

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

RECEIVED

APR 16 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:)
)
 Amendment of Section 73.202(b),)
 Table of Allotments,) RM - _____
 FM Broadcast Stations,)
 (Tallapoosa, Georgia))

To: Assistant Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

SSR Communications, Inc. ("SSR"), by Counsel, and pursuant to S1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations to add Channel 255A (98.9 MHz) to Tallapoosa, Georgia, as its first aural **FM** facility, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Tallapoosa, Georgia	---	255A

In support hereof, the following is shown:

Background

1. As a prerequisite to this Petition for Rule Making, SSR hereby requests the abandonment of a previous rule making petition that it filed seeking the allotment of Channel 223A to Tallapoosa, Georgia. This prior request was assigned FCC Rule Making Number RM-10651, and it resulted in a "Order to Show Cause" being served

For the Commission record 044
 LISA WARD
 MB - FM
 03-51

upon Radio Station WDEF-FM at Chattanooga, Tennessee. See, Exhibit No. 1 (copy of "Order to Show Cause" relating to RM-10651).¹

2. Tallapoosa is located in Haralson County, Georgia. There are no radio stations presently licensed to Tallapoosa.

3. SSR believes that none of the area radio stations provide programming that is responsive to the unique interests and needs of Tallapoosa. As indicated below, if these efforts are successful, SSR will pursue an application to provide such FM radio service to Tallapoosa through the Commission's auction selection process or any other process that might be applicable in the future.

Technical Criteria

4. Attached hereto as Exhibit No. 2 is an Engineering Statement prepared by Graham Brock, Inc. wherein it is demonstrated that Channel 255A may be allotted to the community of Tallapoosa, Georgia in compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements.² According to the Engineering Statement, Channel 255A may be allotted to Tallapoosa at site reference coordinates North Latitude 33 - 39 - 20 and West Longitude 85 - 15 - 27. From this location, the 3.16 mV/m city-grade contour will encompass the entire community of Tallapoosa.

¹ A copy of this petition ~~is~~ being served upon Radio Station WDEF-FM.

² As the attached Engineering Statement explains, this proposal essentially protects Radio Station WSB-FM (Atlanta, Georgia) since that radio station has already agreed to a downgrade to Class CO in MM Docket No. 03-77; RM-10660.

Allotment Eligibility

5. According to the Clerk's Office at the Tallapoosa City Hall³, Tallapoosa has its own government comprised of a mayor, five councilmen, a city manager and a city clerk. The town of Tallapoosa has its own police and fire departments, and provides its own water, gas and sewer services. There are public schools in the town of Tallapoosa, but they are managed by the county. Finally, the town of Tallapoosa has defined boundaries.

6. Attached hereto is as Exhibit No. 3 is a four-page printout from America On Line Yellow Pages that shows thirty-six businesses, churches and public services that incorporate the town's name into its business name. The address and telephone number of each is also shown. For example, there is the Tallapoosa Drug Company, Tallapoosa Electronics, Inc., Animal Care Clinic of Tallapoosa, Tallapoosa United Methodist Church, Tallapoosa Marine, Tallapoosa City Library, Tallapoosa Primary School, Tallapoosa Flower Shop, Tallapoosa Church of God and the Tallapoosa Golf Course -- to name just a few.

7. Tallapoosa has its own U.S. Post Offices -- one located at 49 US Highway 78, and another located at 10 South Alewine Avenue -- with Zip Code "30176" being associated solely with the town of Tallapoosa.

8. SSR submits that when all of the above factors are considered -- especially Tallapoosa's own government and government services, and the use of the Tallapoosa name in many businesses and places of worship -- the Commission should conclude that Tallapoosa has a geographically identifiable population grouping that is worthy of the allotment of a broadcast channel to the community. See, *e.g.*, *Hannibal, Ohio, 6 FCC Rcd. 2 144, 69 RR 2d 113 (MMB 1991); FM Channel*

³ The telephone number of the Tallapoosa City Hall is (770) 574-2345.

Assignments: Middletown, California, 69 RR 2d 1626 (MMB 1991); Oak Grove, FL, 5 FCC Rcd 3774 (19901).

Public Interest Showing

9. Objective indicia of community status is present to support the allotment of Channel 255A to Tallapoosa, Georgia.

Statement of Interest

10. SSR hereby expresses its intention to apply for Channel 255A at Tallapoosa, Georgia, if that Channel is allotted by the Commission, and that further, if its Application is granted, to construct and operate that facility.

WHEREFORE, the above premises considered, **SSR** respectfully urges the Commission to terminate RM-10651, GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify Channel 255A at Tallapoosa, Georgia.

Respectfully submitted,

SSR COMMUNICATIONS, INC.

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, **Imlay 81**Tepper, P.C.
7900 Wisconsin Avenue
Suite 304
Bethesda, MD 20814-3628

(202) 686-9600

April 16, 2003

Exhibit No. 1

(Copy of RM-10651 "Order to Show Cause")

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

In the Matter of

Reclassification of License
Of Station WDEF-FM,
Chattanooga, Tennessee

RM-10651

ORDER TO SHOW CAUSE

Adopted: February 12, 2003

Released: February 18, 2003

Comment Date: **April 4, 2003**

By the Assistant Chief, Audio Division:

1. Before the Audio Division for Consideration is a Petition for Rule Making filed by SSR Communications Incorporated ("petitioner"), requesting the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202(b) of the Commission's rules, to allot Channel 223A to Tallapoosa, Georgia. Channel 223A would provide a first local FM service to Tallapoosa. To accommodate the proposed allotment, petitioner further requests the reclassification of Station WDEF-FM, Channel 222C, Chattanooga, Tennessee, to specify operation on Channel 222C0. Station WDEF-FM currently operates on Channel 222C with an ERP of 100 kilowatts at 360 meters HAAT. The station is **below** the minimum Class C antenna height requirements of 450 meters HAAT. Because Station WDEF-FM is operating below minimum Class C standards, it is subject to reclassification as a Class A3 facility pursuant to the *Second Report and Order* in MM Docket No. 98-93,¹ and as set forth in Section 1.420(g), note 2, and Section 13.3574, note 4, of the Commission's Rules.

2. Pursuant to the reclassification procedures set forth in the *Second Report and Order, supra*, and Section 1.420(g), note 2, the reclassification of a Class C FM station to a Class C0 station may be initiated through the filing of a petition for rule making to amend the FM Table of Allotments. In instances where an initiating petition proposes amending the FM Table of Allotments in addition to the proposed reclassification of a Class C FM station, the Commission must issue an order to show cause as set forth in Section 73.3573, note 4. In such circumstances, a notice of proposed rule making will be issued only after the reclassification issue has been resolved. Therefore, in order to comply with the Commission's Class C0 reclassification procedures, we must issue this *Order to Show Cause* directed to Jackson Telecasters, Inc. ("Jackson"), licensee of Station WDEF-FM, Chattanooga, Tennessee. Jackson is required to show cause why its authorization should not be modified to specify operation on Channel 222C0 in lieu of Channel 222C at Chattanooga, Tennessee.

¹ See 1998 Biennial Regulatory Review--Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Red 21,649 (2000).

3. Section 316(a) of the Communications Act, as amended, permits the Commission to modify an authorization if such action is in the public interest. Further, pursuant to Section 316(a), we are required to notify the affected station of the proposed action, as well as the public interest reasons for the action, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.² In this instance, a Class C0 reclassification of Station WDEF-FM at Chattanooga, Tennessee, would accommodate petitioner's request to allot Channel 223A to Tallapoosa, Georgia as that community's first local FM service. Petitioner's request for reclassification therefore has sufficient public interest benefits and justifies the issuance of an order to show cause.

4. The license for Station WDEF-FM (File No. BMLH-19820813AH) at Chattanooga, Tennessee, can be modified to Channel 222C0 at its current authorized transmitter site, located at coordinates 35-0X-0h NL and 85-19-25 WL. Pursuant to Section 1.87 of the Commission's Rules, Jackson may, not later than April 4, 2003, file a written statement showing with particularity why its license (File No. BMLH-19820813AH) should not be modified as proposed in this **Order to Show Cause**. The Commission may call on Jackson to furnish additional information. If Jackson raises a substantial and material question of fact, a hearing may be required to resolve such a question pursuant to Section 1.87. Upon review of the statements and/or additional information furnished, the Commission may grant the modifications, deny the modification, or refer the matter of modifications for hearing. If no written statement is filed by the date referenced above, Jackson will be deemed to have consented to the modification as proposed in this **Order to Show Cause**, and a final **Order** will be issued by the Commission, if the channel modification is found to be in the public interest.

5. If Jackson chooses to seek authority to modify its facilities, an acceptable application for a Construction permit to increase the antenna height above 450 meters HAAT for Station WDEF-FM must be filed with the Commission within 180 days subsequent to the show cause response due date (April 4, 2003). Upon the filing of an acceptable construction permit application, the proposal to allot Channel 223A at Tallapoosa, Georgia, will be dismissed. The present three-year construction period will be applicable if a construction permit is obtained by Jackson for Channel 222C as specified herein, under this procedure. If the construction is not completed as authorized, Station WDEF-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 223.4 at Tallapoosa, Georgia, may be refiled.

6. IT IS THEREFORE ORDERED, That Jackson Telecasters, Inc., show cause why its authorization for station WDEF-FM (File No. BMLH-19820813AH) should not be modified to specify operation on Channel 222C0 in lieu of Channel 222C at Chattanooga, Tennessee, and

7. IT IS FURTHER ORDERED, That the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, SHALL Send a copy of this **Order to Show Cause** by Certified Mail, Return Receipt Requested, to the following licensee.

Jackron Telecasters Inc

² See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

Box 11008
Chattanooga, TN 37401
(Licensee of WDEF-FM)

7. Any protest to this proposed reclassification may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, *Vistronix, Inc.*, will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. An envelope must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

For further information concerning this proceeding, contact Deborah A. Dupont, Media Bureau, at (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

Iohii A. Karousos
Assistant Chief, Audio Division
Media Bureau

Exhibit No. 2

(Supporting Technical Statement)

PROPOSED RULE MAKING
SSR COMMUNICATIONS INCORPORATED
ALLOT CHANNEL 255A
TALLAPOOSA, GEORGIA
April 2003

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of SSR Communications Incorporated ("SSR") as a petition to assign FM Channel 255A to Tallapoosa, Georgia. The proposed allotment to Tallapoosa, Georgia, will provide this community with its first locally licensed aural service.

DISCUSSION

2. It is noted that SSR previously requested the assignment of Channel 223A to Tallapoosa. However, a subsequently filed application by Jacobs Broadcast Group, Inc., to relocate WTDR, Talladega, Alabama ((BPH-)20030414ABK) has eliminated the clear area to locate a transmitter for the previously requested channel (223A). SSR respectfully withdraws its previous request and proposes Channel 255A be assigned to Tallapoosa in lieu of Channel 223A.

3. The community of Tallapoosa is an incorporated community with a 2000 Census population of 2,789 persons, Tallapoosa has its own post office (1919 US Highway 78, Tallapoosa, Georgia) and its own zip code (30176). The city is home to no fewer than twenty churches, three banks and fifteen medical doctors with local offices. Additionally, the town is home to no fewer than 41 businesses and/or organizations that identify themselves with the word "Tallapoosa" in their title. Tallapoosa is a bona fide "community" by these respects.

PROPOSAL

4. Channel 255A can be allotted to Tallapoosa, Georgia, at reference coordinates North Latitude 33° 39' 20. West Longitude 85° 15' 27" while providing the requisite spacing to all present and proposed full service FM facilities (with the exception of Channel 253C, WSB-FM, Atlanta, Georgia). With regard to WSB-FM, CXR Holdings, Inc., the licensee, has already agreed to a downgrade of the station to Class CO in MM Docket No. 03-77, RM-10660. If necessary, SSR will notify CXR Holdings, Inc., of this petition and request their downgrade to Class CO. Attached, as Exhibit #1, is a map demonstrating that Channel 255A, from the proposed reference site, will place a city grade signal over all of Tallapoosa pursuant to the Commission's rules. Exhibit #2 is a §73.207 spacing study from the proposed site, demonstrating that Channel **255A** meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.

5. Therefore, SSK Communications Incorporated herein requests the following changes in §73.202 of the Commission's rules

Tallapoosa, Georgia

Present	Proposed
None	255A

PUBLIC INTEREST

6. The allotment of Channel **255A** to Tallapoosa will provide that community with its first locally licensable station. Once Channel 255A is allotted to Tallapoosa, Georgia, SSR Communications Incorporated will pursue an application for construction permit as indicated under the Commission's rules.

7. The foregoing technical statement was prepared on behalf of SSR Communications Incorporated by Graham Brock, Inc., its Technical Consultants. All data related to broadcast facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database that may be adverse to the requests contained herein.

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

085-30-00 W

085-40-00 W

085-20-00 W

33-50-00 N

085-30-00 W

Proposed - Tallapoosa
Latitude: 33-39-20 N
Longitude: 085-15-27 W
Channel: 233A
Frequency: 22.5 MHz
Type: Class 4, City Grade
16.0 km

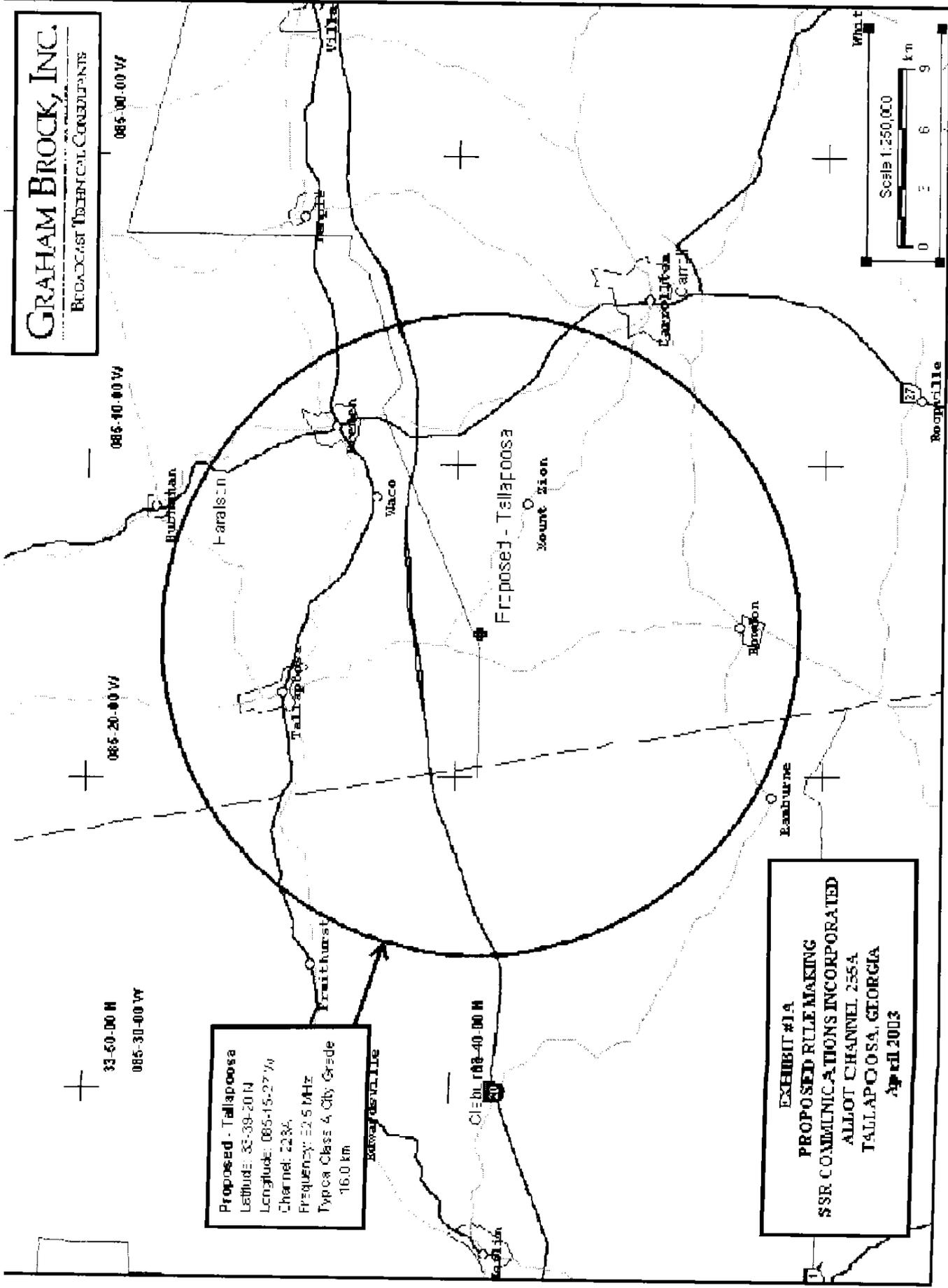
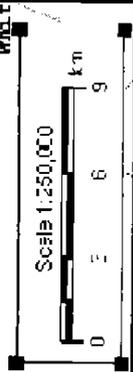
Waco

085-40-00 W

Proposed - Tallapoosa

Mount Zion

EXHIBIT #1A
PROPOSED RULE MAKING
SSR COMBINATIONS INCORPORATED
ALLOT CHANNEL 255A
TALLAPOOSA, GEORGIA
April 2003



GRAHAM BROCK, INC.

BROADCAST TECHNICAL COMMENTS

33-50-00 W
085-30-00 W

085-20-00 W

085-10-00 W

085-00-00 W

WSB-FM (Downgraded)
Latitude: 33-45-33N
Longitude: 084-23-45W
ERP: 100.00 kW
Channel: 253E0
Frequency: 91.3 MHz
FCC required - 56 km

Proposed - Tallapoosa
Latitude: 33-39-20N
Longitude: 085-15-27W
Channel: 223A
Frequency: 82.5 MHz

33-40-00 N
085-40-00 W

WARRC
Latitude 34-42-39 N
Longitude 085-32-17W
ERP: 100.00 kW
Channel 256C
Frequency 99.1 MHz
FCC required - 165 km

Mount Zion

Usable Area

WBAM-FM
Latitude: 31-58-28N
Longitude: 086-11-31W
ERP: 100.00 kW
Channel: 255C
Frequency: 88.9 MHz
FCC required - 207 km

Rabun

EXHIBIT #1B
PROPOSED RULE MAKING
SSR COMMUNICATIONS INCORPORATED
ALLOT CHANNEL 245A
TALLAPOOSA, GEORGIA
April 2003

Scale 1:250,000



AFFIDAVIT AND OUALIFICATIONS OF CONSULTANT

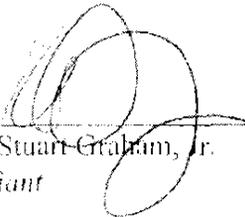
State of Georgia)
St. Simons Island) ss:
County of Glynn)

R. STUART GRAHAM, being duly sworn, deposes and says that he is **an** officer of Graham Brock, Inc. Graham Brock has been engaged by SSR Communications Incorporated to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in Broadcast Engineering since 1972.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 15th day of April, 2003.


R. Stuart Graham, Jr.
Affiant

Sworn to and subscribed before me
this the 15th day of April, 2003


Notary Public, State of Georgia
My Commission Expires: April 16, 2006

Exhibit No. 3

(AOL Yellow Pages Excerpt)



by AOL Local

Find: A Loan For Me
GetSmart.com
Refinancing
Second Mortgage
Debt Consolidation

New Search

Search for: Tallapoosa

Location: Tallapoosa, GA (change location)

View All Listings | Listings A-Z

Listings 1 - 10 of 36

Next

Jump to: A P C D E F G H I K L M N O P Q R S T U V W X Y Z = All

Advertise your business on the AOL Yellow Pages

Find More...

- Search by Phone #
- Maps & Directions
- Local Guide
- White Pages
- Classifieds
- Zip Codes

Free upgrade to business-class service on AOL for Small Business

Add or update your business listing in the Yellow Pages.

Listings By Distance

Tallapoosa Drug Co
24 W Alabama St
Tallapoosa, GA
770-574-2339

0.0 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa Electronics Inc
2174 U.S Highway 78
Tallapoosa, GA
770-574-9895

0.0 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Carpets of Tallapoosa
145 Alewine Ave
Tallapoosa, GA
770-574-7564

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa City Hall
25 E Alabama St
Tallapoosa, GA
770-574-2345

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa Public Svc
25 E Alabama St
Tallapoosa, GA
770-574-2345

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa Fire Dept
32 Alabama St
Tallapoosa, GA
770-574-7211

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa Police Dept
32 Alabama St
Tallapoosa, GA
770-574-7211

0.1 miles from you
Get Maps & Directions
Find Places Nearby

Animal Care Clinic-Tallapoosa
109 Robertson Ave
Tallapoosa, GA
770-574-8232

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Animal Care Clinic-Tallapoosa
109 Robertson Ave
Tallapoosa, GA
770-574-8232

0.1 miles from you
Get Maps & Directions
Find Places Nearby
Add Your Review

Tallapoosa United Methodist Ch
191 Alewine Ave
Tallapoosa, GA
770-574-7731

0.2 miles from you
Get Maps & Directions
Find Places Nearby

Listings 1 - 10 of 36

Next

Jump to: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z = All

View All Listings | Listings A-Z | Show these businesses on a map

Tallapoosa

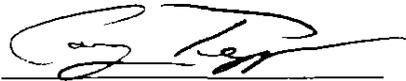
Tallapoosa, GA

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 16th day of April, 2003, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

'John A. Karousos
Assistant Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.; Room 3-A266
Washington, D.C. 20554

Jackson Telecasters, inc.
Radio Station WDEF-FM
Box 11008
Chattanooga, TN 37401



Cary S. Tepper, Esq.

*/ indicates delivery by hand