24,999	27.7%	26.6%	26.1%
\$25,000 - \$34,999	20.7%	20.1%	20.3%
\$35,000 - \$49,999	21.3%	21.4%	20.4%
\$50,000 - \$74,999	13.1%	13.5%	12.9%
\$75,000 - \$99,999	3.0%	3.1%	3.3%
\$100,000 - \$149,999	1.7%	2.0%	2.0%
\$150,000+	0.3%	0.8%	0.6%
Median Household Income	\$30,110	\$30,494	\$29,883
Average Household Income	\$34,982	\$36,111	\$35,527
2003 Household Income Base	290	3,484	6,391
< \$15,000	8.8%	10.1%	11.4%
\$15,000 - \$24,999	23.2%	22.8%	23.0%
\$25,000 - \$34,999	19.4%	19.0%	18.9%
\$35,000 - \$49,999	23.5%	23.1%	21.9%
\$50,000 - \$74,999	18.8%	17.0%	16.5%
\$75,000 - \$99,999	4.6%	4.7%	4.8%
\$100,000 - \$149,999	2.4%	2.6%	2.7%
\$150,000+	0.5%	0.8%	0.8%
Median Household Income	\$33,659	\$33,949	\$33,126
Average Household Income	\$39,251	\$40,055	\$39,548
	Per Capita Income*		
1990	\$12,881	\$11,069	\$11,085
1998	\$15,155	\$13,421	\$13,246
2003	\$16,794	\$14,677	\$14,548

* Income represents the preceding year, expressed in current dollars.

Site*Facts



Site Facts

Navarre, FL
US 98 & Rt-97
0-1 Miles

Navarre, FL
US 98 & Rt-97
0-3 Miles

Navarre, FL
US 98 & Rt-97
0-5 Miles

Population by Race by Hispanic Origin*

1990 Population by Race

White	93.0%	92.4%	94.0%
Black	2.0%	1.8%	1.0%
American Indian	1.1%	1.0%	1.1%
Asian/Pacific Islander	2.1%	2.1%	2.1%
Other Races	0.5%	0.4%	0.4%
% Hispanic Origin	2.8%	2.8%	2.4%

1990 Hispanic Origin by Race

White	74.1%	74.2%	72.5%
Black	3.8%	3.6%	3.2%
American Indian	3.2%	3.0%	2.6%
Asian/Pacific Islander	4.4%	4.4%	5.7%
Other Races	14.6%	14.8%	18.0%

1998 Population by Race

White	91.4%	91.8%	92.2%
Black	2.5%	2.3%	2.4%
American Indian	1.3%	1.3%	1.3%
Asian/Pacific Islander	3.9%	3.7%	3.4%
Other Races	0.8%	0.8%	0.7%
% Hispanic Origin	4.8%	4.6%	4.2%

1998 Hispanic Origin by Race

White	70.1%	70.2%	68.6%
Black	5.1%	5.0%	4.5%
American Indian	3.0%	3.8%	3.4%
Asian/Pacific Islander	5.9%	5.9%	7.4%
Other Races	15.0%	15.2%	18.2%

2003 Population by Race

White	90.5%	90.0%	90.8%
Black	2.7%	2.8%	2.8%
American Indian	1.5%	1.4%	1.4%
Asian/Pacific Islander	5.2%	4.9%	4.5%
Other Races	1.1%	1.0%	1.0%
% Hispanic Origin	6.8%	6.5%	5.9%

2003 Hispanic Origin by Race

White	69.4%	69.5%	68.2%
Black	6.3%	6.1%	5.8%
American Indian	4.4%	4.3%	3.0%
Asian/Pacific Islander	4.9%	4.9%	6.1%
Other Races	15.0%	15.3%	18.3%

* Persons of Hispanic Origin may be of any race.

Site*Facts

	Navarra, FL		Navarra, FL
	US 98 & Rt-87 0-1 Mile	US 98 & Rt-87 0-3 Miles	US 98 & Rt-87 0-5 Miles
1990 Families	102	1,262	2,455
Average Family Size	2.59	2.99	2.89
1998 Families	178	2,099	3,990
Average Family Size	2.61	3.08	3.05
2003 Families	218	2,571	4,762
1990 - 1998 Annual Change	6.8%	6.4%	5.9%
1998 - 2003 Annual Change	4.3%	4.1%	3.9%

1990 Census Profile

	US 98 & Rt-87 0-1 Mile	US 98 & Rt-87 0-3 Miles	US 98 & Rt-87 0-5 Miles
Household Type			
Family	102	1,262	2,455
Married Couple	90	1,112	2,160
Male Householder	4	52	103
Female Householder	8	98	192
% Family Households with Child	51.4%	49.8%	48.5%
Nonfamily Households	30	419	765
% Single Person	80.2%	79.5%	80.3%
% Households with Persons 65+	14.7%	14.7%	15.7%
Educational Attainment			
Total, Persons 25+ Years	185	2,782	5,498
% Less than High School	20.3%	19.3%	20.2%
% High School Graduate	79.7%	80.7%	79.8%
% Bachelor's Degree +	13.5%	18.1%	15.6%
% Graduate/Professional Degree	2.8%	3.7%	4.2%
Labor Force			
Total, Persons 16+ Years	215	3,223	6,307
In Labor Force	154	2,299	4,398
% In Labor Force	71.4%	71.0%	69.7%
Employed (Civilian)	109	1,684	3,353
Unemployed	11	151	299
% Unemployed	8.9%	8.2%	8.2%
Females 16+ Years	106	1,595	3,135
% In Labor Force	80.7%	80.5%	59.6%
Females with Children < 18	47	859	1,274
% In Labor Force	70.8%	70.0%	67.8%
Industry (% Employed 16+)			
Manufacturing	18.2%	17.4%	15.5%
Trade	19.9%	20.2%	21.8%
Services	24.7%	25.3%	28.7%
Public Administration	7.9%	7.3%	7.1%
Occupation (% Employed 16+)			
Managerial/Professional	16.7%	19.4%	21.4%
Technical	5.8%	5.5%	4.5%
Sales/Admin. Support	26.9%	28.8%	27.8%
Service	18.1%	17.1%	16.0%
Operator/Mover/Laborer	12.5%	11.3%	10.2%
Journey to Work (% Workers 16+)			
% Drove Alone	82.2%	80.8%	80.4%
% Carpooled	12.7%	13.8%	15.1%
% Used Public Transportation	0.3%	0.4%	0.3%
Average Travel Time to Work (mins.)	23.5	23.6	23.0

	Site Facts		
	Navarre, FL US 90 & Rt-87 0-1 Mile	Navarre, FL US 90 & Rt-87 0-3 Miles	Navarre, FL US 90 & Rt-87 0-5 Miles
1990 Housing Summary			
Occupancy and Tenure			
Total Housing Units	158	2,341	4,054
Occupied	139	1,719	3,225
% Owner	81.6%	78.5%	79.4%
% Renter	18.4%	21.5%	20.6%
Vacant	20	621	829
% Vacant	12.5%	26.5%	20.4%
Home Value			
Specified Owner Units	63	757	1,488
< \$50,000	8.6%	9.0%	11.6%
\$50,000 - \$99,999	69.2%	65.5%	61.5%
\$100,000 - \$149,999	14.2%	15.5%	15.7%
\$150,000 - \$199,999	3.7%	4.6%	5.2%
\$200,000 - \$299,999	3.0%	3.9%	4.4%
\$300,000 - \$399,999	0.3%	0.6%	0.7%
\$400,000 - \$499,999	0.5%	0.5%	0.4%
\$500,000+	0.4%	0.6%	0.4%
Median Home Value	\$74,349	\$76,257	\$76,710
Rent			
Specified Renter Units	24	946	613
< \$250	84.2%	19.5%	22.4%
\$250 - \$499	63.6%	59.2%	59.8%
\$500 - \$749	11.1%	18.3%	15.4%
\$750+	1.1%	3.1%	2.6%
Median Rent	\$312	\$345	\$330
Condominiums			
Occupied	2	306	370
% Vacant	23.5%	77.3%	74.4%
Units in Structure (% Total Units)			
1, Detached	48.5%	42.6%	49.5%
1, Attached	2.5%	4.1%	3.0%
2 - 4	4.5%	5.3%	4.5%
5+	1.2%	18.4%	9.9%
Mobile Home/Other	43.4%	32.6%	34.0%
Year Structure Built (% Total Units)			
1985 to March 1990	53.6%	43.6%	42.8%
1990 to 1994	20.3%	23.7%	23.0%
1970 to 1979	19.8%	24.1%	23.3%
1969 or Earlier	6.3%	8.7%	11.0%
Year Householder Moved In (% Occupied)			
1989 to 1990: Newcomers	40.7%	40.7%	35.8%
1985 to 1988: Recent Movers	43.8%	41.4%	41.2%
1984 or Earlier: Stable Residents	15.5%	17.9%	23.0%
Vehicles Available (% Occupied)			
None	1.9%	2.2%	3.1%
1	36.4%	36.6%	39.7%
2	49.0%	47.7%	49.0%
3+	12.7%	13.4%	14.3%

Site Facts

	Navarre, FL US 98 & Rt-87 0-1 Mile	Navarre, FL US 98 & Rt-87 0-3 Miles	Navarre, FL US 98 & Rt-87 0-6 Miles
Top ACORN Consumer Groups			
Navarre, FL 0-1 Miles	Young, Frequent Movers		100.0%
Navarre, FL 0-3 Miles	Young, Frequent Movers Enterprising Young Singles		94.9% 5.1%
Navarre, FL 0-5 Miles	Young, Frequent Movers Enterprising Young Singles		94.1% 5.1%

1988 Consumer Spending Summary

	Navarre, FL 0-1 Miles	Navarre, FL 0-3 Miles	Navarre, FL 0-6 Miles
Apparel: Total \$000	\$182	\$2,838	\$4,843
Average Spent*	\$1,170	\$1,170	\$1,172
Spending Potential Index*	87	87	87
Auto Aftermarket: Total \$000	\$85	\$955	\$1,757
Average Spent*	\$583	\$584	\$584
Spending Potential Index*	93	93	93
Auto Loans: Total \$000	\$288	\$4,119	\$7,544
Average Spent*	\$3,832	\$3,827	\$3,818
Spending Potential Index*	98	97	97
Electronics: Total \$000	\$40	\$578	\$1,062
Average Spent*	\$464	\$464	\$464
Spending Potential Index*	95	95	95
Health Insurance: Total \$000	\$155	\$2,209	\$4,087
Average Spent*	\$1,264	\$1,260	\$1,258
Spending Potential Index*	98	98	98
Home Loans: Total \$000	\$528	\$7,650	\$14,001
Average Spent*	\$8,331	\$8,401	\$8,388
Spending Potential Index*	83	84	83
Home Improvement: Total \$000	\$207	\$2,948	\$5,394
Average Spent*	\$2,223	\$2,207	\$2,200
Spending Potential Index*	99	99	99
HH Furnishings: Total \$000	\$103	\$1,496	\$2,748
Average Spent*	\$897	\$841	\$838
Spending Potential Index*	90	91	90
Investments: Total \$000	\$33	\$485	\$884
Average Spent*	\$10,653	\$10,575	\$10,561
Spending Potential Index*	84	84	84
Pets & Supplies: Total \$000	\$11	\$162	\$298
Average Spent*	\$291	\$291	\$290
Spending Potential Index*	99	99	99
Restaurants: Total \$000	\$186	\$2,409	\$4,426
Average Spent*	\$1,000	\$1,007	\$1,003
Spending Potential Index*	91	92	92
Sporting Goods: Total \$000	\$19	\$279	\$512
Average Spent*	\$628	\$628	\$626
Spending Potential Index*	97	97	97
Travel: Total \$000	\$69	\$1,002	\$1,836
Average Spent*	\$1,422	\$1,428	\$1,425
Spending Potential Index*	79	79	79

Source: CACI estimates, based on the Consumer Expenditure Interview Survey, Bureau of Labor Statistics

* The average amount spent is per consumer household. The Spending Potential Index is the area average divided by the U.S. average.

EXHIBIT 8

**POPULATION STUDY OF NAVARRE
PREPARED BY
RAYMOND H. HASS CENTER FOR BUSINESS RESEARCH AND
ECONOMIC DEVELOPMENT
UNIVERSITY OF WEST FLORIDA**

Santa Rosa County Zip Code Information

Zip Code 32666

	1990	1998
Population	5,469	8,052
# of Households	1,931	2,493
Median Household Income	\$22,566	\$33,283
Per-Capita Income	\$9,448	\$16,389

Zip's % Share of County

Population	6.70%
# of Households	6.47%
Median Household Income	81.81%
Per-Capita Income	74.85%

County-Level data

	1990	1998
Population	81,608	120,148
# of Households	29,842	38,535
Median Household Income	\$27,584	\$40,684
Per-Capita Income	\$12,656	\$21,954

1998 County-Level Estimates:	Ann. Growth	1990-1998 % Ch
Population	4.96%	47.23%
# of Households	3.25%	29.13%
Median Household Income	4.98%	47.49%
Per-Capita Income	7.13%	73.47%

Notes:

1990 data was obtained from US Census Bureau: 1990 Census Data.

1998 estimates at County-Level were obtained by calculating annual growth for each item.

1998 Zip-Code level data was calculated using County-Level 1990-1998 growth.

EXHIBIT 9

**HOUSING BLOCK COUNT FOR BOUNDED AREA OF NAVARRE
PREPARED BY THE BUREAU OF CENSUS**



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Regional Office
Atlanta, Georgia 30303-2700

1990 Census of Population and Housing

Florida

Santa Rosa County

Remainder of Gulf Breeze-Harold Division

Tract 108.03

Block Group 7 and Part of Block Group 8

Area Boundaries: North - East Bay River
East - County Line
South - Gulf of Mexico
West - Juncture of Highway 399 and Highway 98

Housing Units: 3270

Population: 7631

EXHIBIT 10

**YEARLY COUNT OF RESIDENCES
PREPARED BY
HOLLEY-NAVARRE FIRE DEPARTMENT**

1997

RESIDENCES BY TYPE

HOLLEY-NAVARRE FIRE DISTRICT

YEAR	SINGLE FAMILY	MOBILE HOME	CONDO	* DUPLEX LESS THAN 5	TOTAL	2.7 PEOPLE PER RESIDENCE ESTIMATED POPULATION
1986	947	633	26	37	1680	4536
87	1129	786	26	42	2025	5467
88	1372	874	26	46	2364	6382
89	1631	924	26	49	2679	7233
90	1936	962	26	56	3036	8197
91	2189	1058	26	56	3385	9139
92	2443	1119	26	56	3700	9990
93	2805	1169	26	58	4116	11113
94	3256	1239	26	60	4641	12530
95	3777	1298	26	64	5229	14117
96	4232	1343	26	69	5739	15495
97	4769	1393	26	74	6336	17107
98						

1990 CENS: 835

* MULTI-FAMILY DUPLEX LESS THAN 5 COUNTED AS TWO RESIDENCES

RESIDENCES GROWTH BY YEAR CONSTRUCTED

YEAR	SINGLE FAMILY	MOBILE ROOM	CONDO	MULTI-FAMILY LESS THAN 5	TOTAL
1986	182	153		5	345
87	243	88		4	339
88	259	50		3	315
89	305	38		7	357
90	253	96			349
91	254	61			315
92	362	50		2	416
93	451	70		2	525
94	521	59		4	588
95	455	45		5	505
96	537	50		5	597
97					
98					

EXHIBIT 11

**LETTER FROM DANA JONES
SANTA ROSA COUNTY INSPECTION DEPARTMENT**

Santa Rosa County Inspection Department

BANTA ROSA COUNTY ADMINISTRATIVE CENTER
8051 OLD BAGGAD HIGHWAY, ROOM 208
MILTON, FLORIDA 32563

MARTIN C. WILEY
BUILDING OFFICIAL

TELEPHONE
826-8244
432-2244
FAX 804-823-1208

MEMORANDUM

TO: Mr. Michael Gliner
President
Satellite Radio Network

FROM: Donna Jones
Administrative Assistant

RE: NAVARRE AREA CONSTRUCTION
FROM 1990 - 1997 AND THE FIRST
QUARTER OF 1998

DATE: November 30, 1998

The following totals are broken down by the year and include all construction in the Holly/Navarre area. Approximately 5% of the totals will be for the Holley area. The balance is for the Navarre area for which there has been tremendous growth:

1990	NEW SINGLE FAMILY DWELLINGS	567
1991-1996	NEW SINGLE FAMILY DWELLINGS	2,783
1997	NEW SINGLE FAMILY DWELLINGS	450
1998 (1 ST Quarter)	NEW SINGLE FAMILY DWELLINGS	<u>103</u>
TOTAL PERMITS ISSUED FOR THE HOLLEY/NAVARRE AREA		3,903

Post-It® Fax Note	7871	DATE	11-1-98	PAGES	1
To	Mike Gliner	From	Donna Jones		
Co/Dept	Satellite Radio Network	Co.	Santa Rosa County		
Phone #	434-1230	Phone #	623-0166		
Fax #	469-9698	Fax #	623-1208		

EXHIBIT 12

**ARTICLE FROM PENSACOLA DAILY NEWS
DETAILING GROWTH IN NAVARRE**

The \$2.8 million Arcon HealthCare Inc. building under construction on the north side of U.S. Highway 98 in Navarre is just part of the booming development in south Santa Rosa County.

Rolling (in dollars) down the highway

By DUWAYNE ESCOBEDO
Daily News Staff Writer

NAVARRE — Robert Vance pored over studies of business locations for nearly 18 months, and the decision finally became an obvious and easy one for him.

The best place for his new Lube-N-Go was on U.S. Highway 98 east of Navarre.

Construction workers painted the auto service shop and tiled the roof last week in preparation for the March opening.

"Growth is pretty phenomenal," Vance said. "Most of the major subdivisions I'll be getting business from are on U.S. 98. (And) studies show most traffic heads east from State Road 87."

Evidently, lots of other business people are coming to the same conclusion about locating on the 24-mile stretch of U.S. 98 through southern Santa Rosa County.

Between the Gulf Breeze city limits and the Navarre border with Okaloosa County, 1997 ended up a record year for commercial development concentrated mostly around the

four-lane highway.

There were 69 commercial permits amounting to \$16.7 million in commercial construction in south Santa Rosa County, excluding Gulf Breeze.

Previously, the most commercial permits issued in the area numbered 52 in 1994, and the highest total commercial construction cost reached \$3.8 million in 1995.

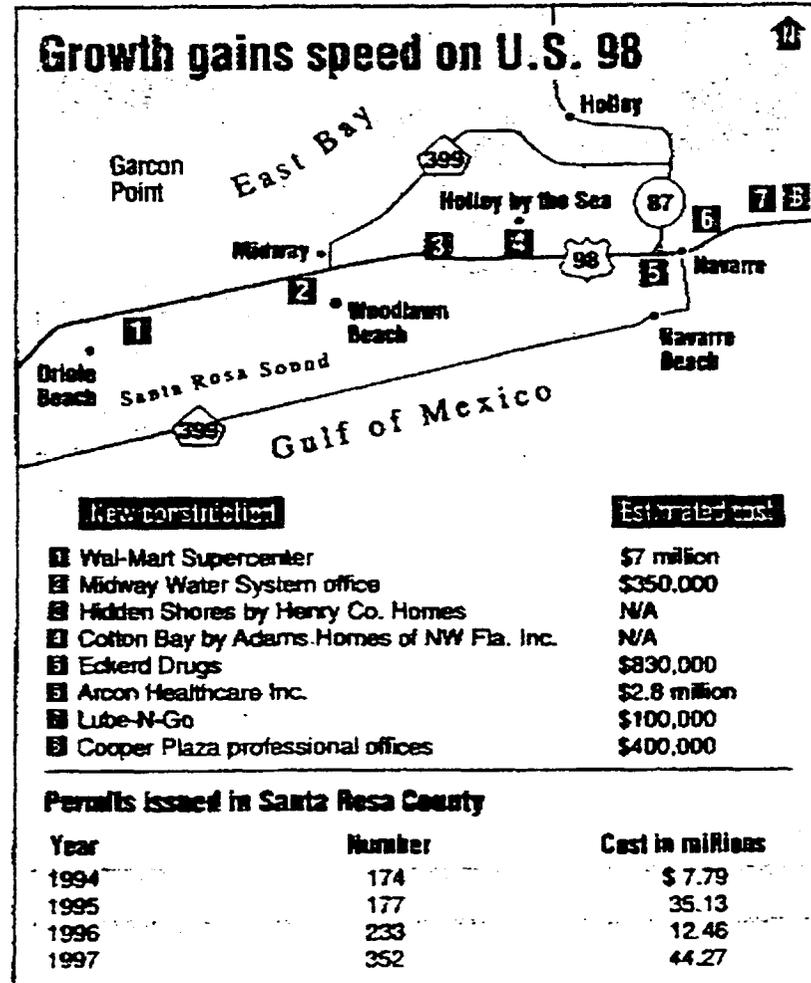
Navarre developer Bill Pullum described the stretch as a lonely place at one time, with little more than pine tree stands. Now, he expects the 24-mile stretch to become crowded with businesses and homes in the next five years.

"Once building starts — boom, boom, boom — all of a sudden it really fills in," Pullum said. "I think we'll top 1997 big-time in 1998."

Martin Riley, Santa Rosa County's chief building inspector, is hiring three new building officials to keep pace with development in the south end along U.S. 98.

"You drive that stretch of road, and everywhere you look is a building going up or a site

Please see HIGHWAY/4A



Source: Santa Rosa County Office of Management and Budget

Daily News/KEN MAINES

HIGHWAY

From 1A

being cleared," Riley said. "It's astronomical. It's unbelievable."

A home improvement store, grocery store, combination gas stations and convenience stores, and professional office buildings are just some of the commercial projects predicted to pop up along U.S. 98 in Navarre and Midway in the coming year, local commercial realtors said.

More than a dozen spots along U.S. 98 currently appear in different stages of development.

Bulldozers, 16-ton dump trucks, orange cones, mountains of dirt and skeletons of buildings make up much of the road's scenery nowadays. Such a site in Tiger Point became a \$7 million, 182,000-square-foot Wal-Mart Supercenter in January.

Currently, the largest project is a \$2.8 million medical facility run by Arcon HealthCare Inc. of Nashville, Tenn.

A brown steel frame of the 19,000-square-foot facility rises on the 7.5-acre site off U.S. 98 in eastern Navarre. Plastic wrapping is still wound tightly around part of the steel structure.

Angel Barber, executive director of the Navarre facility and a similar center in DeFuniak Springs, said she expects south Santa Rosa County and Navarre will see many more services moving in soon.

"There's a need for health care services and a lot of other ones for the community," she said.

The business boom along U.S. 98 comes as a result of skyrocketing residential growth, developers said.

In fact, the Holley-Navarre area led Santa Rosa for the fifth consecutive year in the number of single-family building permits. In 1997, 450 permits were issued for new homes.

Holley-Navarre's population has more than doubled from 8,359 in 1990 to an estimated 17,200 today.

Single-family home building was strong in the Midway area as well, trailing only Holley-Navarre for the second year in a row. In 1997, Midway had 328 single-family building permits, a 45-percent increase from 228 the year before.

Henry Company Homes recently began clearing part of a 100-acre site, just east of the intersection of East Bay Boulevard and U.S. 98.

The builder plans 109 lots on 40 acres of the property, with the remaining 60 acres being conserved as wetlands.

Just east of Henry's Hidden Shores subdivision, Adams Homes of Northwest Florida Inc. is currently erecting five new homes in its 38-home Cotton Bay subdivision.

The Adams homes range in size from 1,410 to 3,000 square feet and range in price from \$90,000 to \$121,000, said Mary Daniel, the sales agent.

Joedy Isert, a Henry Company spokesman, said the U.S. 98 strip's popularity is no secret.

"The Gulf Breeze peninsula is one of the most beautiful places around," said Isert. "Eventually, the corridor will be a string of developments that connect Gulf Breeze to Fort Walton Beach."

Although some residents long for the lonelier days, Warren Brown isn't one of them.

A Navarre resident for nearly 20 years, he recalls when only three realty companies, a cafe, gas station and seafood restaurant existed on U.S. 98 in the area.

"It was hard to find a place to get a cup of good coffee," Brown said. "It doesn't bother me that we're growing and prospering. I find it exciting, really."

EXHIBIT 13

**STUDY SHOWING RECEPTION SERVICES WITHIN PRESENT
WGCX(FM) SERVICE CONTOUR AND AREAS OF CONCERN**

**STUDY SHOWING RECEPTION SERVICES WITHIN PRESENT
WGCX(FM) 60 dBu SERVICE CONTOUR AND AREA OF CONCERN**

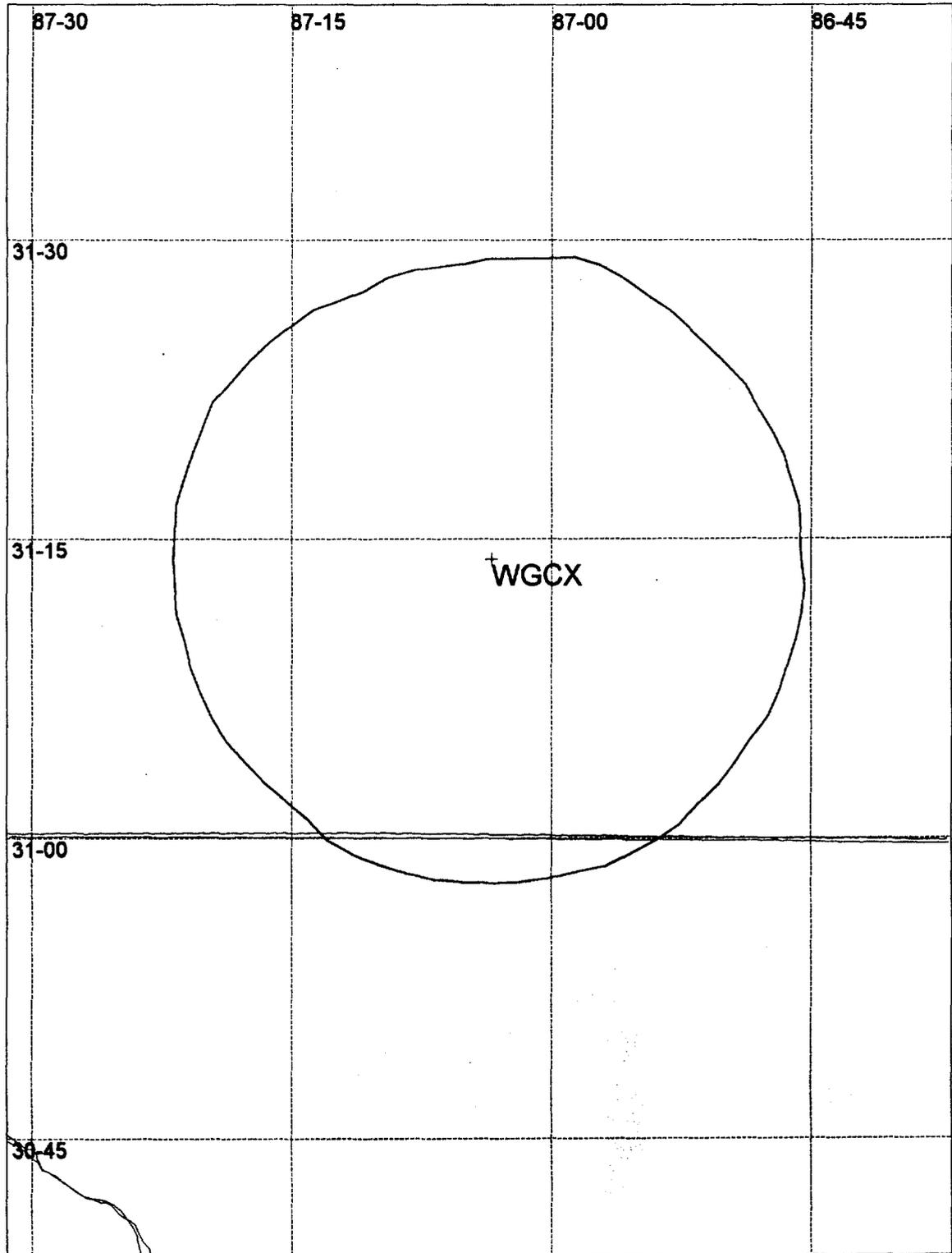
Attached is a study which shows that only a small portion of land area and population within the presently authorized Station WGCX(FM) 60 dBu service contour would be denied a fifth local transmission service if Channel 239 were reallocated to Navarre, Florida. The area of concern is located in the east northeast portion of the Station WGCX(FM) 60 dBu service area near the extreme limits of the contour. This area and population in the area which would only receive four reception services is significantly smaller than what the Commission Staff outlined in the Report & Order in MM Docket No. 97-233. Our study indicates that 674 persons living within an area of 135 square miles would be denied a fifth reception service.

The attached material shows the area which would be affected in the event Channel 239 were reallocated and includes individual maps which show every AM and FM broadcast facility that penetrates the presently authorized Station WGCX(FM) 60 dBu service contour.

Three licensed stations, WPHG-FM, WPGG(FM) and WWSF(FM) completely cover the Station WGCX(FM) 60 dBu service contour with their respective 60 dBu service contours.

Also included at the end of this study is a map which shows that the 60 dBu service contour of Station WWGA(FM) at Georgiana, Alabama will completely cover the area of concern when the station commences operation.

PRESENT WGCX 60 dBu SERVICE CONTOUR

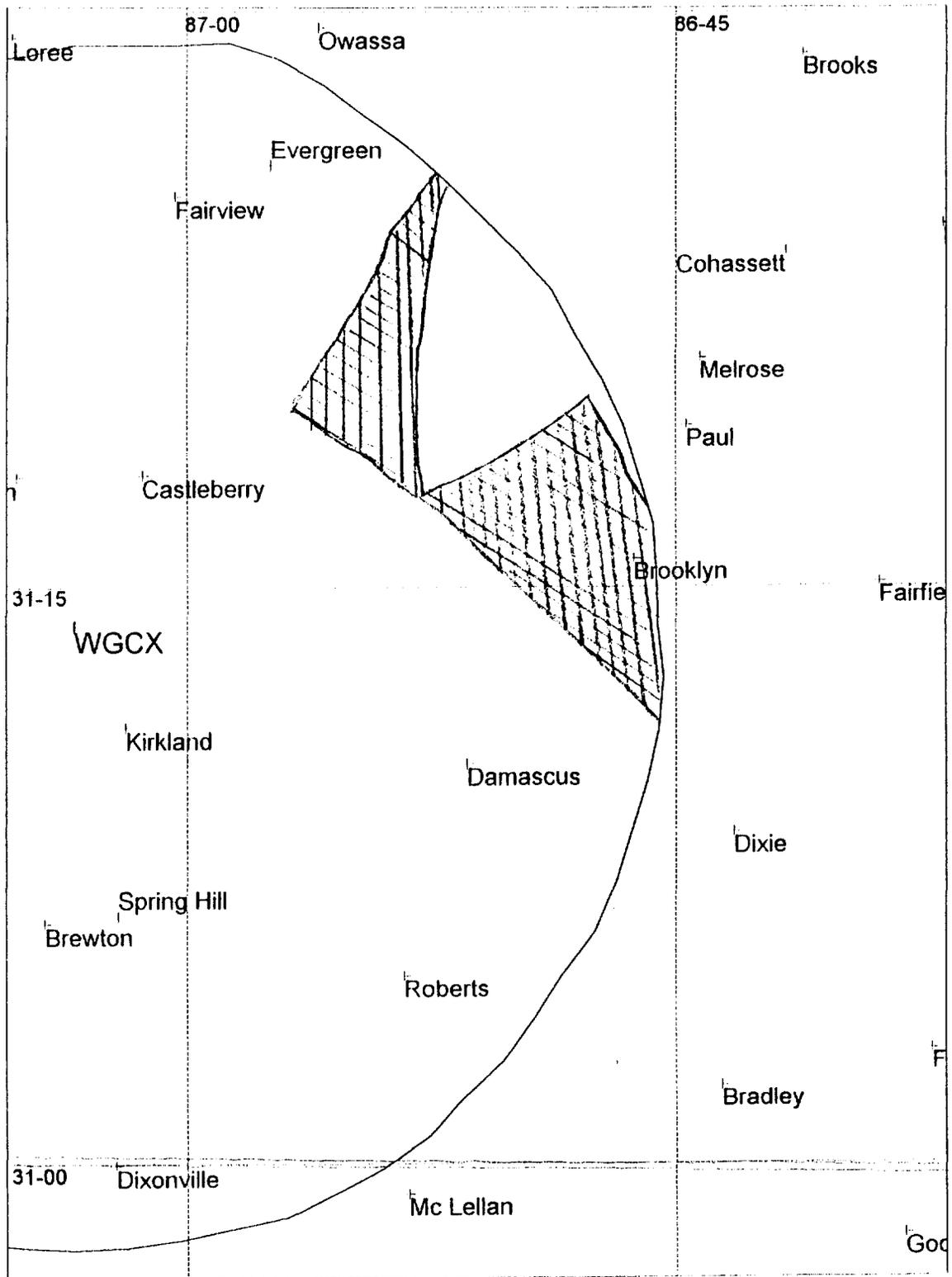


Scale 1:570000

10 Km 

— FM Service — State Borders - - - Lat-Lon Grids

AREA OF FOUR RECEPTION SERVICES



Scale 1:300000

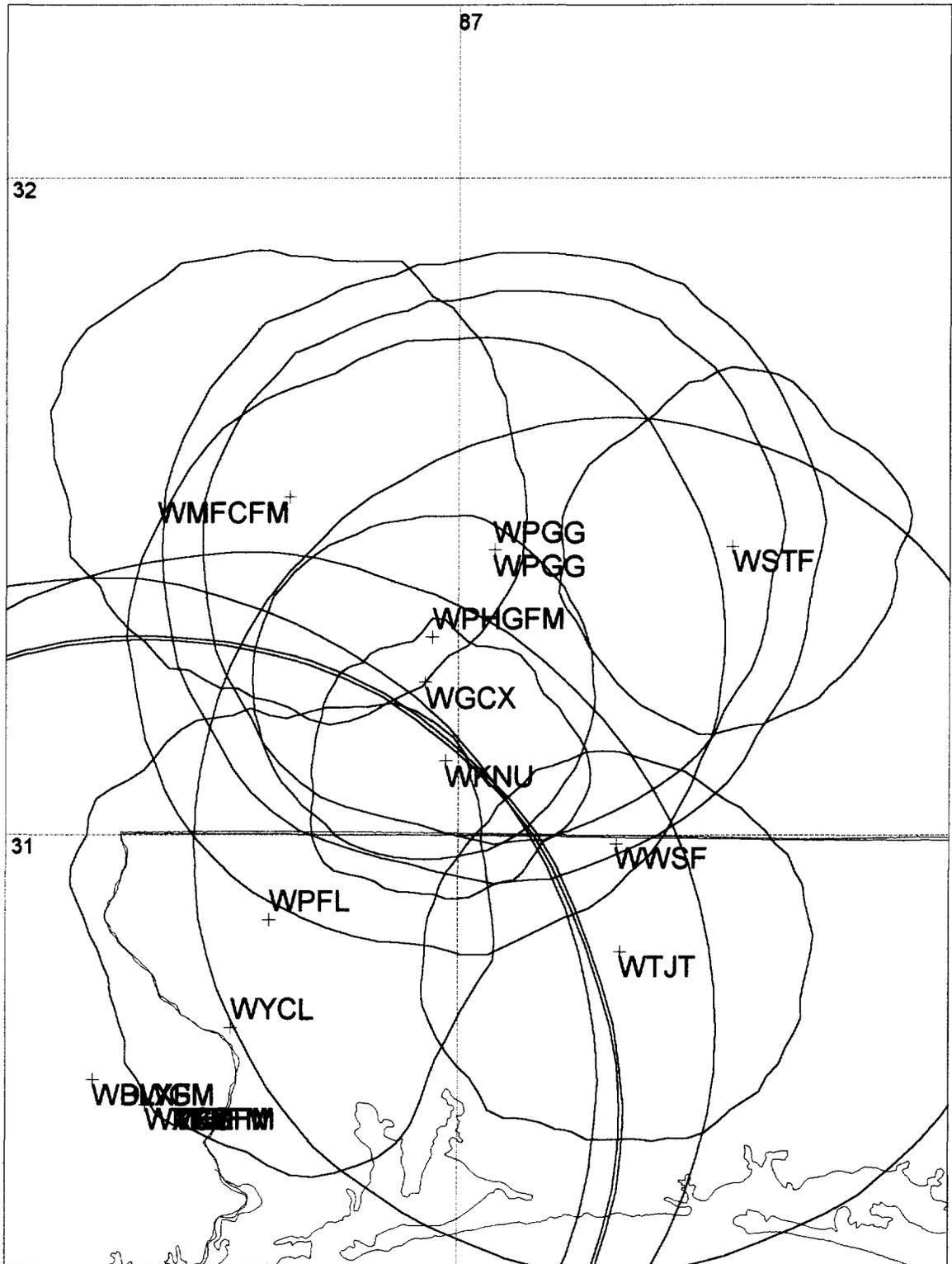
5 Km 

FM Service

State Borders

Lat-Lon Grids

FM COVERAGE OF WGCX(FM) 60 dBu



Scale 1:1000000

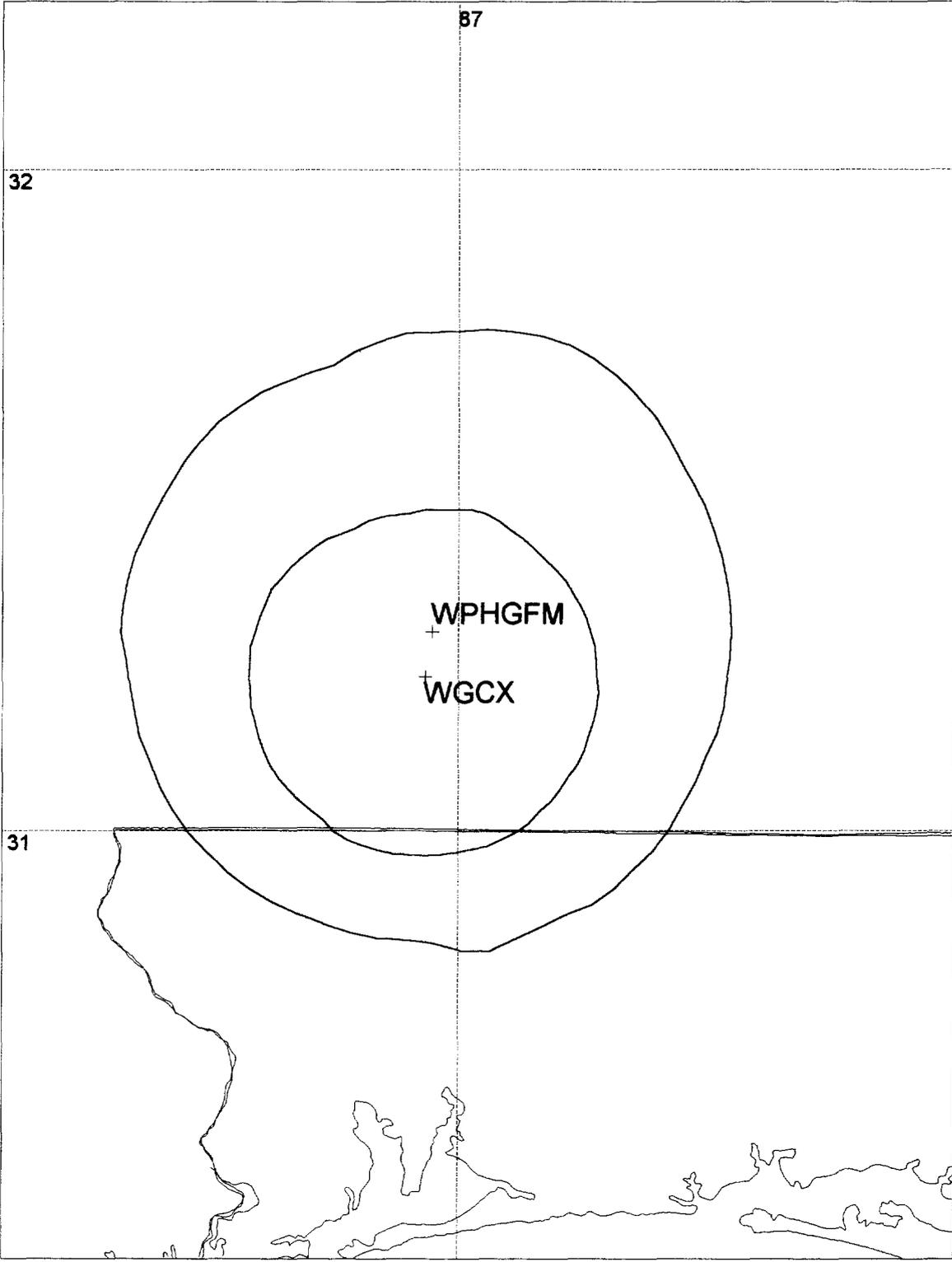
25 Km

— FM Service — State Borders - - - Lat-Lon Grids

**FM STATIONS WHOSE 60 dBu CONTOUR COMPLETELY
ENCOMPASS THE PRESENT WGCX(FM) 60 dBu SERVICE CONTOUR**

1.	WPHG-FM	Brewton, Alabama	90.9 MHz.	45.0 KW	153 M	HAAT
2.	WPGG(FM)	Evergreen, Alabama	93.3 MHz.	100.0 KW	127 M	HAAT
3.	WWSF(FM)	Andalusia, Alabama	98.1 MHz.	89.0 KW	312 M	HAAT

WPHG-FM COVERAGE OF WGCX(FM) 60 dBu

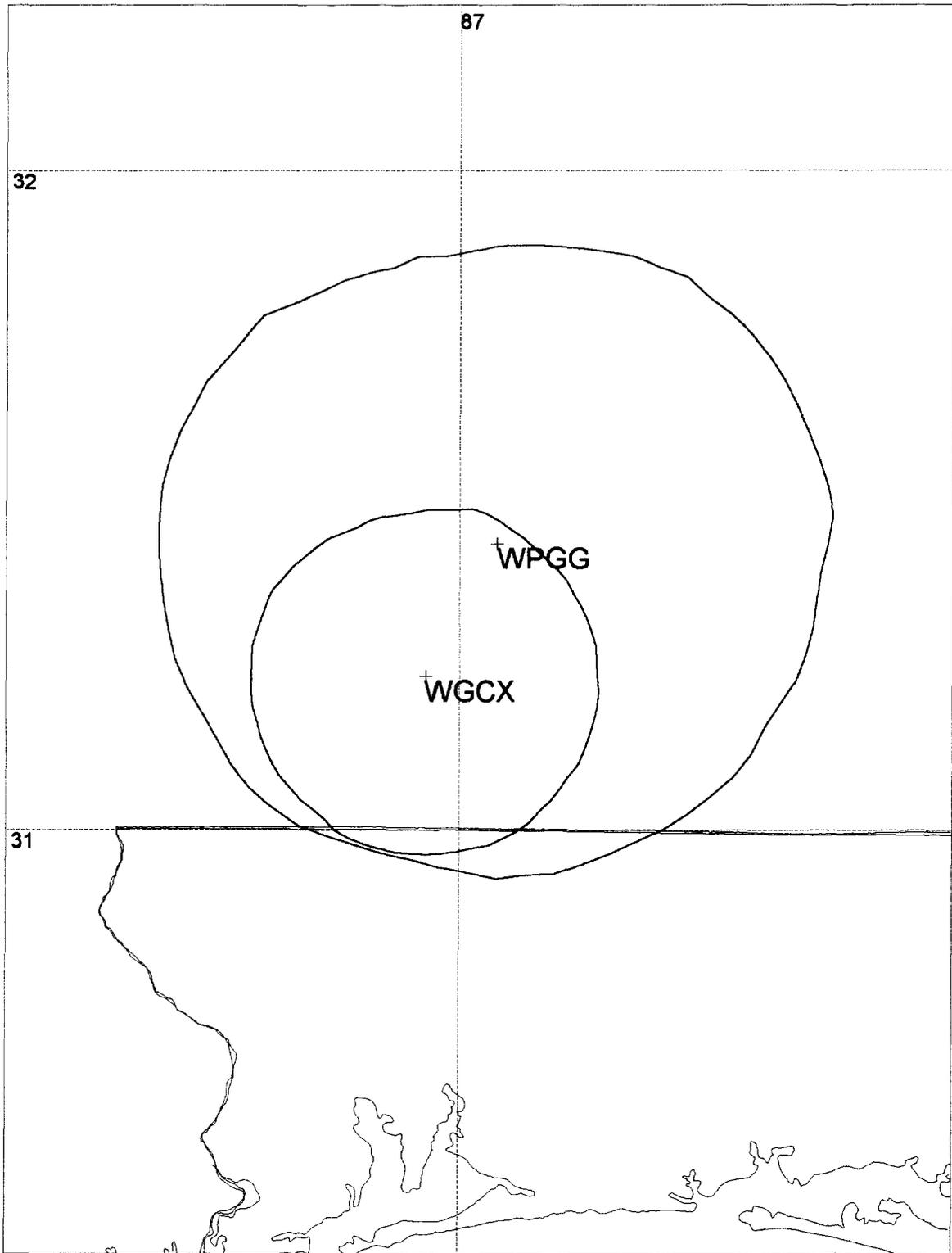


Scale 1:1000000

25 Km 

— FM Service — State Borders Lat-Lon Grids

WPGG(FM) COVERAGE OF WGCX(FM) 60 dBu

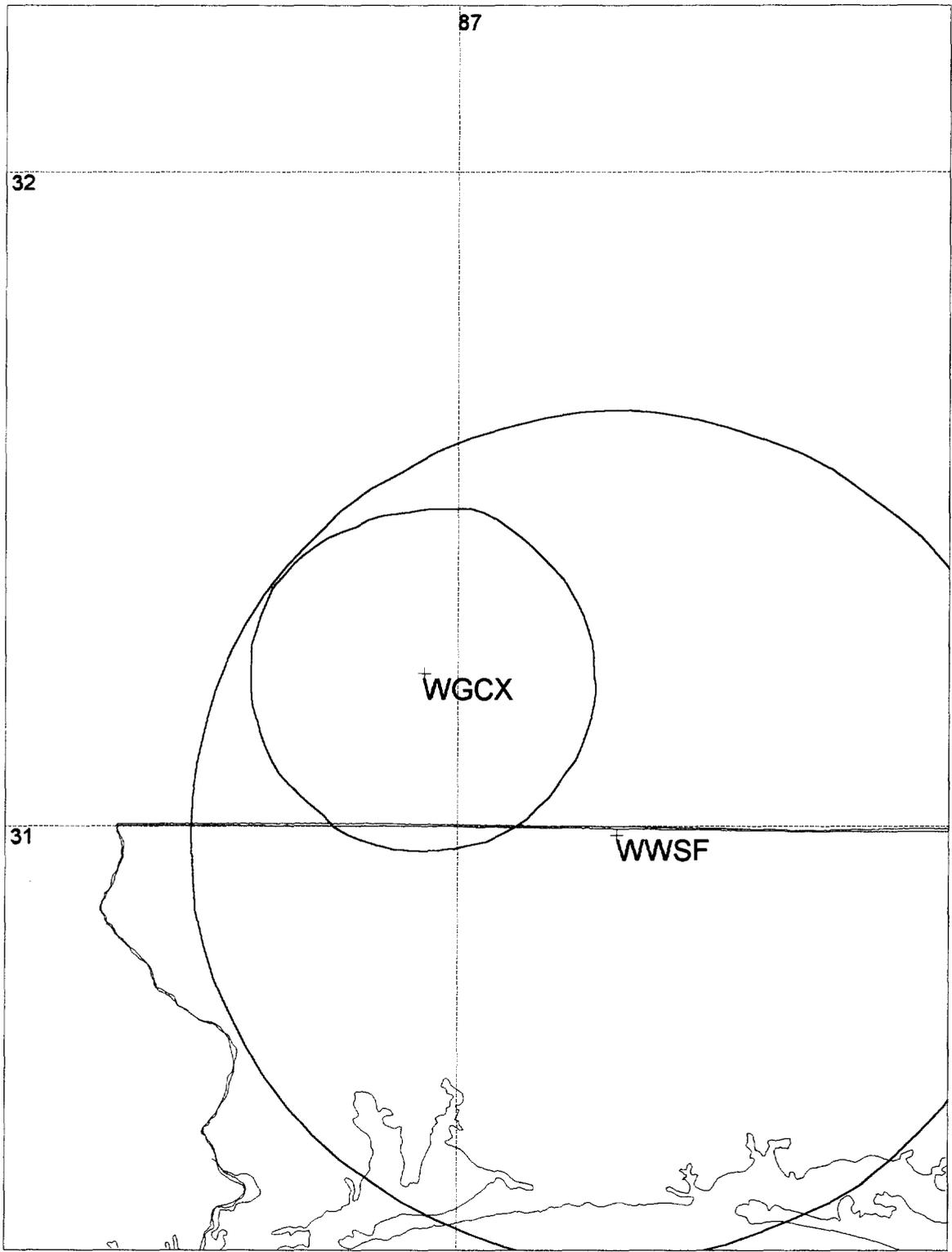


Scale 1:1000000

25 Km 

— FM Service — State Borders - - - - Lat-Lon Grids

WWSF(FM) COVERAGE OF WGCV(FM) 60 dBu

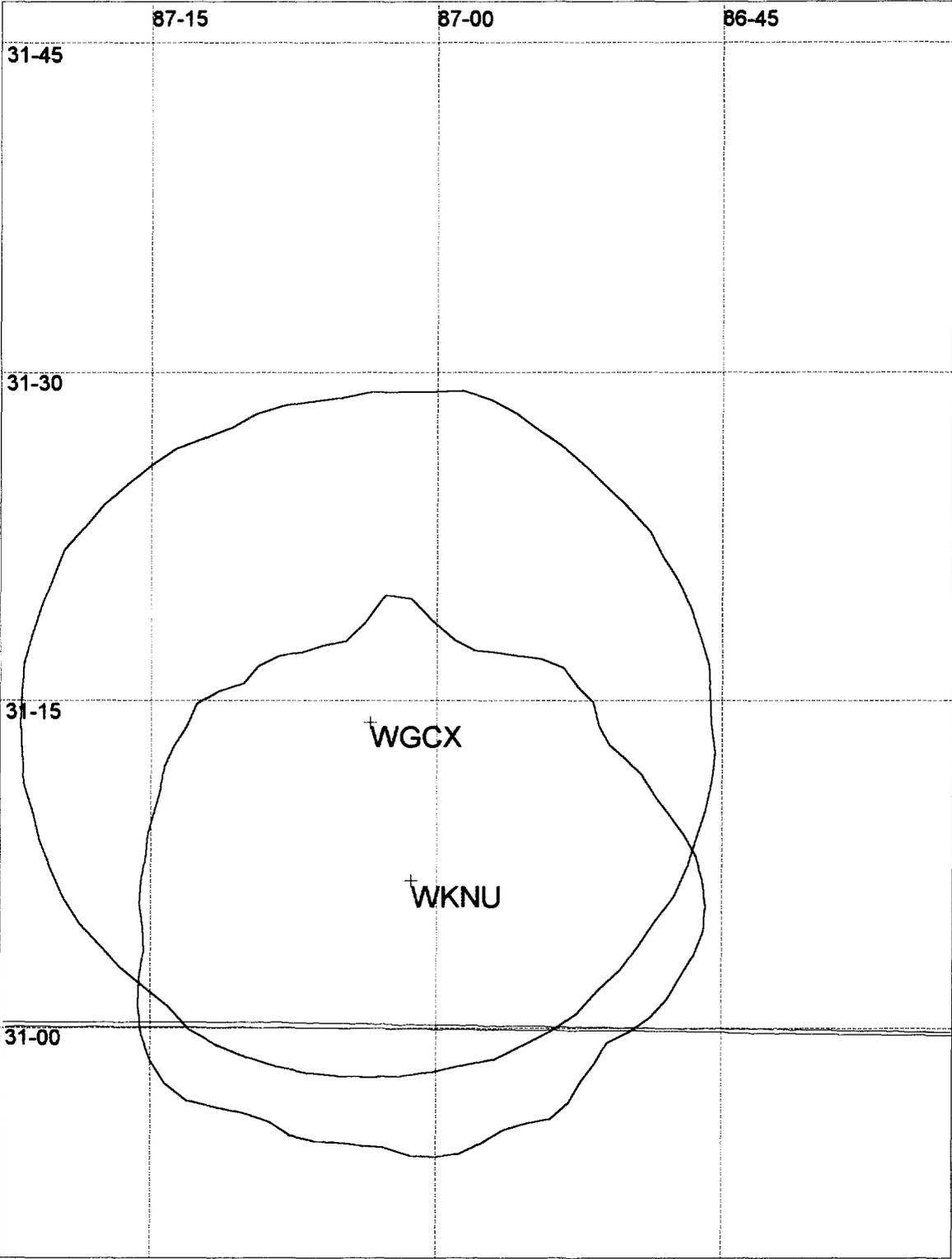


Scale 1:1000000

25 Km

— FM Service — State Borders Lat-Lon Grids

WKNU(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:520000

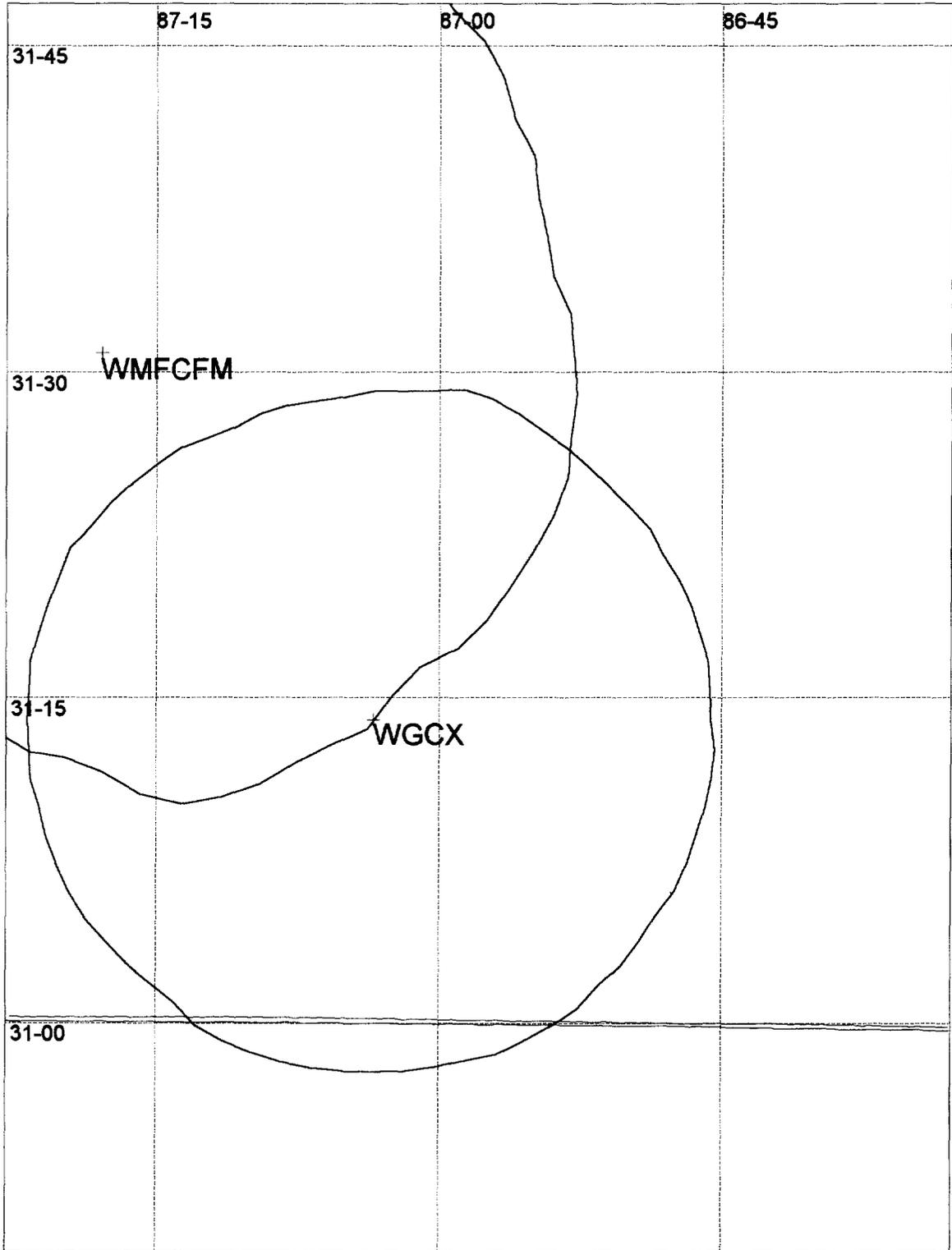
10 Km 

— FM Service — State Borders — Lat-Lon Grids

**FM STATIONS WHOSE 60 dBu CONTOUR PARTIALLY
ENCOMPASS THE PRESENT WGCX(FM) 60 dBu SERVICE CONTOUR**

1.	WKNU(FM)	Brewton, Alabama	106.3 MHz.	3.0 KW	91 M HAAT
2.	WMFC-FM	Monroeville, Alabama	99.3 MHz.	30.0 KW	94 M HAAT
3.	WPFL(FM)	Century, Florida	105.1 MHz.	25.0 KW	100 M HAAT
4.	WTJT(FM)	Baker, Florida	90.1 MHz.	20.0 KW	78 M HAAT
5.	WYCL(FM)	Pensacola, Florida	107.3 MHz.	100.0 KW	429 M HAAT
6.	WSTF(FM)	Andalusia, Alabama	91.5 MHz.	5.0 KW	110 M HAAT
7.	WXBM(FM)	Milton, Florida	102.7 MHz.	100.0 KW	405 M HAAT
8.	WMEZ(FM)	Pensacola, Florida	94.1 MHz.	100.0 KW	405 M HAAT
9.	WPCS(FM)	Pensacola, Florida	89.5 MHz.	100.0 KW	405 M HAAT
10.	WBLX(FM)	Mobile, Alabama	92.9 MHz.	100.0 KW	474 M HAAT
11.	WDWG(FM)	Atmore, Alabama	104.1 MHz.	100.0 KW	474 M HAAT
12.	WTKX(FM)	Pensacola, Florida	101.5 MHz.	100.0 KW	405 M HAAT

WMFC-FM COVERAGE OF WGCX(FM) 60 dBu

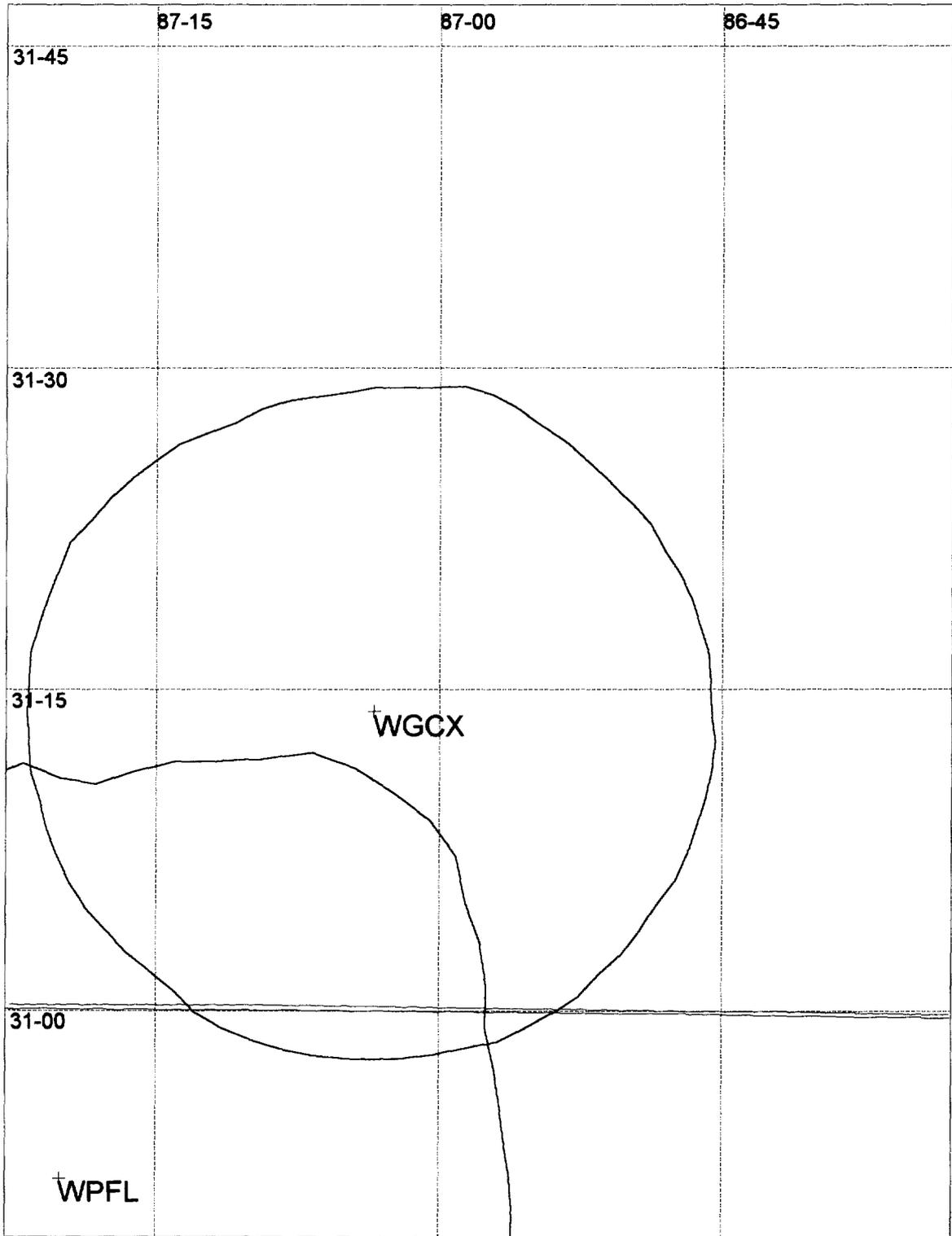


Scale 1:520000

10 Km 

— FM Service — State Borders Lat-Lon Grids

WPFL(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:520000

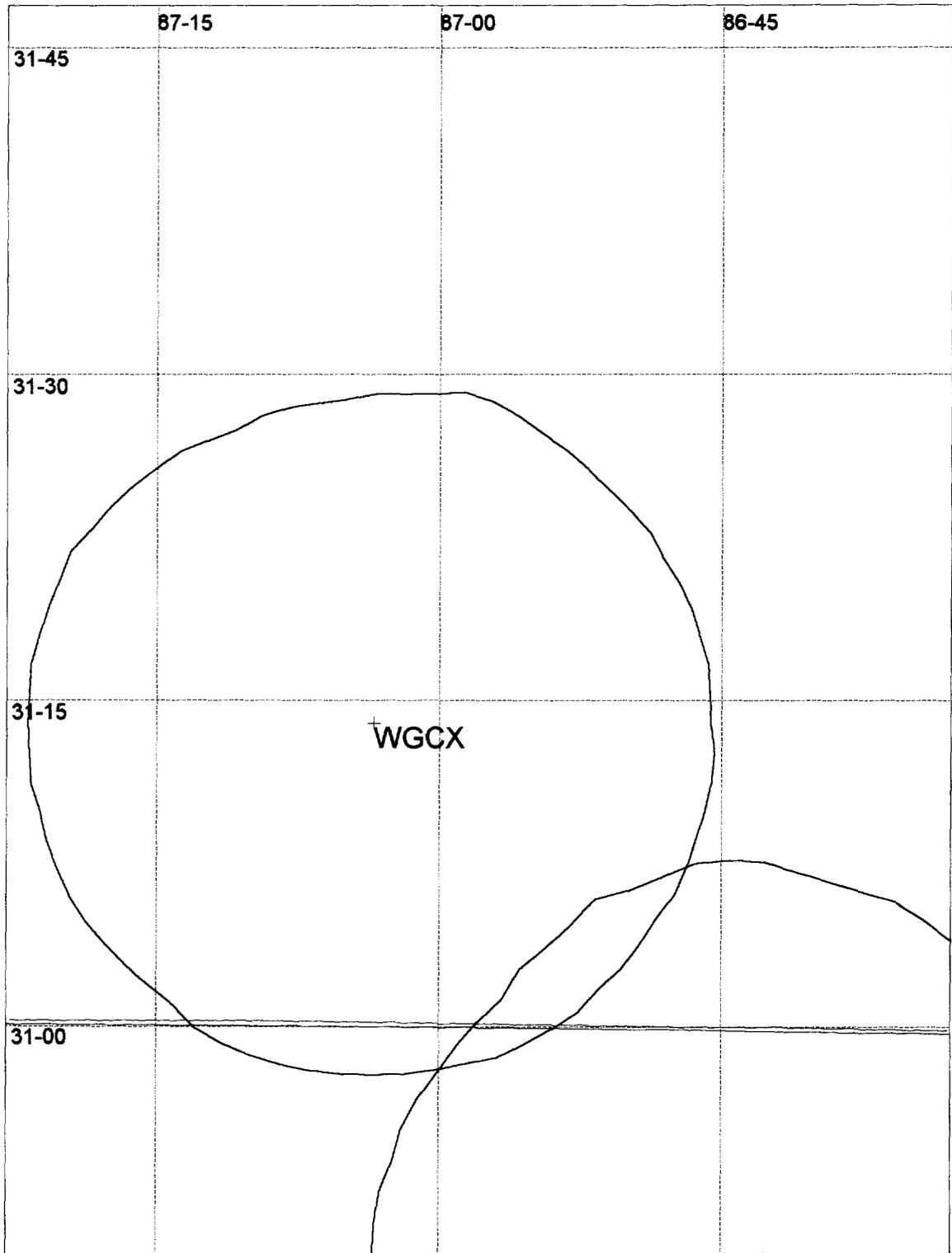
10 Km 

— FM Service

— State Borders

--- Lat-Lon Grids

WTJT(FM) COVERAGE OF WGCX(FM) 60 dBu

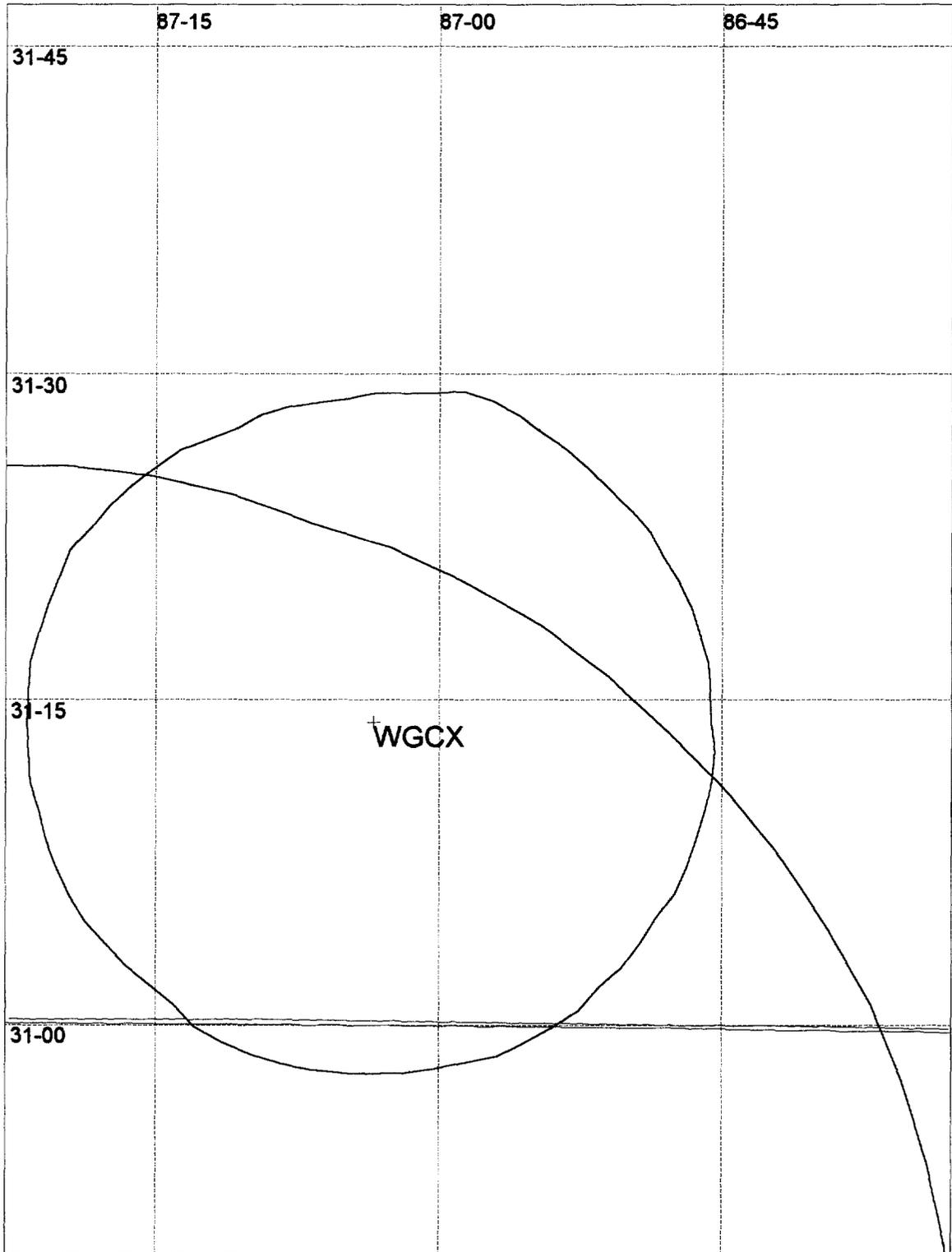


Scale 1:520000

10 Km 

— FM Service - - - State Borders ····· Lat-Lon Grids

WYCL(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:520000

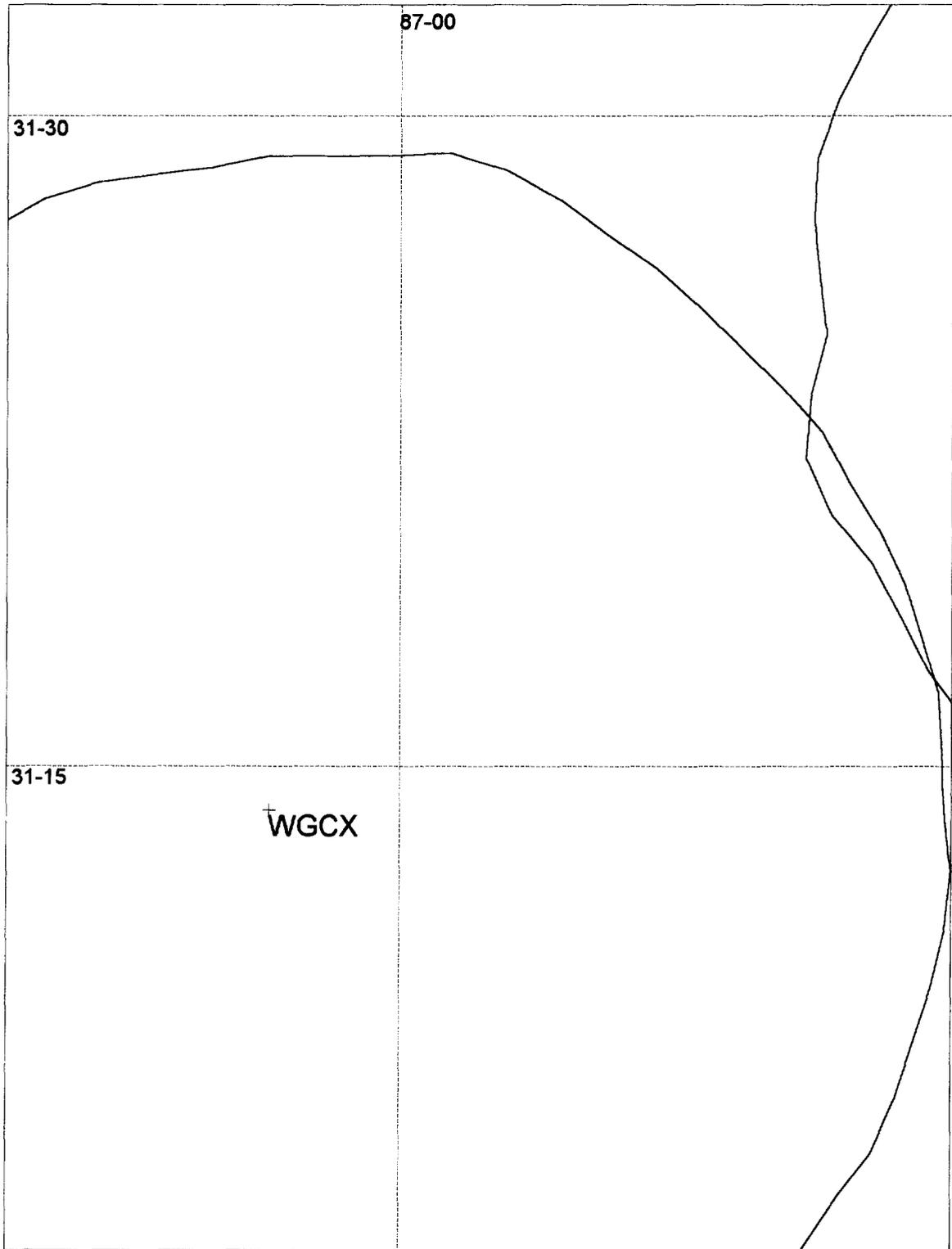
10 Km 

— FM Service

— State Borders

--- Lat-Lon Grids

WSTF(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:260000

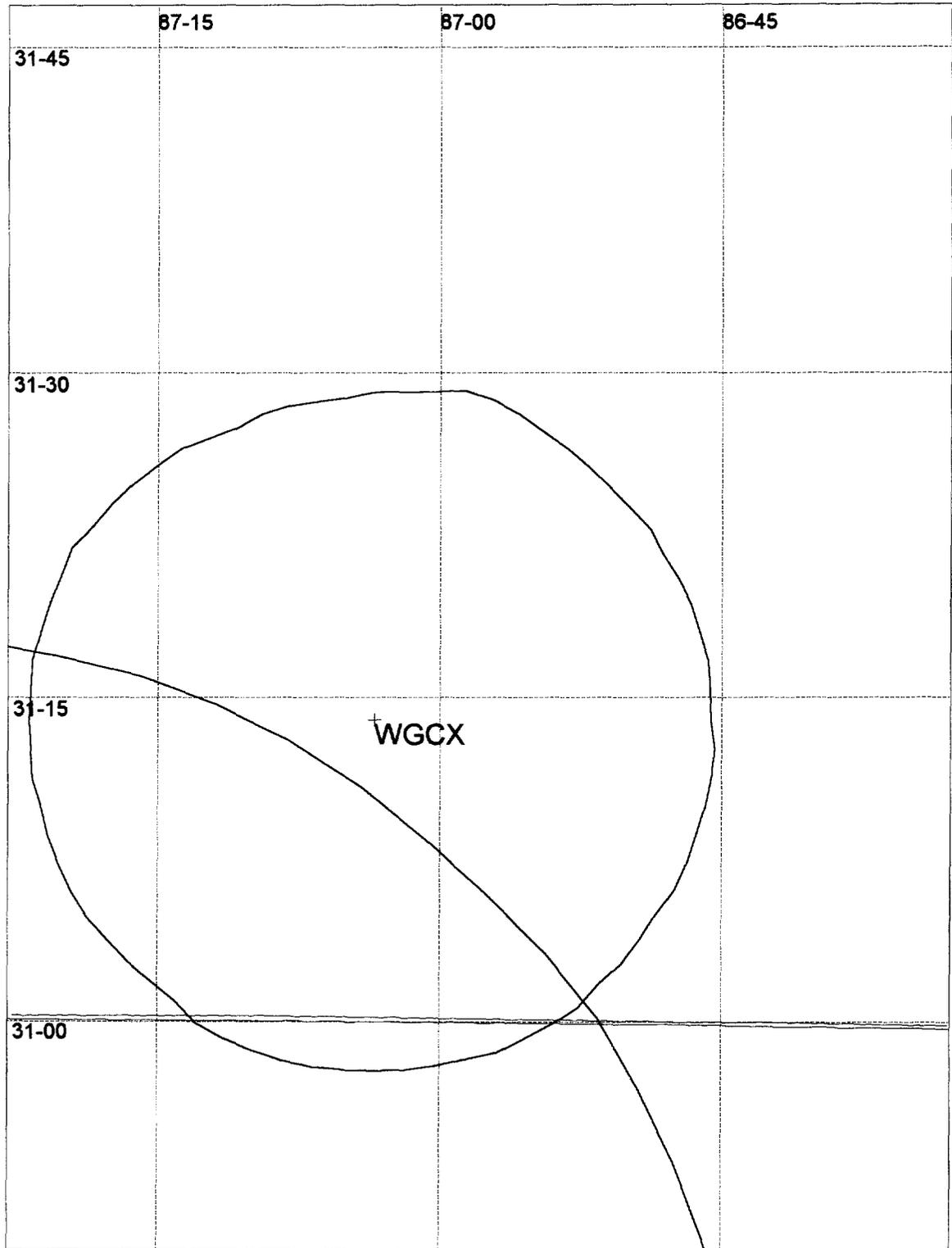
5 Km 

— FM Service

— State Borders

⋯ Lat-Lon Grids

WXBM(FM) COVERAGE OF WGCX(FM) 60 dBu

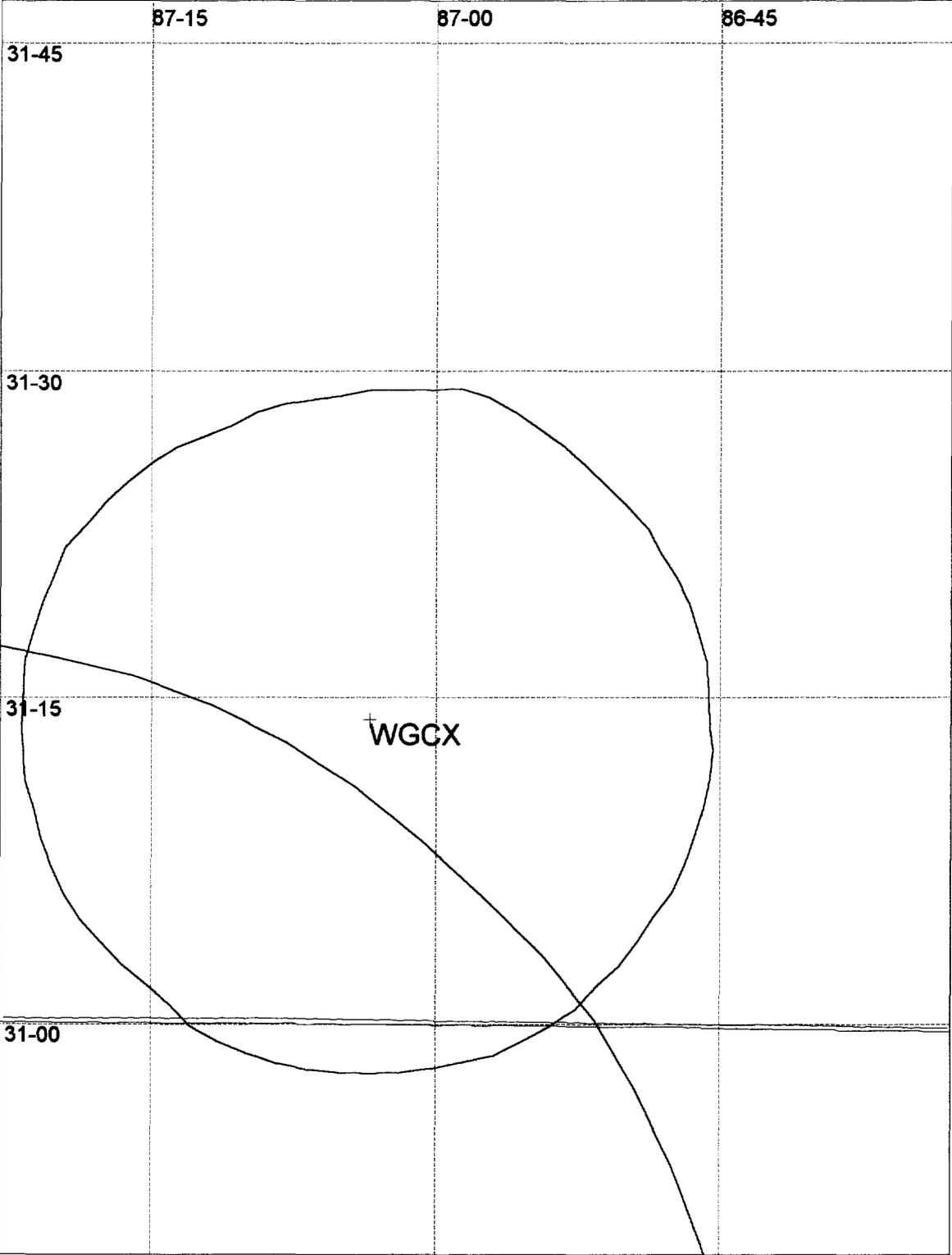


Scale 1:520000

10 Km 

— FM Service — State Borders - - - - Lat-Lon Grids

WMEZ(FM) COVERAGE OF WGCX(FM) 60 dBu

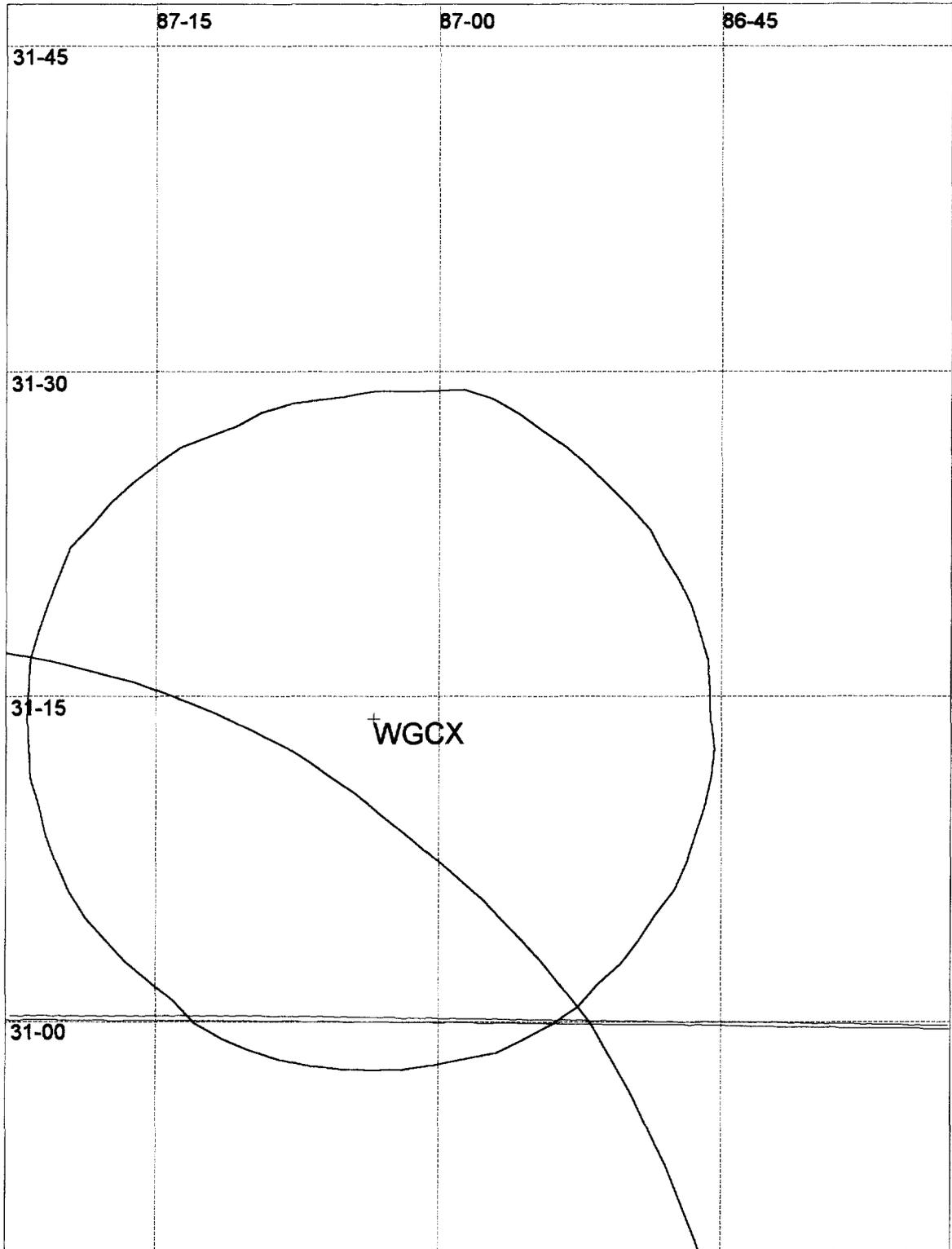


Scale 1:520000

10 Km 

— FM Service - - - State Borders ····· Lat-Lon Grids

WPCS(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:520000

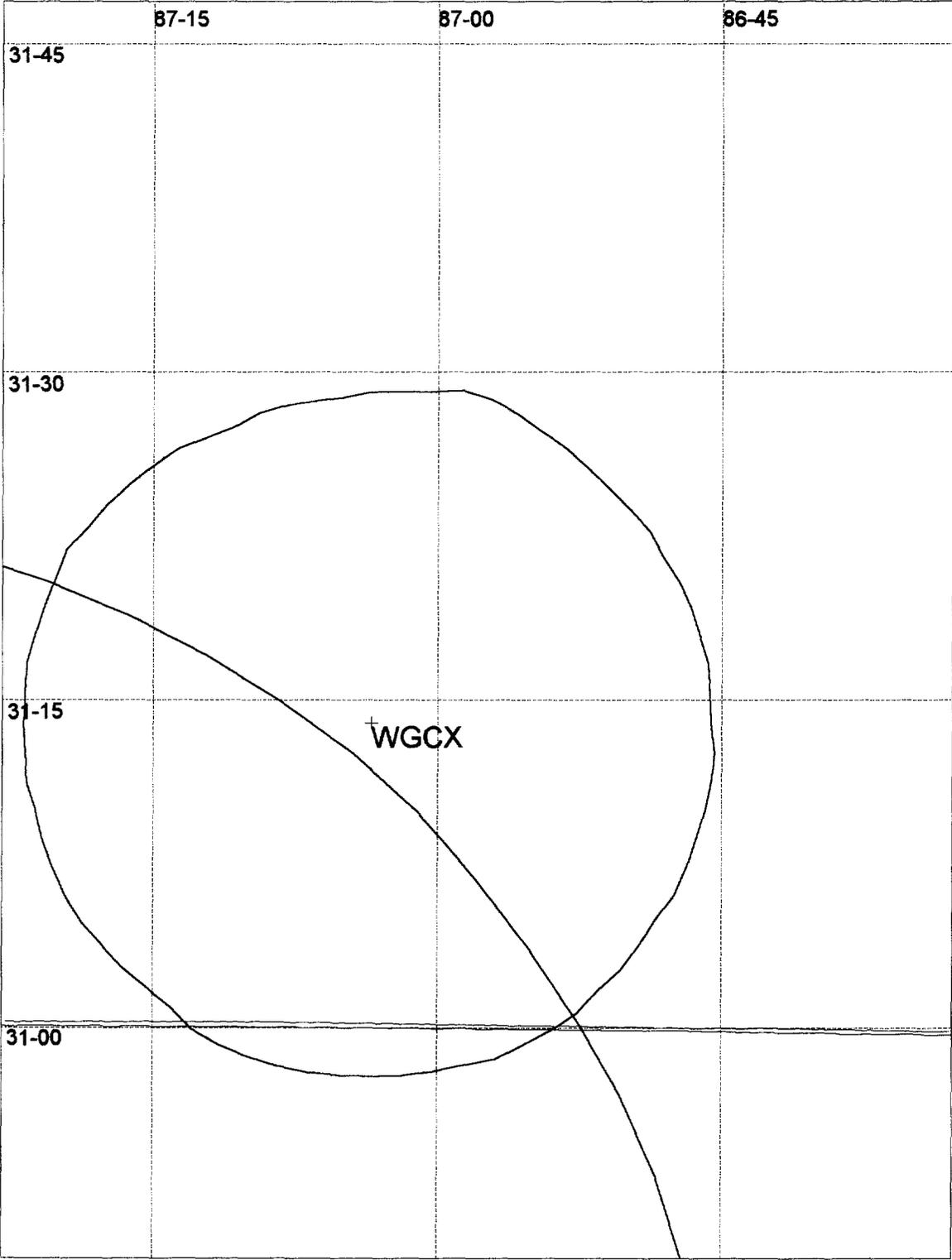
10 Km 

— FM Service

— State Borders

..... Lat-Lon Grids

WBLX(FM) COVERAGE OF WGCX(FM) 60 dBu

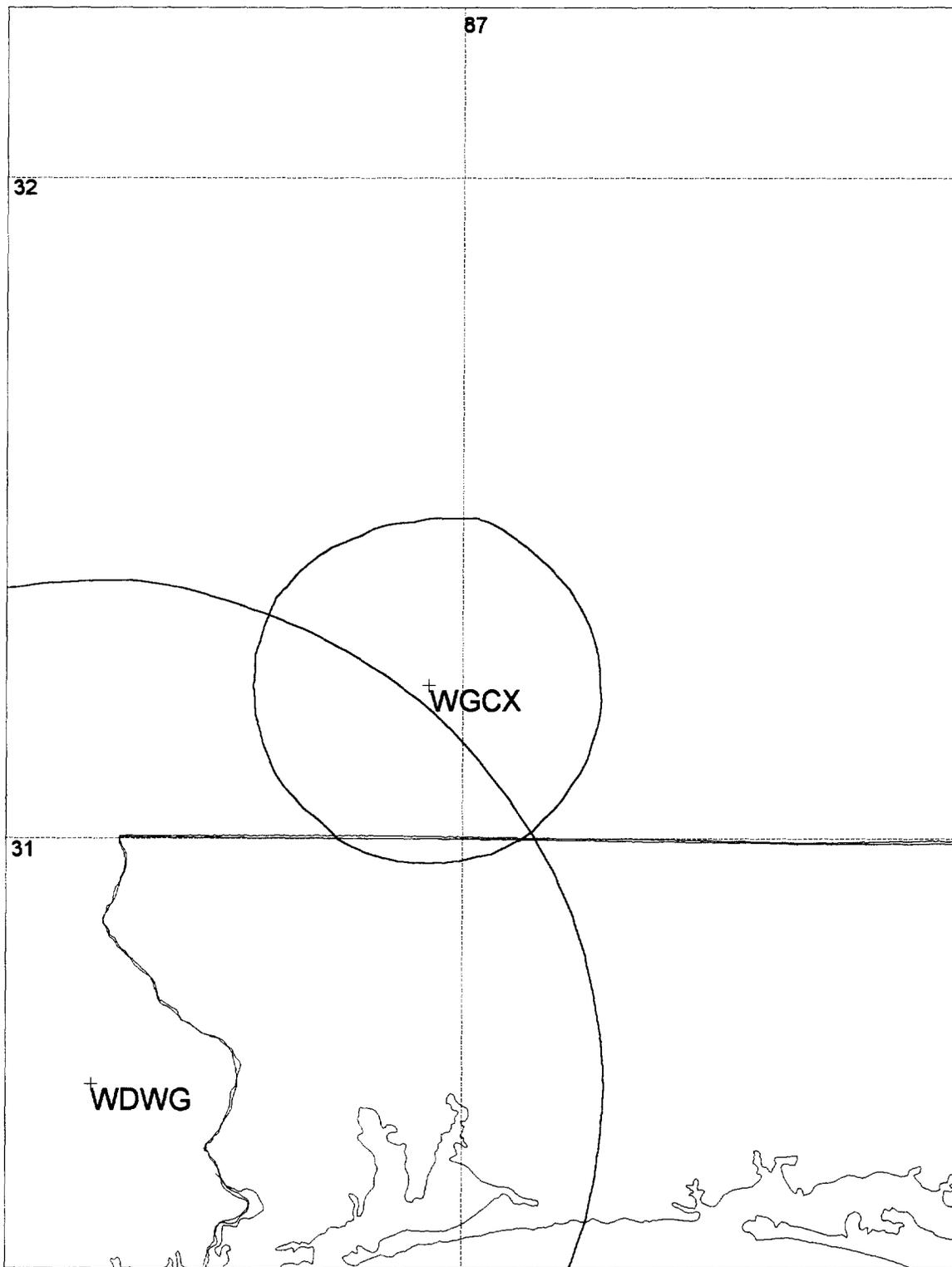


Scale 1:520000

10 Km 

— FM Service — State Borders - - - - Lat-Lon Grids

WDWG(FM) COVERAGE OF WGCX(FM) 60 dBu

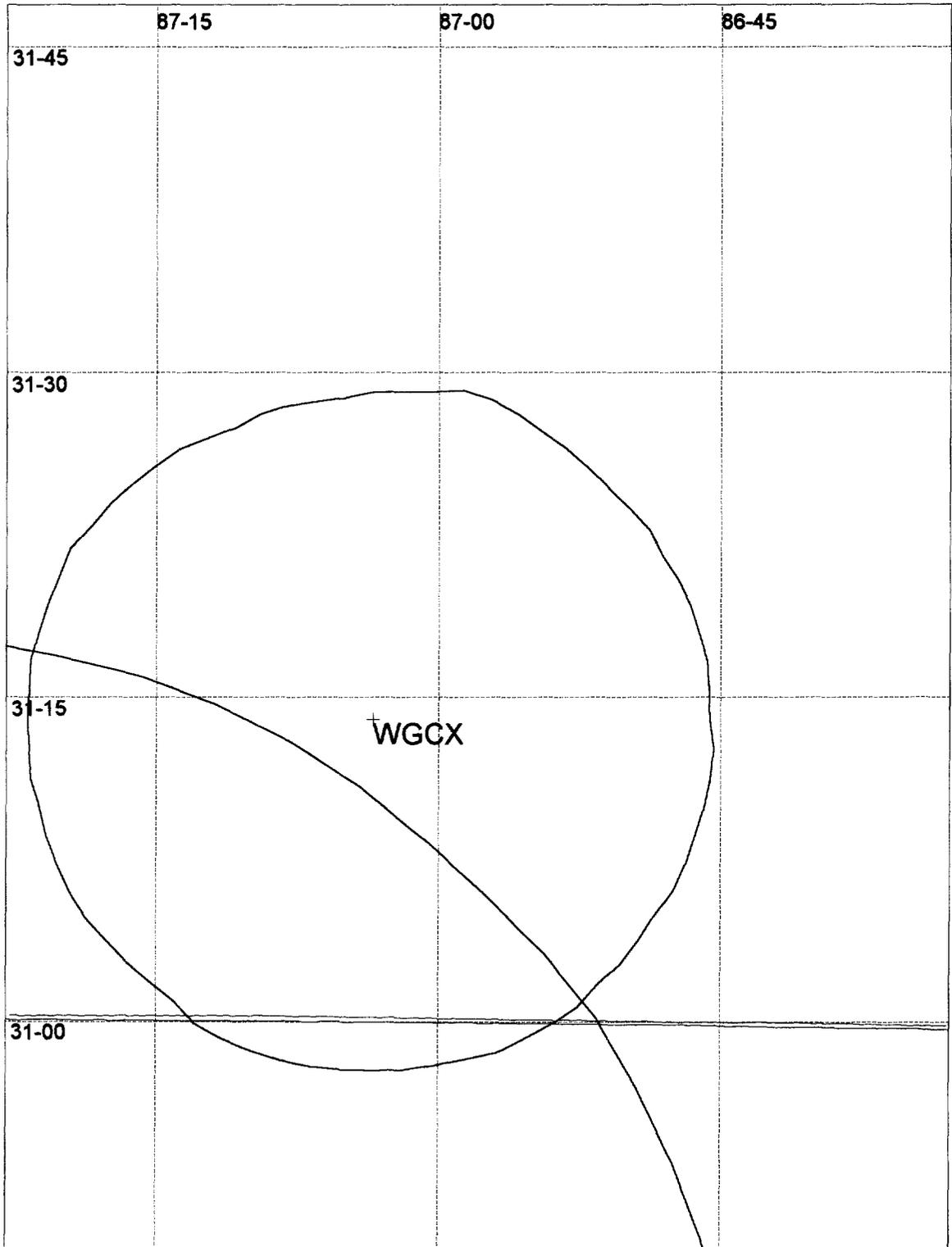


Scale 1:1000000

25 Km 

— FM Service — State Borders — Lat-Lon Grids

WTKX(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:520000

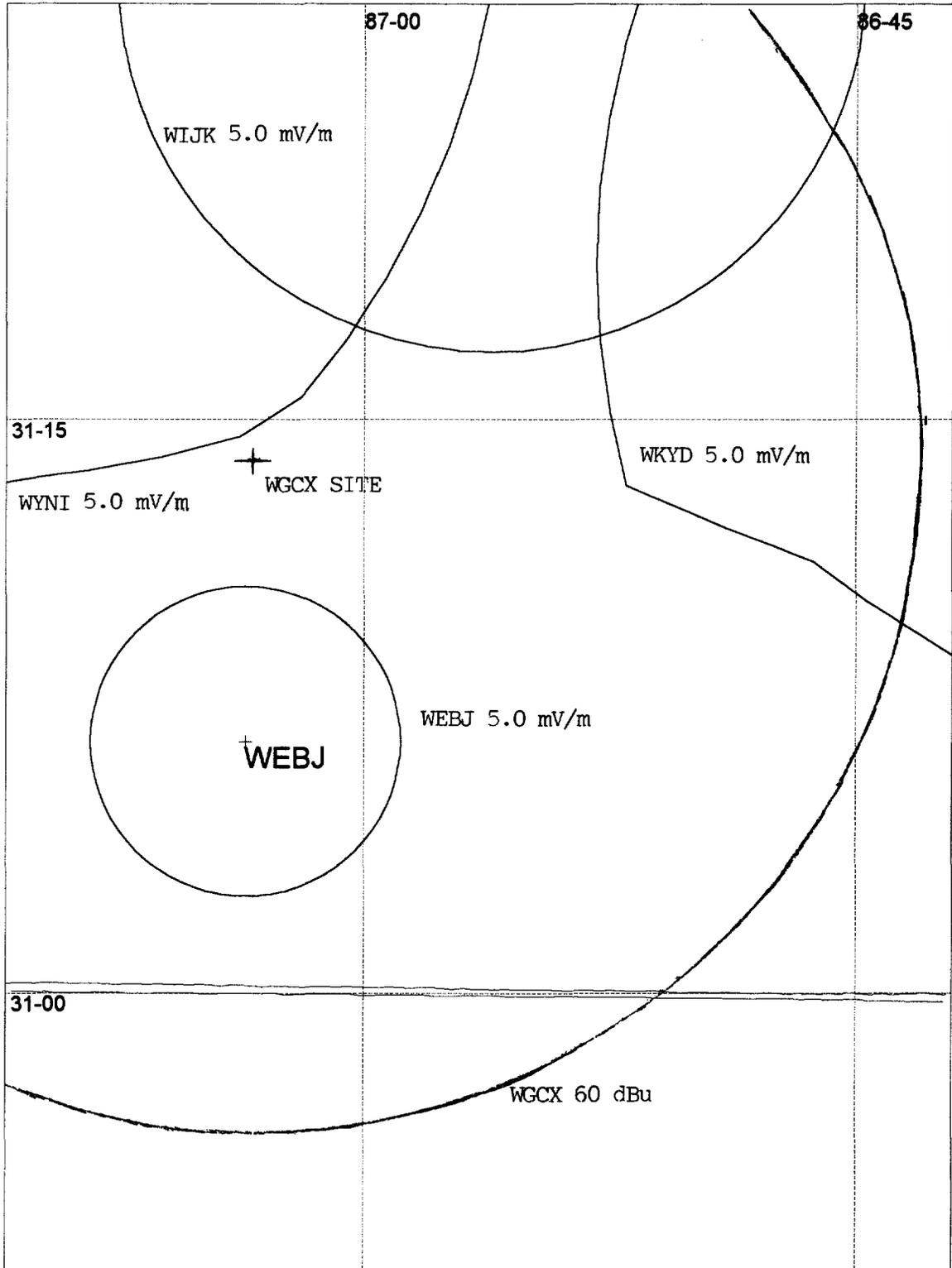
10 Km 

— FM Service - - - State Borders ····· Lat-Lon Grids

**AM STATIONS WHOSE 5.0 mV/m CONTOUR PARTIALLY
ENCOMPASSES THE PRESENT WGCX(FM) SERVICE CONTOUR**

1.	WIJK(AM)	Evergreen, Alabama	1470 KHz.	1.0 KW-Day
2.	WYNI(AM)	Monroeville, Alabama	930 KHz.	5.0 KW-Day
3.	WKYD(AM)	Andalusia, Alabama	920 KHz.	5.0 KW-Day
4.	WEBJ(AM)	Brewton, Alabama	1240 KHz.	1.0 KW-Day

AM STATIONS THAT ENTER WGCX(FM) 60 dBu



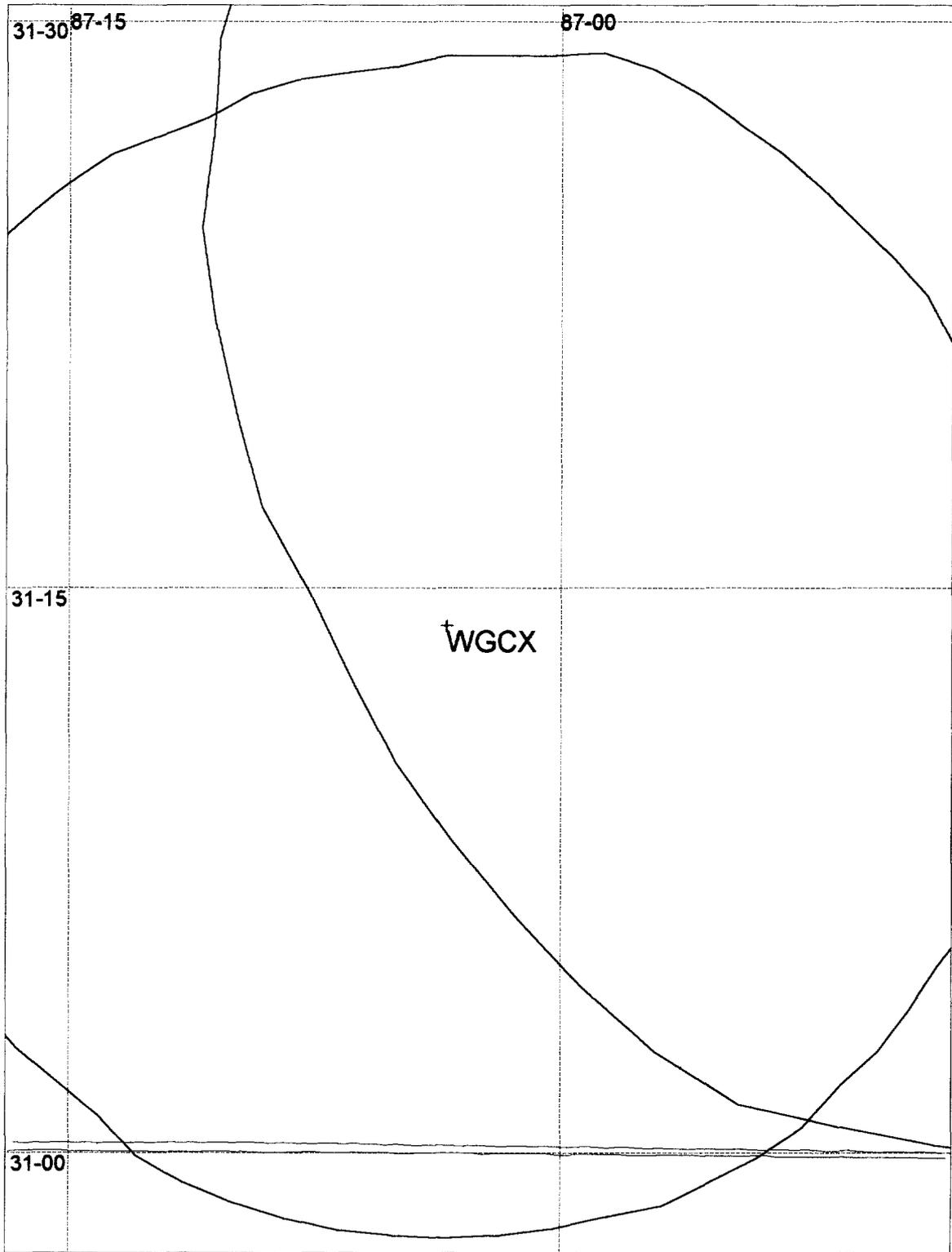
Scale 1:300000

5 Km 

— AM City Day — State Borders Lat-Lon Grids

**AUTHORIZED 60 dBu CONTOUR FOR UNBUILT STATION WWGA(FM
GEORGIANA, ALABAMA**

WWGA(FM) COVERAGE OF WGCX(FM) 60 dBu



Scale 1:300000

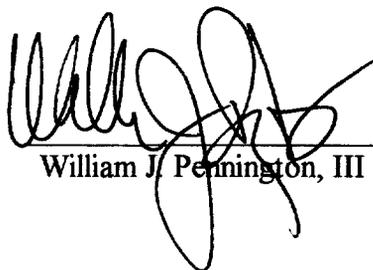
5 Km 

— FM Service — State Borders - - - Lat-Lon Grids

CERTIFICATE OF SERVICE

I, William J. Pennington, III, hereby certify that on this 7th day of December, 1998 copies of the foregoing "Petition for Reconsideration" were mailed first-class, postage prepaid to the following:

Howard M. Liberman
Naomi S. Travers
Elizabeth A. Hammond
ARTER & HADDEN
1801 K Street, NW
Suite 400K
Washington, DC 20006
Counsel to Root Communications Group, L.P.



William J. Pennington, III