

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

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Royston and Arcade, Georgia )

MM Docket No. 00-165  
RM-9941

**RECEIVED**

OCT 30 2000

TO: Chief, Allocations Branch  
Mass Media Bureau  
Policy and Rules Division

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**COMMENTS AND EXPRESSION OF INTEREST**

Southern Broadcasting of Athens, Inc. ("Southern") by its attorney, and pursuant to Section 1.415 and 1.420 of the Commission's Rules, hereby files its comments on the Commission's *Notice of Proposed Rule Making*, DA 00-2068, released September 8, 2000 ("*NPRM*") proposing the reallocation of FM Channel 279C3 from Royston to Arcade, Georgia, as its first local service.<sup>1</sup> In support whereof, Southern states the following:

Southern is licensee of Station WPUP(FM), Royston, Georgia, and has requested the reallocation of Channel 279C3 from Royston to Arcade, Georgia. This will result in a preferential arrangement of allotments since it will provide Arcade (1990 population 679) with a first local service, while Royston will retain local aural service from daytime-only AM station WBIC. (As noted in *NPRM* footnote 2, first local service is the third allotment priority under *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).)

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List A B C D E

<sup>1</sup> Comments are due by October 30, 2000; thus, these Comments are timely filed.

Southern readopts the arguments and statements made in its Petition for Rule Making, and provides additional information as requested by the Commission in *NPRM* paragraph 3. Therein, the Commission requested Southern to provide a loss and gain study based on the maximum theoretical omnidirectional 60 dBu (1.0 mV/m) contours from Station WPUP(FM)'s present and proposed transmitter sites. Southern has discovered that the information contained in the petition for rule making was, in fact, based on the present and proposed 60 dBu contours, however, due to a typographical error on page 1 (§8) of Attachment 1, the data was said to be based on the 70 dBu contour. To correct this error, and in response to the *NPRM*, the requested information is provided as Attachment A hereto. In summary, Attachment A shows that there are 277,381 persons within WPUP's proposed 60 dBu contour and 161,029 persons within WPUP's present contour. A total of 117,962 persons live within the overlapping contours of the proposed and present contours. There would be a gain of 159,419 persons and a loss of 43,067 persons. The Attachment shows the loss area is well served by 5 or more 60 dBu services.<sup>2</sup>

Upon allotment of Channel 279C3 to Arcade, Georgia, Southern, following the effective date of the allotment, will timely file an application for construction permit (on FCC Form 301), and upon grant thereof, Southern will construct the modified facilities and operate WPUP from these facilities.

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<sup>2</sup> 28 other services (15 FM and 13 AM).

Southern respectfully urges the Commission to adopt the proposal set out in the *NPRM*, and to amend Section 73.202(b) of the Commission's Rules to allot Channel 279C3 to Arcade, Georgia.

Respectfully submitted,

**SOUTHERN BROADCASTING  
OF ATHENS, INC.**

By:

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

Gary S. Smithwick  
Its Attorney

**SMITHWICK & BELENDIUK, P.C.**  
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Suite 301  
Washington, D.C. 20016  
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October 30, 2000

**ATTACHMENT A**

**SOUTHERN BROADCASTING  
OF ATHENS, INC.  
WPUP(FM)  
ROYSTON, GA - ARCADE, GA.**

**POPULATION GAIN/LOSS  
WITHIN THE MAXIMUM THEORETICAL OMNIDIRECTIONAL  
60 dBu CONTOUR**

**OCTOBER - 2000**

The total population gained and lost, within the maximum theoretical omnidirectional 60 dBu contour, is outlined as follows:

Total population within proposed contour - 277,381 persons  
Total population within present contour - 161,029 persons  
Total population within overlapping contours - 117,962 persons

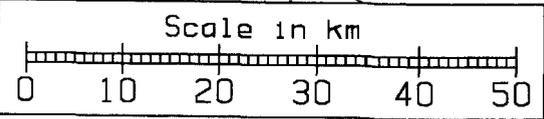
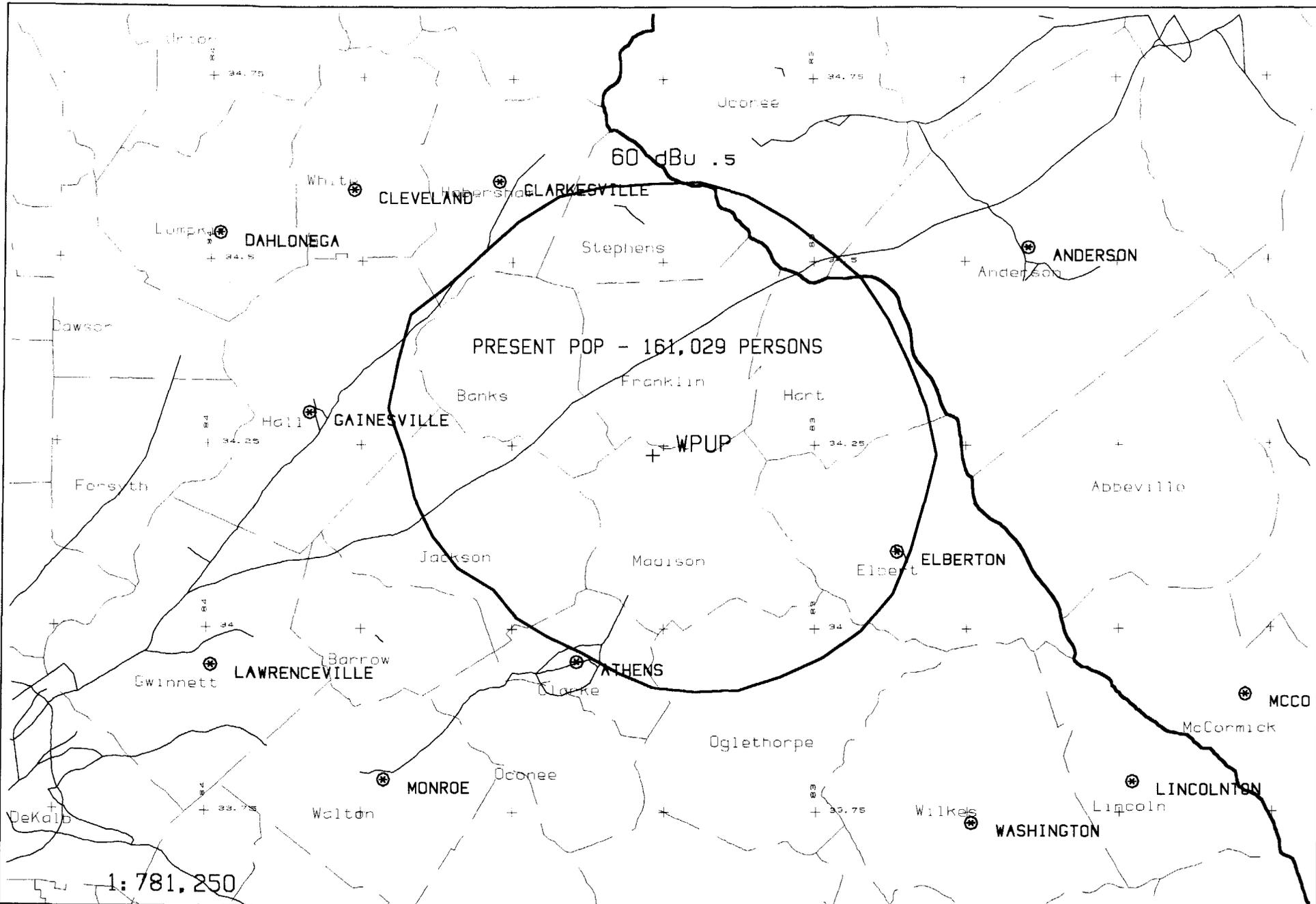
Total person lost - 43,067 persons  
Total persons gained by proposal - 159,419

Exhibit-1 is a visual plot showing the proposed maximum theoretical omnidirectional 1.0 mV/M (60 dBu) contour and the population within that contour. Exhibit-1A is the maximum theoretical omnidirectional contour from the present location of WPUP. Exhibit-1B shows the overlapping contours of the proposed site and the present site of WPUP. Although there are 43,067 persons within the loss area, this area will be served by 28 other services, 15 FM's and 13 AM's. Attached as exhibits 2A and 2B are plots that clearly show that the loss area will remain well served. The gain/loss area was calculated using the 1.0 mV/m (60 dBu) f50:50 contours. Exhibits 2C & 2D are list of the AM's and FM's within the loss area. This exhibit clearly shows that the public interest would be better served by granting this proposal.



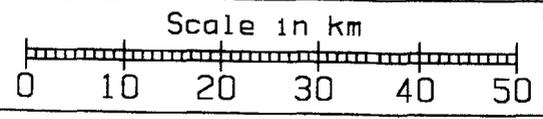
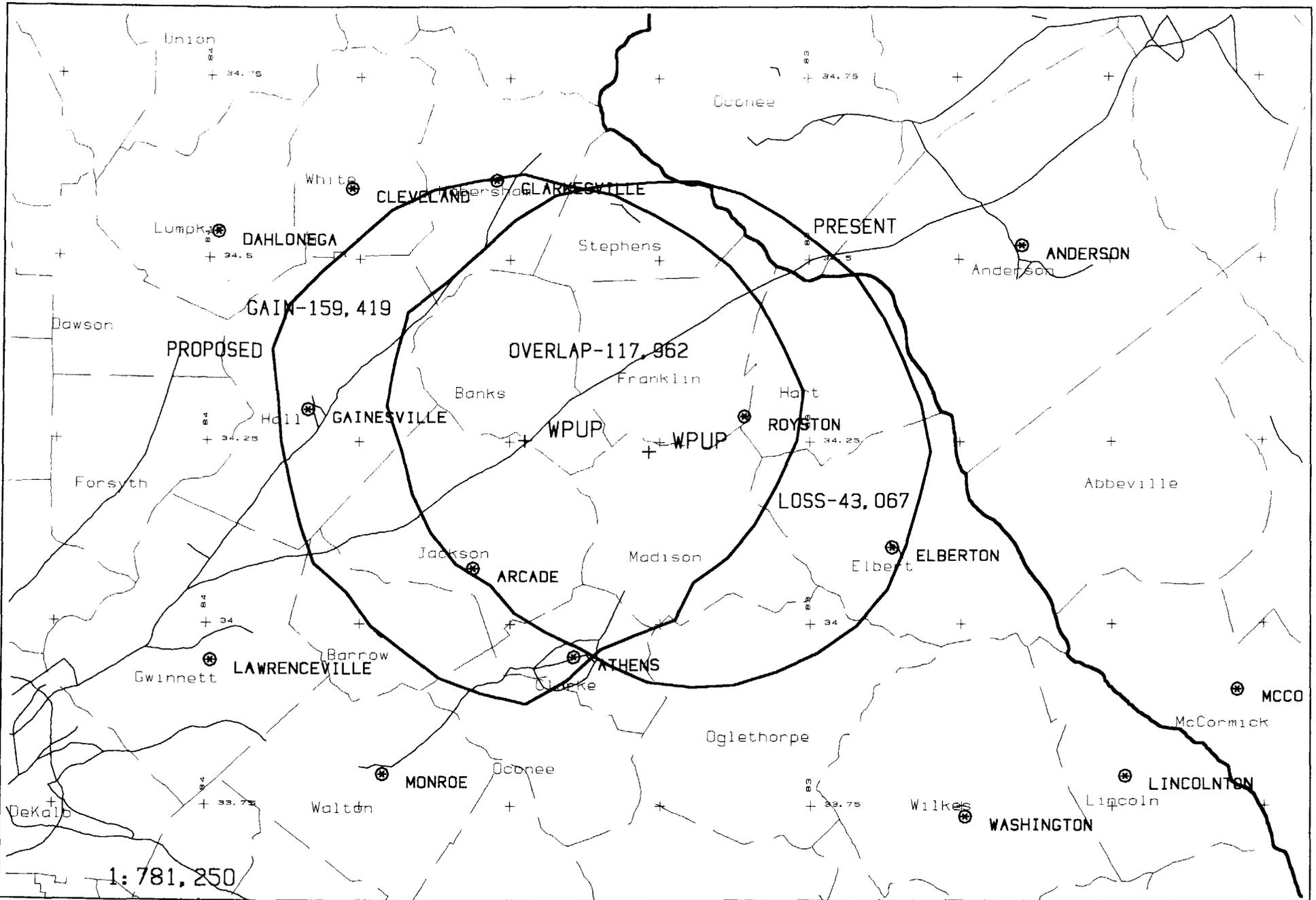
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Clyde Scott, Jr.  
EME Communications



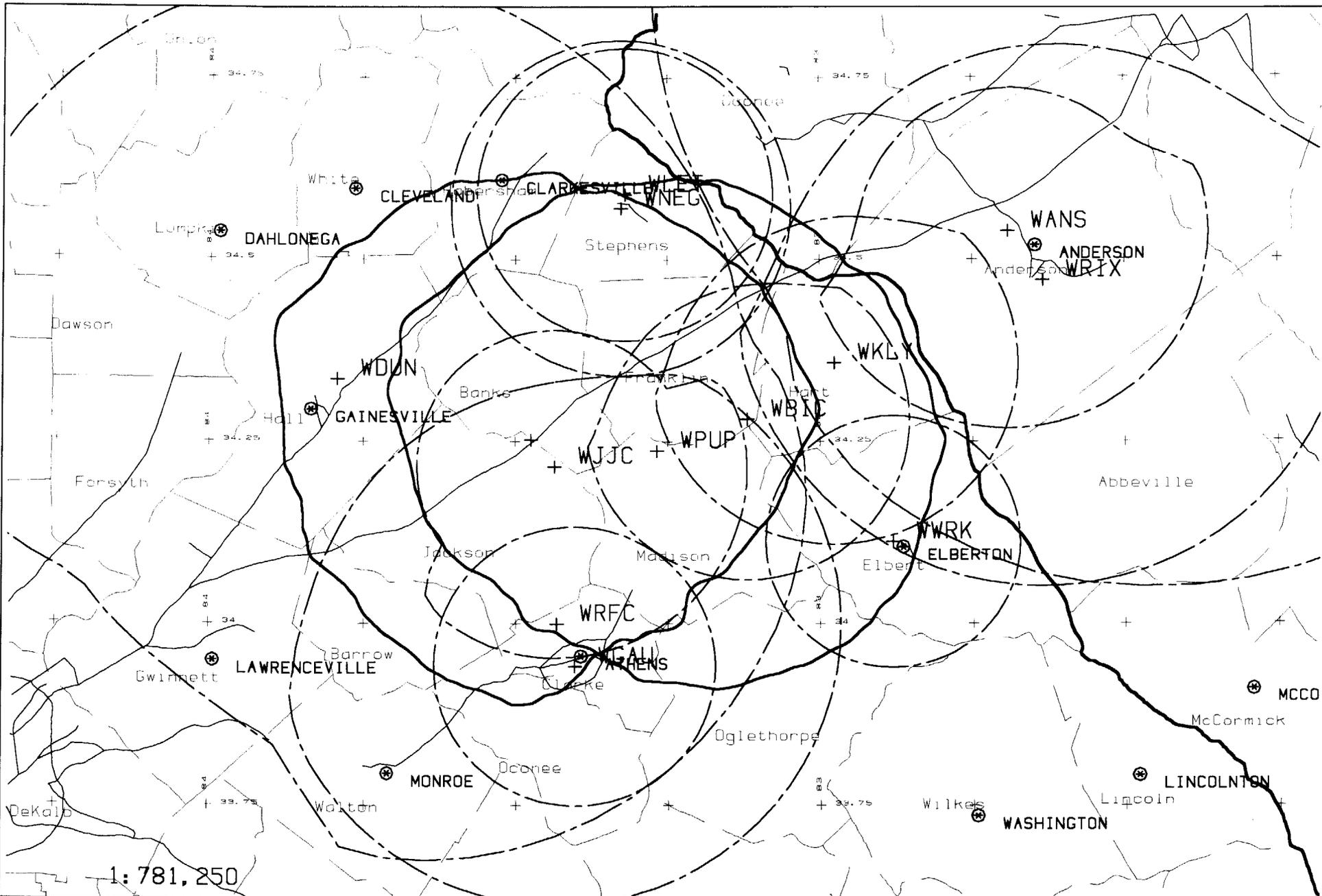
WUP 279C3 25kW 336M AMSL  
 N. Lat. 34 14 13 W. Lng. 83 16 03

POP FROM PRESENT SITE  
 EXHIBIT - 1A



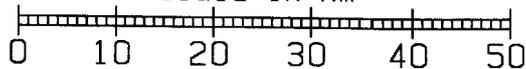
WPUP 279C3 25kW 336M AMSL  
 N. Lat. 34 14 13 W. Lng. 83 16 03

POPULATION GAIN/LOSS  
 EXHIBIT - 1B



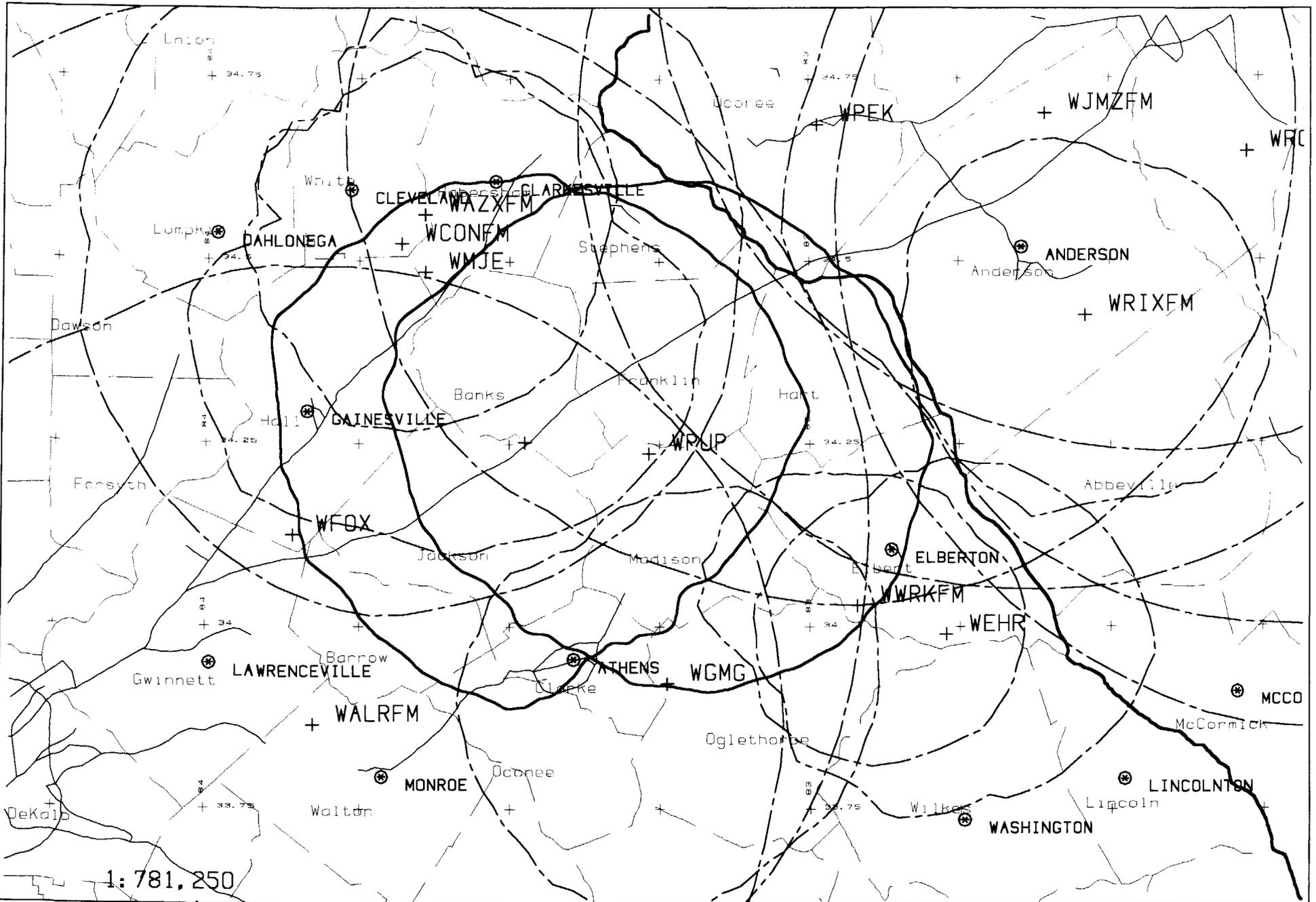
1: 781, 250

Scale in km



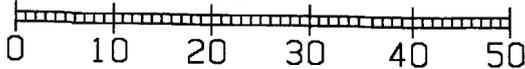
WPUP 279C3 25kW 336M AMSL  
 N. Lat. 34 14 13 W. Lng. 83 16 03

AM's Within Loss area  
 EXHIBIT - 2A



1: 781, 250

Scale in km



WPUP 279C3 25kW 336M AMSL  
 N. Lat. 34 14 13 W. Lng. 83 16 03

FM's Within Loss area  
 EXHIBIT - 2B

**SOUTHERN BROADCASTING  
OF ATHENS, INC.  
WPUP(FM)  
ROYSTON, GA - ARCADE, GA.**

**FM FACILITIES WITHIN THE  
DEFINED LOSS AREA**

**15 TOTAL**

**EXHIBIT - 2C**

WNGC - Toccoa, Ga.  
WAXZFM - Cleveland, GA.  
WCONFM - Cornelia, Ga.  
WYAY - Gainesville, Ga.  
WFOX - Gainesville, Ga.  
WALR - Athens, Ga.  
WGMG - Crawford, Ga.  
WWRK - Elberton, Ga.  
WEHR - Elberton, Ga.  
WPEK - Seneca, SC.  
WRIXFM - Honea Path, SC.  
WJMZFM - Anderson, SC.  
WROQ - Anderson, SC.  
WSSLFM - Gray Court, SC.  
WMUUFM - Greenville, SC.

**SOUTHERN BROADCASTING  
OF ATHENS, INC.  
WPUP(FM)  
ROYSTON, GA - ARCADE, GA.**

**AM FACILITIES WITHIN THE  
DEFINED LOSS AREA**

**13 TOTAL**

**EXHIBIT - 2D**

WDUN - Gainesville, GA.  
WLET - Toccoa, GA.  
WNEG - Toccoa, GA.  
WJJC - Commerce, GA.  
WBIC - Royston, GA.  
WWRK - Elberton, GA.  
WANS - Anderson, SC.  
WESC - Greenville, SC.  
WKLY - Hartwell, GA.  
WRFC - Athens, GA.  
WBKZ - Jefferson, GA.  
WGAU - Athens, GA.  
WRIX - Homeland Park, SC.

**DECLARATION AND QUALIFICATIONS OF PREPARER**

State of Georgia )  
City of Moultrie ) §  
Colquitt County )

Clyde Scott, Jr. ,Under penalty of perjury, declared and says he is a broadcast engineer and President of EME Communications. He has been engaged to prepare the attached technical exhibit.

That his qualifications are a matter of record before the Federal Communications Commission and has been active in the broadcast industry since 1965 and in broadcast engineering since 1972. That He is the holder of General Radiotelephone license no. PG-6-30133.

That the attached technical was either prepared by him or under his direct supervision. All material and exhibits hereto are believed to be true and correct.

A handwritten signature in black ink, appearing to read "Clyde Scott, Jr.", is written over a solid horizontal line.

Clyde Scott, Jr.  
EME Communications

**CERTIFICATE OF SERVICE**

I, Patricia A. Neil, a secretary in the law offices of Smithwick & Belendiuk, P.C., certify that on this 30th day of October, 2000, copies of the foregoing were mailed, postage prepaid, to the following:

Ms. Leslie K. Shapiro  
Federal Communications Commission  
The Portals II  
445 Twelfth Street, S.W.  
Room 3-A360  
Washington, D.C. 20554

  
Patricia A. Neil

(\*) By hand delivery