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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
Amendment of Section 73.202(b))
FM Table of Allotments)
FM Broadcast Stations)
)
Fair Bluff, North Carolina,)
Litchfield Beach, Johnsonville,)
and Olanta, South Carolina)
)
)
To: The Chief, Allocations)
Branch)

MM Docket No. 00-226
RM-10001

DOCKET FILE COPY ORIGINAL

JOINT COMMENTS IN SUPPORT OF
NOTICE OF PROPOSED RULEMAKING

Respectfully submitted,
YELVERTON LAW FIRM, P.L.L.C.

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December 22, 2000

No. of Copies rec'd 044
List A B C D E

JOINT COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING

Waccamaw Neck Broadcasting Company ("WN"), licensee of Station WPDT(FM), Channel 286A, Johnsonville, South Carolina, and Glory Communications, Inc. ("Glory"), by counsel, hereby submit their "Joint Comments in Support of Notice of Proposed Rulemaking." In Notice of Proposed Rulemaking, MM Docket No. 00-226, RN-10001, DA 00-2485, rel. November 3, 2000, the Commission invited comments as to a proposal to reallocate Channel 286A from Johnsonville, South Carolina, to Olanta, South Carolina.

WN is one of the co-petitioners that filed the petition for rulemaking requesting the reallocation of its FM frequency from Johnsonville to Olanta. Glory is the licensee of two FM broadcast stations and two AM broadcast stations in or near Columbia, South Carolina. It has been an established broadcaster in South Carolina since 1993.

Glory is wholly-owned by an African-American and its programming is oriented to an African-American audience. It has entered into an agreement with WN wherein it will purchase Station WPDT(FM) if the frequency is reallocated to Olanta. Glory will then immediately file with the Commission a modification application to construct and operate the station in Olanta.

Reallocation to Olanta

In the Notice of Proposed Rulemaking, at para. 6, the Commission questioned whether Olanta is a cognizable community for allotment purposes. As noted below, this question can be conclusively answered in the affirmative.

Olanta is an incorporated town and has continuously been so since 1908. It has a Mayor-Council form of government. Olanta had a 1990 population of 687. The estimated 1994 population is 704 and is expected to grow by another 65 to 85 residents with the anticipated annexation of a HUD housing development. About 25% of the current population of Olanta is African-American. With the annexation, the percentage will increase to about 33%. See, attached letter from Mayor Mel Thompson; and U.S. Census reports.

The Town of Olanta provides municipal services which includes police, fire, water, sewer, garbage, public works, streets, library, rescue, and recreation. Olanta has a local public school. It has its own post office and zip code (29114). There are over 50 businesses within the municipal limits and over 20 businesses in the downtown commercial district. See, attached letter from Mayor Mel Thompson; and photos of the town.

Olanta has eight churches and four civic organizations. These civic organizations are the Lions Club, American Legion, Garden Club, and the Olanta Business Association. The Olanta Business Association sponsors the town's annual "Gator Festival," which brings in over 5,000 people to visit Olanta. See, attached letter from Mayor Mel Thompson; and page from local telephone book.

Reallocation from Johnsonville

In the Notice of Proposed Rulemaking, at paras. 7-8, the Commission requested additional information demonstrating the "public interest" benefits of removing the sole transmission service from Johnsonville. However, as noted below, other

transmission services would be available in Johnsonville and, in any event, substantial "public interest" benefits would justify the reallocation.

If Channel 286A is reallocated to Olanta, Johnsonville would not be without a local transmission service. Non-commercial educational FM Channel 204A operating at the minimum power can be allocated to Johnsonville in accordance with all Commission rules. See, attached statement from Graham Brock, Inc.

An existing non-commercial educational FM channel is licensed to Hemingway, South Carolina, which is located 5 miles from Johnsonville. Station WLGI(FM) operates at 50 kw with the transmitter located some 12 miles from Johnsonville. Thus, it easily provides city-grade service to Johnsonville.

The two communities of Johnsonville and Hemingway are very connected because of their proximity and because they are the only two sizable communities in an isolated area surrounded by swamps near the confluence of the Great Pee Dee and the Little Pee Dee Rivers. Thus, for all practical purposes, the Hemingway station serves as a local transmission service for Johnsonville. Indeed, the 1990 population of Hemingway (829) is about half that of Johnsonville (1,415).

In any event, substantial "public interest" considerations would justify the proposed reallocation from Johnsonville to Olanta. Because Johnsonville is located in a very rural and isolated area, a commercial FM allocation with Class A status is only marginally viable.

From the time of the allocation being made, the Johnsonville FM station has only briefly been on the air with commercial programming. This operation was from 1996 to 1997. During this limited time of operation, the station had so few listeners that it failed to even register in the Arbitron ratings for the county. See, attached letter from Arbitron, dated December 21, 2000.

Since 1997, the Johnsonville FM station has operated only for a day or so each year to prevent an automatic forfeiture of its license. The current licensee, WN, has no immediate prospect of putting the station permanently back on the air.

Under these circumstances, there would be no actual loss of service to Johnsonville. There has been no service for over three years and the previous service was minimal and of short duration, there is no service now, and there is no immediate prospect of service in the future. Thus, there has been and is no reliance by the public on the Johnsonville station. It is actually no different a situation than an unbuilt construction permit. See, Genoa, Mt. Morris, and Oregon, Illinois, 14 FCC Rcd 2930 (1999).

A substantial "public interest" benefit would be achieved by reallocating the Johnsonville FM frequency to Olanta. This benefit would be the establishment of a broadcast station owned by an African-American.

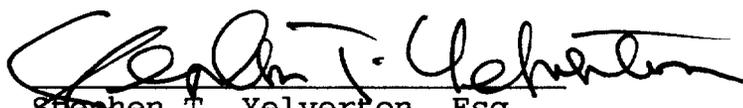
Glory Communications is a wholly-owned African-American broadcasting group with four broadcast stations in South Carolina. It has entered into an agreement with WN to purchase Station WPDT(FM) if the Johnsonville FM frequency is reallocated to Olanta.

Glory would not only establish another African-American owned station in an area where there are few such minority owners, but would also bring African-American oriented programming to the community of Olanta which has a significant African-American population. In contrast, Johnsonville has an African-American population of less than 10%. See, attached U.S. Census reports.

WHEREFORE, in view of the foregoing, WN and Glory urge the adoption of the proposed rulemaking and reallocation of Channel 286A from Johnsonville to Olanta. Such a reallocation would provide substantial "public interest" benefits, including the establishment of an African-American owned station with African-American oriented programming that would further the Commission's long-standing goals of diversity and increased minority ownership.

If the Commission reallocates the Johnsonville FM frequency, Glory will immediately file with the Commission a modification application to construct and operate the station in Olanta.

Respectfully submitted,



Stephen T. Yelverton, Esq.
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December 22, 2000



TOWN OF OLANTA
POST OFFICE BOX 396
OLANTA, SOUTH CAROLINA 29114

Mel Thompson
Mayor
Jimmy McCutcheon
Mayor Pro-tem

Woody Floyd
Charlene Raines
Betty Sims
Council-Members

December 18, 2000

Federal Communications Commission
Washington, DC 20554

Ref: FCC Rulemaking Docket No.00-226 RM10001
Olanta, South Carolina

Dear Sirs:

I am writing to you concerning your proposed rulemaking of a Federal Communications action that may allot FM Channel 105.1 – 286-A to Olanta, South Carolina. As stated in the notice of proposed rulemaking dated November 3, 2000 the FCC stated that Olanta, SC is not incorporated, has no governmental organizations or services and further information is necessary to establish it as a community.

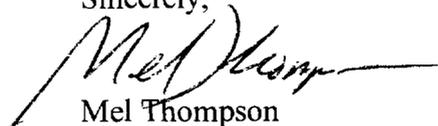
As Mayor of Olanta, South Carolina, I endorse Waccamaw Neck's Broadcastings' FCC pleading for placement of a new FM service to be located in the Town of Olanta, South Carolina and challenge the commission that Olanta, SC is certainly a community worthy of FM allotment consideration.

Olanta, South Carolina is an incorporated town chartered in 1908 with a Mayor-Council form of Government and is recognized by state, county and local leaders as a significant community within South Carolina. Olanta is located at the intersections of Highway 301 and 341 with identifiable signage, a large commercial downtown core consisting of over 20 businesses. There are over 50 businesses within our municipal limits. The Town of Olanta provides Police, Fire, Water, Sewer, Garbage, Public Works, Public Maintenance, Schools, Library, Rescue and Recreation.

The 1990 Census estimates the population of Olanta, SC at 687. The Town of Olanta, SC estimates our current population as greater than 700. The Town of Olanta also has a HUD Housing Development which will bring into the town before June of 2001 another 65 to 85 residents. Olanta is a definite geographically identifiable population grouping, incorporated and listed in the U.S. Census with social, economic and cultural indicia. The Town of Olanta has 8 churches, and 4 social and civic organizations including the Lions Club, the American Legion, the Garden Club and the Olanta Business Association. The Olanta Business Association is responsible for community projects and the town's annual "Gator Festival." This festival brings over 5000 people into Olanta for the weekend and is known throughout the southeast. Olanta also has Woods Bay State Park located less than 2 miles from our municipal limits.

I hope that you will consider the Town of Olanta, SC as a site to host a new FM station in the state of South Carolina. I feel that our residents and officials would greatly benefit and support having their own locally operated FM radio station.

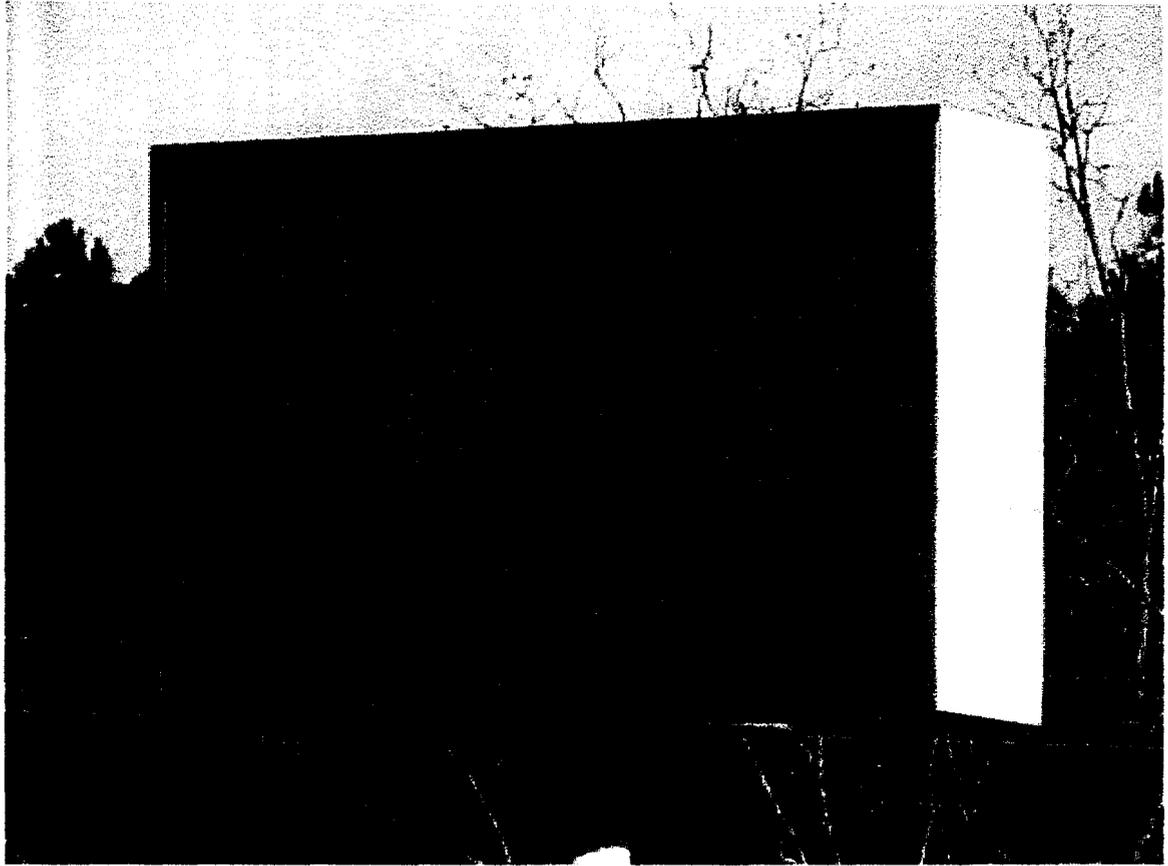
Sincerely,

A handwritten signature in black ink, appearing to read "Mel Thompson", with a long horizontal flourish extending to the right.

Mel Thompson

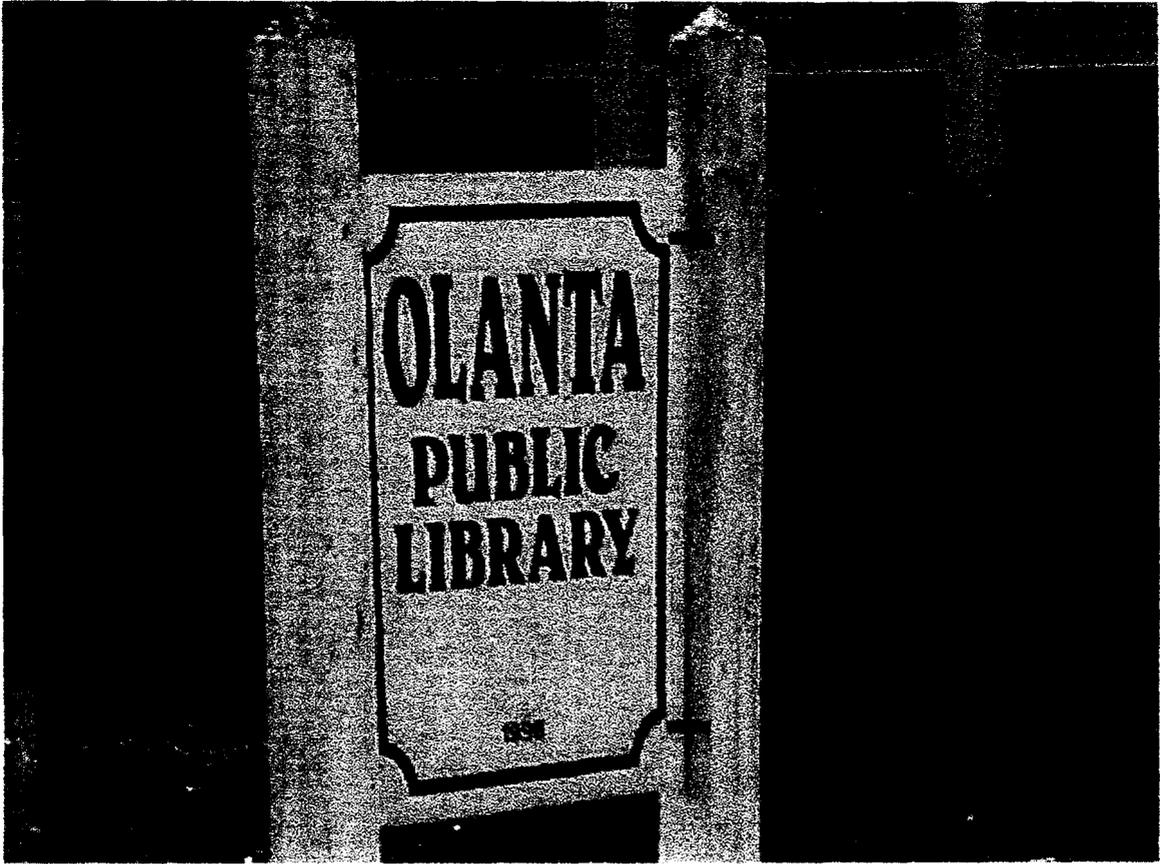
Mayor

Olanta, South Carolina





POLICE & FIRE DEPT
OLANTA, S C



Basic Facts ▶ Quick Tables

DP-1. General Population and Housing Characteristics: 1990
Geographic Area: Oanta town, South Carolina

NOTE TO ALL DATA USERS: All survey and census results contain measurement error and may contain sampling error. Information about these potential errors is provided or referenced with the data or the source of the data. The Census Bureau recommends that data users incorporate this information into their analyses as these errors could impact inferences. Researchers analyzing data to create their own estimates are responsible for the validity of those estimates and should not cite the Census Bureau as the source of the estimates but only as the source of the core data.

We have modified some data to protect individuals' privacy, but in a way that preserves the usefulness of the data.

Subject	Number
Total population	687
SEX	
Male	281
Female	406
AGE	
Under 5 years	47
5 to 17 years	142
18 to 20 years	29
21 to 24 years	25
25 to 44 years	170
45 to 54 years	62
55 to 59 years	39
60 to 64 years	35
65 to 74 years	69
75 to 84 years	81
85 years and over	12
Under 18 years	189
65 years and over	142
HOUSEHOLDS BY TYPE	
Total households	227
Family households (families)	168
Married-couple families	117
Other family, male householder	5
Other family, female householder	46
Nonfamily households	59
Householder living alone	56
Householder 65 years and over	30
Persons living in households	620
Persons per household	2.73
GROUP QUARTERS	
Persons living in group quarters	67

Institutionalized persons	67
Other persons in group quarters	0
RACE AND HISPANIC ORIGIN	
White	507
Black	174
American Indian, Eskimo, or Aleut	0
Asian or Pacific Islander	1
Other race	5
Hispanic origin (of any race)	0
Total housing units	248
OCCUPANCY AND TENURE	
Occupied housing units	227
Owner occupied	177
Renter occupied	50
Vacant housing units	21
For seasonal, recreational, or occasional use	0
Homeowner vacancy rate	3.3
Rental vacancy rate	13.8
Persons per owner-occupied unit	2.48
Persons per renter-occupied unit	3.68
Units with over 1 person per room	18
UNITS IN STRUCTURE	
1-unit detached	185
1-unit attached	2
2 to 4 units	0
5 to 9 units	0
10 or more units	1
Mobile home, trailer, or other	60
VALUE	
Specified owner-occupied housing units	138
Less than \$50,000	78
\$50,000 to \$99,999	50
\$100,000 to \$149,999	5
\$150,000 to \$199,999	3
\$200,000 to \$299,999	0
\$300,000 or more	0
Median (dollars)	49,200
CONTRACT RENT	
Specified renter-occupied housing units paying cash rent	40
Less than \$250	31
\$250 to \$499	9
\$500 to \$749	0
\$750 to \$999	0
\$1,000 or more	0

Median (dollars)	170
RACE AND HISPANIC ORIGIN OF HOUSEHOLDER	
Occupied housing units	227
White	182
Black	44
American Indian, Eskimo, or Alout	0
Asian or Pacific Islander	1
Other race	0
Hispanic origin (of any race)	0

(X) Not applicable

Source: U.S. Bureau of the Census, 1990 Census of Population and Housing, Summary Tape File 1 (100% Data)
 Matrices P1, P3, P5, P6, P8, P11, P15, P16, P23, H1, H2, H3, H5, H6, H10, H18A, H21, H23, H23B, H32, H32B,
 H41.

U.S. Census Bureau

American Fact

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Basic Facts > Quick Tables**DP-1. General Population and Housing Characteristics: 1990**
Geographic Area: Johnsonville city, South Carolina

NOTE TO ALL DATA USERS: All survey and census results contain measurement error and may contain sampling error. Information about these potential errors is provided or referenced with the data or the source of the data. The Census Bureau recommends that data users incorporate this information into their analyses as these errors could impact inferences. Researchers analyzing data to create their own estimates are responsible for the validity of those estimates and should not cite the Census Bureau as the source of the estimates but only as the source of the core data.

We have modified some data to protect individuals' privacy, but in a way that preserves the usefulness of the data.

Subject	Number
Total population	1,415
SEX	
Male	677
Female	738
AGE	
Under 5 years	108
5 to 17 years	297
18 to 20 years	61
21 to 24 years	72
25 to 44 years	411
45 to 54 years	183
55 to 59 years	71
60 to 64 years	57
65 to 74 years	94
75 to 84 years	49
85 years and over	12
Under 18 years	405
65 years and over	155
HOUSEHOLDS BY TYPE	
Total households	522
Family households (families)	401
Married-couple families	304
Other family, male householder	17
Other family, female householder	80
Nonfamily households	121
Householder living alone	111
Householder 65 years and over	47
Persons living in households	1,414
Persons per household	2.71
GROUP QUARTERS	
Persons living in group quarters	1

.../BasicFactsTable?_lang=en&_vt_name=DEC_1990_STF1_DP1&_geo_id=16000US4506912/21/2000

Institutionalized persons	0
Other persons in group quarters	1
RACE AND HISPANIC ORIGIN	
White	1,264
Black	118
American Indian, Eskimo, or Aleut	0
Asian or Pacific Islander	0
Other race	13
Hispanic origin (of any race)	20
Total housing units	558
OCCUPANCY AND TENURE	
Occupied housing units	522
Owner occupied	390
Renter occupied	132
Vacant housing units	36
For seasonal, recreational, or occasional use	3
Homeowner vacancy rate	0.8
Rental vacancy rate	9.0
Persons per owner-occupied unit	2.73
Persons per renter-occupied unit	2.68
Units with over 1 person per room	10
UNITS IN STRUCTURE	
1-unit detached	463
1-unit attached	7
2 to 4 units	11
5 to 9 units	3
10 or more units	0
Mobile home, trailer, or other	72
VALUE	
Specified owner-occupied housing units	333
Less than \$50,000	185
\$50,000 to \$99,999	127
\$100,000 to \$149,999	17
\$150,000 to \$199,999	4
\$200,000 to \$299,999	0
\$300,000 or more	0
Median (dollars)	47,700
CONTRACT RENT	
Specified renter-occupied housing units paying cash rent	112
Less than \$250	94
\$250 to \$499	16
\$500 to \$749	2
\$750 to \$999	0
\$1,000 or more	0

SUPPORTING COMMENTS
MM DOCKET #00-226 / RM-10001
FAIR BLUFF, NORTH CAROLINA
LITCHFIELD BEACH, SOUTH CAROLINA
JOHNSONVILLE, SOUTH CAROLINA
OLANTA, SOUTH CAROLINA
December 2000

These supporting comments are prepared on behalf of Atlantic Broadcasting Co., Inc., and The Waccamaw Neck Broadcasting Company, petitioners in MM Docket #00-226, RM-10001. This proceeding proposes to change the city of license of WSIM, Channel 287C3, from Fair Bluff, North Carolina, to Litchfield Beach, South Carolina, while simultaneously re-allotting Channel 286A from Johnsonville, South Carolina, to Olanda, South Carolina.

Since the above noted proceeding proposed removal of service from Johnsonville, a search was conducted under §73.207 and §73.509 of the Commission's rules. Channel 204, 88.7 MHz, was identified as a frequency which could be used for a full service Class A NCFM station, licensed to Johnsonville.¹ Attached as Exhibit #1 is a computerized printout of the stations considered in identifying the usable frequency.

Attached as Exhibit #2 is a hypothetical coverage map showing the 60 dBu service contour of the possible station to be licensed to Johnsonville.

We have tried to be as accurate as possible in the preparation of these comments. All information contained herein was extracted from the CDBS database and other sources. We assume no liability for omissions or errors in those sources. Should there be any questions concerning the information contained herein, we welcome the opportunity to discuss the matter by phone at 912-638-8028 or by email at stu@grahambrock.com.

1) This proposal would also comply with §73.525.



Chris Meinhardt
Account Executive
Radio Station Services

9000 Central Parkway, Suite 300
Atlanta, Georgia 30328-6619
(770) 551-1428 Fax (770) 551-1401
chris.meinhardt@arbitron.com

December 21, 2000

VIA FACSIMILE

Mr. Harold Miller
Miller Communications
51 Commerce Street
Sumter, SC 29150

Dear Harold:

This letter is written in response to your request for confirmation that WPDT FM, located in Florence County, South Carolina, did not show up in either the 1996 nor the 1997 Condensed Radio Market Reports. Florence is measured twice a year, in Spring and Fall. We do not show WPDT-FM in either report for above mentioned years.

A handwritten signature in black ink, appearing to read "Julian Davis".

Julian Davis
Senior Account Executive

A handwritten signature in black ink, appearing to read "Chris Meinhardt".

Chris Meinhardt
Account Executive

THE ARBITRON COMPANY • TAPSCAN WORLDWIDE • SCARBOROUGH

** TOTAL PAGE 01 **

CERTIFICATE OF SERVICE

I, Stephen T. Yelverton, an attorney, do hereby certify that on this 22nd day of December, 2000, I have caused to be hand-delivered or mailed, U.S. Mail, first-class, postage prepaid, a copy of the foregoing "Joint Comments in Support of Notice of Proposed Rulemaking" to the following:

John A. Karousos, Chief *
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Ave., N.W.
Suite 301
Washington, D.C. 20016


Stephen T. Yelverton

* Hand Delivery