



Federal Communications Commission
Washington, D.C. 20554

June 26, 2001
4:33

Robert Mangels
121 North Highland Ave.
Wellsville, NY 14894

DOCKET FILE COPY ORIGINAL

Dear Mr. Mangels:

This is in response to the petition for rule making you submitted seeking the deletion of FM Channel 228A at Wellsville, New York, which was allotted to that community in MM Docket No. 98-207, and is on the list of vacant channels available for auction in Auction No. 37, currently scheduled to commence in December, 2001.

In support of the requested deletion of Channel 228A, you assert that the Commission's intent in the referenced proceeding was to provide Wellsville with its first local competitive FM service. However, you report that Station WZKZ, Channel 270A, Alfred, New York currently provides FM service to the residents of Wellsville, and therefore, the Commission's objective has already been attained. In this regard, you advise that although Alfred is less than 15 miles from Wellsville, Station WZKZ has its main office and local mailing address in Wellsville. Further, you state that through Station WZKZ's promotions to the public, both on and off air, it has operated as a Wellsville station since it commenced broadcasting in February 1999. Additionally, you assert that the economic conditions of Wellsville and the surrounding areas cannot support another FM facility, and therefore seek the removal of Channel 228A at that community.

Although Station WZKZ may provide service to Wellsville, it is the licensee's primary obligation to serve the needs and interests of the community to which it is licensed. See Section 73.1120 of the Commission's Rules. According to the Commission's records, the license authorization issued for Station WZKZ (File No. BLH-20000407ACZ) identifies its location as Alfred, New York. Additionally, we note that in a pending proceeding in MM Docket No. 01-36, involving, *inter alia*, the requested substitution of Channel 246A for Station WZKZ's current operation on Channel 270A at Alfred, Pembroke Pines Elmira, Ltd., the licensee of Station WZKZ has objected to the requested modification of its license, preferring to remain licensed on Channel 270A at Alfred.

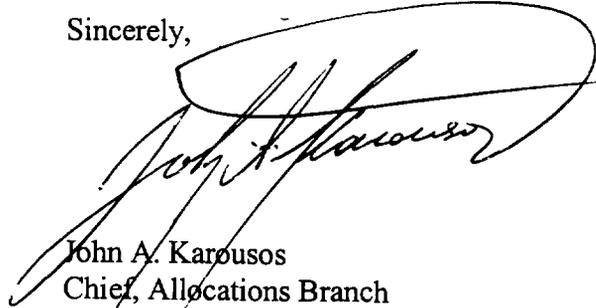
Additionally, we note that in accordance with the provisions of Section 73.1125 of the Commission's Rules, Station WZKZ may maintain its main studio location either within its community of license, or at any location within its principal community contour, or within twenty-five miles from the reference coordinates of the center of its community of license. Therefore, it appears that Station WZKZ is operating as an Alfred broadcast facility consistent with the Commission's licensing requirements.

As to your claim that the population and economic conditions of Wellsville and the surrounding areas strongly suggest that another Wellsville FM facility cannot be supported, the Commission has consistently determined that such issues are not relevant in either the allotment or licensing context. See Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations, 3 FCC Rcd 638 (1988), recon. denied, 4 FCC Rcd 2276 (1989);

Cheyenne, Wyoming, 8 FCC Rcd 4473 (1993); and Albion, Nebraska, 10 FCC Rcd 3183 (1995),
rev. denied, 10 FCC Rcd 19927 (1995).

In light of the above, your proposal to delete Channel 228A at Wellsville, New York, is unacceptable for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", is written over a large, hand-drawn oval. The signature is fluid and cursive.

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau