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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of:	)	MM Docket No. 00-226
	)	
Amendment of Section 73.202(b)	)	RM-10001
FM Table of Allotments	)	
FM Broadcast Stations	)	
	)	
Fair Bluff, North Carolina,	)	
Litchfield Beach, Johnsonville,	)	
and Olanta, South Carolina	)	
	)	
	)	
To: The Chief, Allocations Branch	)	

CONSOLIDATED JOINT REPLIES TO COMMENTS

Respectfully submitted,

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

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January 10, 2001

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CONSOLIDATED JOINT REPLIES TO COMMENTS

Waccamaw Neck Broadcasting Company, Inc. ("WN") and Glory Communications, Inc. ("Glory"), by counsel, hereby submit their "Consolidated Joint Replies to Comments." WN and Glory support the comments of Atlantic Broadcasting Company, Inc. ("Atlantic") and oppose the comments of Root Communications License Company, L.P. ("Root"). Both comments were filed on December 26, 2000. In reply thereto, the following is shown.

Olanta, South Carolina

Root opposes the reallocation of Channel 286 A to Olanta, South Carolina. According to Root, the reallocation should be denied because Olanta is not an incorporated community. However, Root is simply wrong as to the facts.

Olanta has been incorporated since 1908, has a functioning municipal government, has a growing population of over 700, and has extensive commercial, social, and cultural activities which are associated with and serve the community. Attached is a letter, dated January 3, 2001, from the Mayor of Olanta, chastising Root for failing to do its homework and to check the facts.

Under established Commission policy, incorporation (along with a resident population, and commercial, social, and cultural activities) is determinative of whether Olanta is a community eligible to be licensed. See, Revision of FM Assignment Policies and Procedures, 90 FCC2d 88, 101 (1982).

Johnsonville, South Carolina

Root opposes the reallotment of Channel 286 A from

Johnsonville, South Carolina. According to Root, Johnsonville would be deprived of its sole transmission service. However, again Root is simply wrong as to the facts.

WN demonstrated in its comments that a non-commercial FM frequency on Channel 204 could be allocated to Johnsonville in accordance with all Commission rules and requirements. Root failed to show in its comments that no FM frequencies are available in Johnsonville for a new allotment.

Root suggests that Station WPDT, which is licensed on Channel 286 A, is operating on an "intermittent" basis, and thus there is some reliance by the public on this signal for service. However, as shown by WN in its comments, Station WPDT operated only briefly in 1996-1997.

Station WPDT has only operated one day or so each year since 1997 to avoid the automatic forfeiture of its license. Thus, there has been no reliance by the public on this signal. Therefore, it is the same situation as if Station WPDT was an unbuilt construction permit. Under Commission policy, it is consistent with the public interest to reallot an unbuilt construction permit, even if it would be the sole transmission service in a community. See, Genoa, Mt. Morris, and Oregon, Illinois, 14 FCC Rcd 2930 (1999).

In its comments, Root ignores a substantial public interest benefit in reallocating Channel 286 A from Johnsonville to Olanta. Such a reallocation would result in the establishment of a minority-owned station. Glory, which is owned by an African-

American, has agreed to purchase Station WPDT and to construct and operate it in Olanta.

Litchfield Beach, South Carolina

Root opposes the reallotment of Channel 287 C3 to Litchfield Beach, South Carolina. According to Root, Litchfield Beach does not qualify under Commission policy as a community eligible to be licensed. However, again Root is simply wrong as to the facts.

Under the legal standards quoted by Root in its comments, at pp. 2-3, Litchfield Beach would qualify as a community. This legal standard is:

> "The Commission does not have a precise definition of a community, rather a community is defined as a "geographically identifiable population grouping." The Commission has found no single attribute, except a resident population to be the sine qua non of community status. The Commission considers the following criteria in its determination of whether a location is a community for allotment purposes: incorporation or listing in Census Bureau reports, testimony by residents of the locality, and objective indicia. Acceptable objective indicia of community status includes political, commercial, social, and religious organizations, and services in the community. The Commission further requires these organizations or services to have a specific nexus or intent to serve the community in question."

Atlantic presented, in its comments, extensive facts demonstrating that Litchfield Beach meets the legal standards quoted by Root. Atlantic showed that Litchfield Beach is noted on state highway maps and listed in Census Bureau reports as an identifiable location; that it has a substantial resident population; that persons living in the locality consider themselves residents of Litchfield Beach; and that the locality has numerous commercial, social, and religious organizations which are associated with and intend to serve Litchfield Beach.

Root ignores Commission decisions with respect to Garden City, South Carolina, 12 FCC Rcd 13394 (1997), and Briarcliffe Acres, South Carolina, 14 FCC Rcd 10516 (1999). Therein, community status was accorded. These localities are beach communities with virtually identical attributes as Litchfield Beach (and are even located nearby).

WHEREFORE, in view of the foregoing, the comments of Root must be rejected and the proposed rulemaking adopted which reallocates frequencies to Olanta and to Litchfield Beach, South Carolina.

Respectfully submitted,

By: _____

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January 10, 2001

Mel Thompson
Mayor
Jimmy McCutchenn
Mayor Pro-tem

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

Woody Floyd
Charlene Raines
Betty Sloat
Council-Members

January 3, 2001

Federal Communication Commission

Dear Sirs:

I recently read the a copy of Root Communications document which states that the Town of Olanta, South Carolina is not incorporated and lacks the most indicia of a community. I would like to address each item as they were listed in the document from Root Communications:

A. In contrary to their statements, Olanta was founded and incorporated in 1908 and was designated in the early 1970's to have a Mayor/Council form of Government.

B. The Governmental services that the Town of Olanta provides are the following: Police Protection, the Chief is Ray Perdue; Fire Protection, the Chief is James Coker; we also offer water and sewer services to all of our residents and they are billed from Town Hall; We also have a Street Department, Recreation Department, Beautification Department, Planning Department, and a Grant Department. All of these departments are under the control of the Town of Olanta and are financed by taxpayers money.

C. Olanta is a part of Florence County School System, but so are all the public schools in Florence County. That includes the City of Florence, South Carolina. Florence School District Number Three has recently built a new facility for the Olanta Elementary School located facing Welch Street in Olanta.

D. Olanta residents, like so many other towns work primarily where they can find jobs. Some have been employed at Southern Impressions, a Division of Valley Forge Flag Company, here in Olanta; some own there own businesses; and some do travel to

Office Number (843)396-4201; Fax (843)396-4414

other areas for their job. Olanta is located 23 miles from Florence, South Carolina, 15 miles from Timmonsville, South Carolina, and 11 miles from Lake City, South Carolina.

E. The Town of Olanta has a current budget which is based on municipal taxes, local option sales taxes, police fines and water and sewer services The 2000-2001 Budget is for our General, which includes fire, police, grant , recreation, beautification and planning is $280,315.00 and our Water and Sewer Budget is $287,809.32.

I have been Mayor of Olanta for the past seven years and unlike most jobs this has been truly a challenge. If you have any questions please feel free to contact me at (843)396-4301 and if you still have questions about Olanta not being a municipality then contact the Municipal Association of South Carolina (803)799-9574.

I am yours truly,

J. Melvin Thompson, II
Mayor

Office Number (843)396-4301: Fax (843)396-4414

CERTIFICATE OF SERVICE

I, Stephen T. Yelverton, an attorney, do hereby certify that on this 10th day of January, 2001, I have caused to be hand-delivered or mailed, U.S. Mail, first-class, postage prepaid, a copy of the foregoing "Consolidated Joint Replies to Comments" to the following:

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Mass Media Bureau
Federal Communications Commission
Washington, D.C. 20554

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