

MAIL ROOM

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

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In the Matter of)
)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Soperton, Swainsboro and)
East Dublin, Georgia))

MM Docket No. 99-259 /
RM-9685
RM-9775

FILED

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 14, 2001

Released: November 16, 2001

By the Chief, Allocations Branch:

1. The Allocations Branch has before it the Notice of Proposed Rule Making in this proceeding. 14 FCC Rcd 11637 (1999). Lacom Communications, Inc. ("Lacom Communications") filed a Counterproposal. John Morgan Dowdy filed Comments. Metro Com Corp., Broadcast Equities Corp., Tri-County Broadcasting Company and Multi-Service jointly filed Supplemental Comments.¹ For the reasons discussed below, we are substituting Channel 251C3 for Channel 251A at Swainsboro, Georgia, reallocating Channel 251C3 to East Dublin, Georgia, and are modifying the Station WELT license to specify operation on Channel 251C3 at East Dublin.

2. At the request of John Morgan Dowdy, the Notice proposed the allotment of Channel 253A to Soperton, Georgia, as a second local FM service. In response to the Notice, Lacom Communications, licensee of Station WELT, Channel 251A, Swainsboro, Georgia, filed a Counterproposal. That Counterproposal proposed the substitution of Channel 251C3 for Channel 251A at Swainsboro, reallocating Channel 251C3 to East Dublin, Georgia, and modification of the Station WELT license to specify operation on Channel 251C3 at East Dublin.

3. At this juncture, it is necessary to compare the reallocating of Channel 251C3 to East Dublin versus allotment Channel 253A to Soperton. In making this comparison, we use the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 4 FCC 2d 88 (1988).² We are substituting Channel 251C3 for Channel 251A at Swainsboro, reallocating Channel 251C3 at East Dublin.³ This will provide East Dublin with a first local service under Priority (3), while the John Morgan Dowdy proposal will provide a second local service to Soperton which is considered under priority (4). Our decision is reinforced by the fact that the John Morgan Dowdy proposal will result in a service to 38,446 persons while the Lacom

¹ In the Supplemental Comments, the parties refer to a Counterproposal filed by Multi-Service Corp. in MM Docket No. 00-18 which would have permitted the allotment of alternate Channel 276C3 to East Dublin. However, the Report and Order in MM Docket No. 00-18 dismissed that Counterproposal. DA 01-2316, released October 5, 2001. In view of that action and the fact that the Supplemental Comments are untimely, the Supplemental Comments will not be considered in the context of this proceeding.

² The FM allotment priorities are: (1) First fulltime aural service; (2) second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to priorities (2) and (3).

³ The references coordinated for the Channel 251C3 allotment at East Dublin, Georgia are 32-33-28 and 82-42-10.

Communications reallocation proposal will result in a net service gain to 45,113 persons. Moreover, Soperton also receives a primary 60 dBu service from ten FM stations and a principal city 70 dBu service from three FM stations.

4. Accordingly, pursuant to authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 2, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
East Dublin, Georgia	251C3

5. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Lacom Communications, Inc. for Station WELT, Swainsboro, Georgia, IS MODIFIED to specify operation on Channel 251C3 at East Dublin, Georgia, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order the licensee shall submit to the Commission a minor change application for construction permit (FCC Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620 of the Commission's Rules;
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Sections 1.1104(1)(k) and (2)(k) of the Commission's Rules, any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rulemaking fee when filing the application to implement the change in community license and/or upgrade. As a result of this proceeding, Lacom Communications, Inc. is required to submit a rulemaking fee in addition to the fee required for the application to effect the change of community of license and/or upgrade.

7. IT IS FURTHER ORDERED, that the aforementioned proposal filed by John Morgan Dowdy (RM-9685), IS DENIED.

12. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

13. For further information concerning this proceeding, contact Robert Hayne, Mass Media Bureau, (202) 418-2177.

FEDERAL COMMUNICATIONS COMMISSION

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