

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

In the Matter of )  
 )  
 Reclassification of License )  
 of Station WYSF(FM) ) RM-10661  
 Birmingham, Alabama )

**ORDER TO SHOW CAUSE**

**Adopted: October 22, 2003**

**Released: October 24, 2003**

**Comment Date: December 8, 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 (“SSR”), requesting the allotment of FM Channel 233A at Calhoun, Georgia, as that community’s first local FM commercial aural transmission service. Additionally, to accommodate the allotment of Channel 233A at Calhoun, consistent with the minimum distance separation requirements set forth in Section 73.207(b) of the Commission’s Rules, SSR also requests the reclassification of Station WYSF, Channel 233C, Birmingham, Alabama, to specify operation on Channel 233C0.<sup>1</sup> Station WYSF currently operates on Channel 233C with an effective radiated power of 100 kilowatts at 309 meters height above average terrain (“HAAT”), which is below the minimum Class C antenna height of 451 meters HAAT. SSR asserts that as Station WYSF currently operates below minimum Class C standards, it is subject to reclassification as a Class C0 facility pursuant to the Commission’s *Second Report and Order* in MM Docket No. 98-93, 15 FCC Rcd 21649 (2000),<sup>2</sup> and as set forth in 1.420(g), note 2, and Section 73.3573, note 4 of the Commission’s Rules. For the reasons discussed below we are reissuing this *Order to Show Cause* to Citadel Broadcasting Company (“Citadel”), licensee of Station WYSF, Channel 233C, Birmingham, Alabama.

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.

3. On March 14, 2003 we issued an *Order to Show Cause (“Order”)*<sup>3</sup> directed to Citadel, which requested Citadel to show cause why its license for Station WYSF should not be modified to specify

<sup>1</sup> The distance between the required site for requested Channel 233A at Calhoun, Georgia, and Station WYSF’s licensed site at Birmingham, Alabama, is 220.3 kilometers whereas a minimum distance of 226 kilometers is required between Class A-C co-channel allotments. SSR advises that if Station WYSF operates as a Class C0 facility, the short-spacing to the proposed use of Channel 233A at Calhoun would be eliminated.

<sup>2</sup> See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules*.

<sup>3</sup> See *Reclassification of License of Station WYSF(FM), Birmingham, Alabama*, 18 FCC Rcd 4466 (MB 2003)

operation on Channel 233C0 in lieu of Channel 233C at Birmingham, Alabama. Although it was ordered that a copy of the *Order* be sent by Certified Mail, Return Receipt Request to Citadel and its attorney, it appears that these copies were never mailed. Section 316(a) of the Communications Act of 1934, 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, and afford at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's Rules.<sup>4</sup> As such, we will reissue this *Order to Show Cause* to Citadel since we do not have any proof that the original *Order* was received. Furthermore, the reclassification of Station WYSF as a Class C0 station at Birmingham, Alabama, would accommodate SSR request to allot Channel 233A at Calhoun, Georgia, as that community's first local FM commercial aural transmission service. Therefore, we believe SSR's proposal has sufficient public interest and justifies the issuance of a show cause order.

4. In order to comply with the Commission's Class C0 reclassification procedures, we will direct this order to Citadel, licensee of Station WYSF (FM) at Birmingham, Alabama, to show cause why its license for Station WYSF should not be modified to specify operation on Channel 233C0 in lieu of Channel 233C at Birmingham, Alabama. The license for Station WYSF, Channel 233C, Birmingham, Alabama, can be modified to Channel 233C0 at its currently authorized transmitter site.<sup>5</sup>

5. Pursuant to Section 1.87 of the Commission's Rules, Citadel may, no later than December 8, 2003, file a written statement showing with particularity why its license (File No. BLH-20000929AEE) should not be modified as proposed in this *Order to Show Cause*. The Commission may call on Citadel to furnish additional information. If Citadel 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 modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, Citadel 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.

6. If Citadel chooses to seek authority to modify its facilities, an acceptable application for a construction permit to increase Station WYSF's antenna height to at least 451 meters HAAT must be filed with the Commission within 180 days subsequent to the show cause response due date December 8, 2003. Upon the filing of an acceptable construction permit application, the proposal to allot Channel 233A at Calhoun, Georgia, will be dismissed. The present three-year construction period will be applicable should Citadel obtain a construction permit for Channel 233C, as specified herein, under this procedure. If the construction is not completed as authorized, Station WYSF is subject to reclassification automatically as a Class C0 station and, in that event, a new petition for rule making to allot Channel 233A at Calhoun, Georgia, may be refiled.

7. In view of the above, IT IS ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, Citadel, licensee of Station WYSF, Birmingham, Alabama, SHALL SHOW CAUSE why its license should not be modified to specify reclassification as a Class C0 Station at Birmingham.

8. 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:

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<sup>4</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

<sup>5</sup> Coordinates at the licensed site for Station WYSF at Birmingham are 33-27-45 NL and 86-50-59 WL, and represent its authorization to operate pursuant to the provisions of Section 73.215 of the Commission's Rules.

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9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

**FEDERAL COMMUNICATIONS COMMISSION**

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Media Bureau