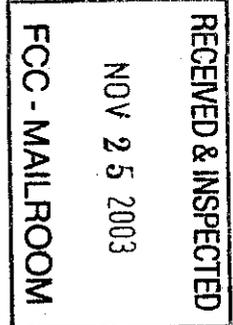




Federal Communications Commission
Washington, D.C. 20554

November 19, 2003

Mike Hubbard
President, Auburn Network, Inc.
Post Office Box 950
Auburn, Al 36831-0950



Dear Mr. Hubbard:

This letter refers to the petition for rule making you filed that requested the allotment of Channel 228A to Shorter, Alabama, as the community's first local aural broadcast service. In order to accommodate that allotment, you proposed to reclassify the license of Station WJDC(FM), Birmingham, Alabama to specify operation on Channel 229C0 in lieu of Channel 229C since the station is operating below the minimum Class C antenna height requirements of at least 451 meters height above average terrain ("HAAT").¹

Although Station WJDC(FM) is subject to reclassification as a Class C0 facility because it currently operates on Channel 229C with an effective radiated power of 100 kilowatts at 307 meters HAAT, we have reviewed your proposal and find that it is unacceptable for consideration at this time. Our engineering analysis reveals that by using the requested site, (32-21-39 NL and 85-53-34 WL) Channel 228A at Shorter is short-spaced to the proposed reclassification of Station WJDC(FM) as a Class C0 facility and cannot be cured.

Therefore, we are returning your petition for rulemaking for the reasons discussed above. You may re-file your petition, provided it meets all of the requirements of Section 73.207(b)(1) of the Commission's rules.

Sincerely,

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

¹ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000), 47 C.F.R. § 1.420(g), n.2, and 47 C.F.R. § 73.3573, n.4.

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

COPY

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SEP 17 2003

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. _____
Table of Allotments,)
FM Broadcast Stations) RM _____
(Shorter, Alabama))
)

To: Marlene H. Dortch, Office of the Secretary
Attn: Media Bureau

RECEIVED & INSPECTED
NOV 25 2003
FCC - MAILROOM

PETITION FOR RULE MAKING

Auburn Network, Inc. ("ANI") hereby petitions the Commission to amend the FM Table of Allotments to allocate a new FM radio channel at Shorter, Alabama on Channel 228A.

Channel 228A can be allotted to Shorter, Alabama at coordinates 32-21-39 North Latitude, 85-53-34 West Longitude, provided that Station WDJC-FM, Birmingham, Alabama is reclassified from Channel 229C to Channel 229C0. The accompanying engineering exhibit demonstrates that once WJDC-FM is reclassified to Channel 229C0 no further spectrum changes are necessary for the proposed allotment at Shorter. WDJC-FM is operating with an antenna height of 307 meters, and does not have an application on file to maintain a Class "C" designation. ANI has determined that no other Class A channels are available to allocate at Shorter.

Shorter easily qualifies as a community for allotment purposes. The town of Shorter was incorporated on February 29, 1984. The U.S. Census 2000 gives the population of Shorter as 355. Shorter is governed by a mayor and town council. Appointed committees include the Shorter Planning Commission and Board of Adjustments, and appointed positions are the town clerk, the building official, police chief, fire chief, municipal judge, court clerk, municipal prosecutor, and the town attorney.

If the Commission grants this petition, ANI will file an application for a construction permit for Channel 228A at Shorter and construct the authorized facilities.

For the foregoing reasons, ANI requests the FCC issue a notice to the licensee of WDJC-FM that it be triggered to Class C0 immediately and that a notice of proposed rule making be issued proposing to allocate Channel 228A to Shorter, Alabama as proposed herein.

CERTIFICATE OF SERVICE

Auburn Network, Inc. certifies that it has on this 17th day of September, 2003 caused to be mailed by first class mail, postage prepaid, a copy of the foregoing "Petition for Rule Making" to the following:

Station WDJC-FM
Kimtron, Inc.
P.O. Box 3003
Blue Bell, PA 19422-0735

Certification

We, Auburn Network, Inc., do hereby verify that all claims, representations, and statements, contained in this petition for rule making are true and correct to our best knowledge and belief. Based on the engineering prepared for us at the date of the allotment studies, channel 228A can be allotted to Shorter, AL, by following the procedure presented in the petition.

Thank you for your prompt consideration of this matter.

**Respectfully Submitted,
Auburn Network, Inc.**


By: Mike Hubbard, President

Mike Hubbard
President, Auburn Network, Inc.
Post Office Box 950
Auburn , AL 36831-0950

ADD 228A Shorter, AL
Triggering WDJC (Birmingham) to Ch 229C0

REFERENCE		DISPLAY DATES
32 21 39 N	CLASS = A	DATA 09-11-03
85 53 34 W	Current Spacings	SEARCH 09-17-03
----- Channel 228 - 93.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 228A	Shorter	AL 0.00	0.0	115.0	-115.00
WDJCFM	LIC 229C	Birmingham	AL 151.51	322.8	165.0	-13.49
RDEL	DEL 229C	Birmingham	AL 151.51	322.8	165.0	-13.49
RADD	ADD 229C0	Birmingham	AL 151.51	322.8	152.0	-0.49
WVFJFM	LIC 227C1	Manchester	GA 132.51	52.2	133.0	-0.49
WQSI	LIC 231A	Union Springs	AL 30.51	164.2	31.0	-0.49
WVFJFM	APP 227C1	Manchester	GA 136.49	68.0	133.0	3.49
WPGG	LIC-N 227C1	Evergreen	AL 142.40	224.0	133.0	9.40
WRJMF	LIC 229C1	Geneva	AL 146.03	182.5	133.0	13.03
RADD	ADD 228C3	Morgan	GA 158.13	126.2	142.0	16.13
WPGG.C	CP 227C1	Evergreen	AL 151.05	214.2	133.0	18.05
RADD	ADD 230A	Opelika	AL 56.02	56.0	31.0	25.02
WQLD	LIC-N 282C1	Luverne	AL 49.82	210.6	22.0	27.82
RADD	ADD 228A	Morgan	GA 152.60	126.5	115.0	37.60
WKZB	LIC-Z 228C2	Butler	AL 245.59	265.4	166.0	79.59

**AD228, Shorter, Alabama
Allocation Study Map**

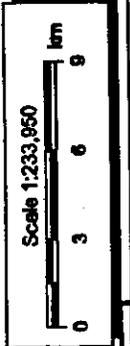
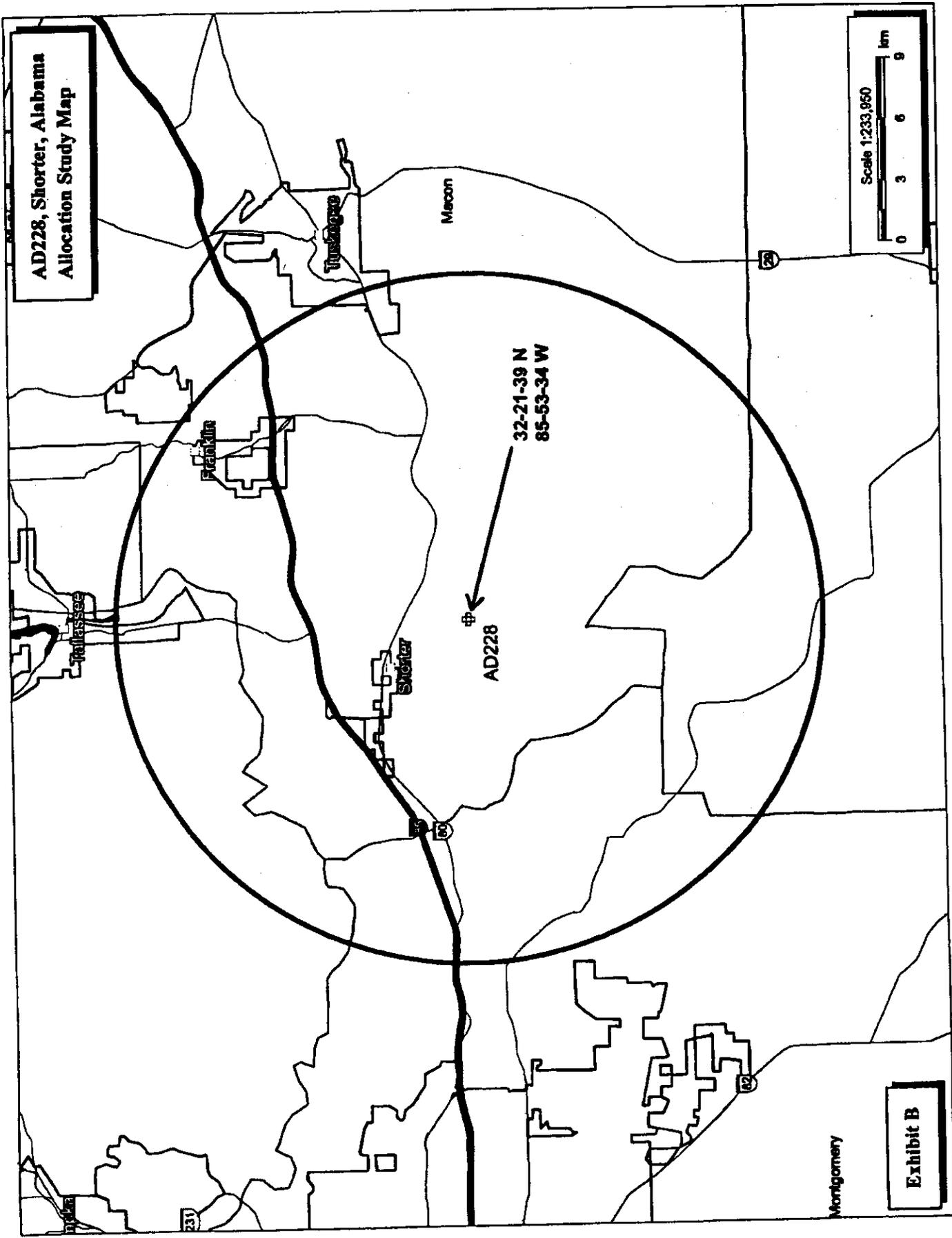


Exhibit B

Montgomery

32-21-39 N
85-53-34 W

AD228

Shorter

Tuskegee

Macon

Franklin

Tallassee

231

90

29

Engineering Affidavit

I have examined the FM radio spectrum in the vicinity of Shorter, Alabama, and there is no other available FM channel to be licensed to Shorter. Channel 228A is the only available channel.

Respectfully submitted,
Auburn Network, Inc.



By: Mike Hubbard, President

Mike Hubbard
President. Auburn Network, Inc.
Post Office Box 950
Auburn, AL 36831-0950