

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

JAN 15 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Lancaster and Pickerington, Ohio))

MM Docket No. 03-238
RM-10820

To: Assistant Chief, Audio Division, Media Bureau

COMMENTS OF FRANKLIN COMMUNICATIONS, INC.

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January 15, 2004

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SUMMARY OF PLEADING

Franklin Communications, Inc (“Franklin”), licensee of Station WJZA, Channel 278A, Lancaster, Ohio, is filing its comments supporting the FM channel allotment changes proposed in the *Notice of Proposed Rule Making*, DA 03-3648 (“NPRM”), that proposes to reallocate Channel 278A from Lancaster, Ohio, to Pickerington, Ohio and modify the WJZA license to operate at Pickerington, Ohio

Franklin shows herein that the reallocation of Channel 278A as a first local service to Pickerington would result in a preferential arrangement of allotments over retaining a fourth local service to Lancaster. In addition to providing a first local service to Pickerington, Franklin shows herein that population served by WJZA would increase from 479,563 persons to 760,210 persons within the proposed 60dBu contour, resulting in a net gain of 280,647 persons. The loss area resulting from the reallocation would be served by a minimum of nine commercial AM and FM services. Franklin also responds to questions posed by the Commission in the NPRM, agreeing that Pickerington is within the Columbus Urbanized Area and commenting on differences noted in the NPRM in the computation of areas and populations to receive service from WJZA operating at Pickerington.

It is shown herein that while a portion of Pickerington lies within the Columbus, Ohio, Urbanized Area, and the city-grade contour would cover 5.2% of the Newark, Ohio, Urbanized Area, Pickerington is an independent community that deserves its first local service. Franklin has attached hereto a proclamation from the office of Pickerington’s Mayor and a statement from a member of the Pickerington City Council supporting the proposal.

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To		Assistant Chief, Audio Division, Media Bureau

COMMENTS OF FRANKLIN COMMUNICATIONS, INC.

Franklin Communications, Inc. ("Franklin"), licensee of Station WJZA, Channel 278A, Lancaster, Ohio, herein files its comments on the *Notice of Proposed Rule Making*, DA 03-3648, released November 17, 2003 ("NPRM") that proposes to (a) reallocate Channel 278A from Lancaster, Ohio, to Pickerington, Ohio and (b) modify the WJZA license to specify operation on Channel 278A at Pickerington, Ohio.¹ In support of the changes proposed in the NPRM, the following is stated:

A. Background

On April 17, 2003, the former licensee of WJZA, Skyway Broadcasting Company, Inc. ("Skyway"), filed a petition for rule making ("Petition") that requested the changes set forth in the NPRM. By "Amendment to Petition for Rule Making to Substitute Petitioners," Franklin notified the Commission that it had become the licensee of WJZA.² Except as noted herein,

¹ Comments are due by January 15, 2004, therefore, these Comments are timely filed.
² See *NPRM*, footnote 1, that observes that the assignment of license (File No. BALH-

Franklin adopts and incorporates by reference Skyway's statements in the Petition. This proposal would result in a significant improvement in the facilities of WJZA and greater service to the public. Pickerington, an incorporated community with a population of 9,792,³ would receive its first local broadcast transmission service. Lancaster, an incorporated community with a population of 35,335, would still have three local transmission services⁴ after the changes proposed herein are made.

In order for an existing FM station to change its community of license without affording other interested parties an opportunity to file competing expressions of interest, the proposed channel must be mutually exclusive with the existing channel. *Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990). Moreover, the new community must be preferred over the existing community under the Commission's allotment priorities. *Id.*

The Engineering Statement of Bromo Communications, Inc., submitted as Exhibit A with the Petition demonstrated that the proposed allotment of Channel 278A at Pickerington is mutually exclusive with the current WJZA allotment at Lancaster.⁵ Elsewhere in the Petition, it was demonstrated that the allotment of Channel 278A to Pickerington is preferred over retaining the channel at Lancaster.

20030528AHI), to Franklin was consummated as of October 1, 2003

³ All population figures, unless otherwise noted, are from the 2000 Census.

⁴ WFCO (Channel 215A), WHOK (Channel 238B) and WLOH (1320 kHz)

⁵ The Engineering statement uses the coordinates 39-56-39 NL and 82-41-14 WL as the proposed reference point

B. Adoption of Franklin’s Proposal Would Result in a Preferential Arrangement of Allotments

At *NPRM* ¶3, the Audio Division mentions that the Petition “includes information regarding the gain and loss of service resulting from the downgrade and reallocation.” It should be understood, that there is *no downgrade proposed*—only a reallocation of the Class A channel from Lancaster to Pickerington. There was some discrepancy noted between Skywave’s estimates and the Audio Division’s engineering analysis of the areas and populations to be served.

	Current Population	Area	Proposed Population	Area	Net Gain Population
<u>Skywave Data</u>	480,223	2,526	760,210 ⁶	2,516	279,987
<u>FCC Data</u>	441,943		768,993		327,050

NPRM ¶3 requested comment on the potential loss of service from this proposal and the public interest benefits of the change of community. The Technical Comments attached as Exhibit 1 address the Commission’s concerns. To arrive at Skywave’s figures, the technical consultant states he used the 30 second terrain data base to determine the 60 dBu contour and extract the 2000 US Census figures. The Commission calculated the present service at 441,943 persons and the proposed service at 768,993 for a net gain of 327,050 or a net gain of 47,000 more persons than the Petition’s original figures. The technical consultant reports he double checked his figures and then changed the terrain data to predict the 60 dBu contour using the 3 second database. When using that database, the figures changed slightly to a present population of 479,563 and the proposed population of 760,210 within the 60 dBu contour. This results in a

⁶ The *NPRM* reports this figure as 770,210 persons. The figure in the Petition is 760,210 persons.

net gain of 280,647 persons. The technical consultant states he cannot explain the difference in his figures and those listed in the NPRM. However, in all cases there is a large net gain of population with this proposal. The original Petition included a study of the gain and loss area and the population of 22,392 in the loss area of 611 square kilometers was shown to be “well served” by more than five services—in fact, 9 stations providing 100% coverage to the loss area.⁷ The difference between the population gain and loss was shown to be a gain of 279,987.

NPRM ¶4 requested comment on the issue of whether Pickerington is independent of Columbus, Ohio. The Petition and the attachments thereto exhaustively addressed this issue, and demonstrated that Pickerington is indeed independent of Columbus, but Franklin summarizes the evidence herein. Skyway stated in its Petition that Pickerington is located beyond the Columbus, Ohio Urbanized Area, however, the NPRM (para. 4) indicates that the staff’s analysis shows that, according to the 2000 Census, Pickerington is within the Columbus, Ohio, Urbanized Area. The Technical Comments indicate that at the time the Petition was prepared, “the only data available was Urbanized Areas in the 1990 Census. The US Census Bureau has very recently released the 2000 Urbanized Areas data due to changes they were making in developing their methodology to determine “Urbanized Areas.” Using that data, Franklin now agrees that the Commission is correct that part of Pickerington is indeed within the Columbus Urbanized Area. The Technical Comments point out, however, that approximately 52% of Pickerington remains outside the Urbanized Area (See map attached to Exhibit 1). The Petition stated that only 12% of the Urbanized Area would be within the 70 dBU contour of WJZA operating from the proposed

⁷ The Engineering Statement attached to the Petition confirms that a minimum of nine commercial AM and FM services would remain available.

reference point.⁸ At Footnote 7 to the NPRM the Commission stated that its own analysis shows that the 70 dBu signal would cover 17.3% of the Columbus Urbanized Area and 5.2% of the Newark, Ohio, Urbanized Area. The Technical Comments (Exhibit 1) state that this discrepancy is a result of the Commission's use of 2000 census figures and the technical consultant's of the 1990 census figures. Franklin agrees with the figures⁹ set out in NPRM footnote 7. Nonetheless, Skyway demonstrated, using the familiar *Tuck*¹⁰ criteria, that Pickerington is an independent community, well-deserving of its first local broadcast service. Franklin believes Skyway's showing was adequate, nonetheless, Franklin herein briefly summarizes the *Tuck* evidence already in this docket which demonstrates that Pickerington is independent of Columbus. The evidence also demonstrates that Pickerington is independent of the Newark, Ohio, Urbanized area, and as such, Franklin's proposal to serve Pickerington should be considered as a first local service to Pickerington, without attributing to Pickerington the services licensed to either the Columbus or Newark Urbanized Areas.

C. A *Tuck* Analysis Supports Adoption of Franklin's Proposal

Under *Tuck*, the Commission considers (a) the degree to which the station would provide coverage not only to the designated community of license but to the nearby metropolis, (b) the size and proximity of the designated community vis-a-vis the central city and (c) the degree to which the proposed community is independent from the central city.

⁸ See *Hunstville, Texas*, DA 01-2627, ¶ 5 (Chief, Allocations Branch, November 9, 2001) (where city-grade contour of relocated station would cover only 17% of urbanized area, *Tuck* showing not necessary even though proposed community of license is located within urbanized area)

⁹ Skyway's Petition did not discuss the Newark Urbanized Area because using the 1990 census figures, the WJZA predicted 70 dBu contour did not reach the Newark Urbanized Area.

¹⁰ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988)

With respect to the first factor, as noted previously (and using the Commission's figures), the station's 70 dBU contour would encompass only 17.3% of the Columbus, Ohio Urbanized Area and 5.2% of the Newark, Ohio, Urbanized Area from the reference point proposed. The Commission on numerous occasions has approved reallocation proposals involving substantially greater 70 dBU coverage of a nearby urbanized area. *E.g., Anniston, Alabama*, 16 FCC Rcd 3411 (Chief, Allocations Branch 2001) (45% of urbanized area), *recon. denied*, 2001 FCC Lexis 6065 (Comm. released November 8, 2001) *Oraibi, Arizona*, 14 FCC Rcd 13547 (Chief, Allocations Branch 1999) (90% of urbanized area), *Mullins, Ohio*, 14 FCC Rcd 10516 (Chief, Allocations Branch 1999) (67% of urbanized area).

With respect to the second factor, Pickerington's population (9,792) is 1.4% of the population of the central city, Columbus (711,470), and 6.5% of the population of Newark (46,279). These percentages are larger than that approved in other cases. *E.g., Ada, Oklahoma*, 11 FCC Rcd 16869 (Chief, Allocations Branch 1996) (0.9%). Furthermore, the community reference point for Pickerington is more than 26.6 kilometers from the community reference point for Columbus (See Exhibit A to Petition). The attached Technical Comments show that the Pickerington reference point is more than 27 kilometers from the community reference point for Newark.

With respect to the third factor, the information Skyway presented in the Petition clearly demonstrates Pickerington's status as an independent community. In considering whether an outlying community is independent of a central city in the vicinity, the Commission considers eight sub-factors:

1. the extent to which community residents work in the larger metropolitan area, rather than the specified community;

- 2 whether the smaller community has its own newspaper or other media that cover the community's local needs and interests;
- 3 whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area.
- 4 whether the specified community has its own local government and elected officials,
- 5 whether the smaller community has its own zip code and/or telephone book provided by the local telephone company;
- 6 whether the community has its own commercial establishments, health facilities, and transportation systems,
- 7 the extent to which the specified community and the central city are part of the same advertising market, and
- 8 the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries

The Commission considers a community independent when a majority of these factors demonstrate that the community is distinct from the urbanized area. *Parker and St Joe, Florida*, 11 FCC Rcd 1095 (Chief, Allocations Branch 1996); *Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570 (Chief, Allocations Branch 1997) Here, nearly all of these factors demonstrate Pickerington's independence from Columbus All the following factors apply as well to a showing of independence from Newark, Ohio

1. Abundant Employment Opportunities are Available in Pickerington.

The Greater Pickerington Chamber of Commerce has more than 350 members *See* Petition, Exhibit B Dozens upon dozens of businesses are located in Pickerington As such, numerous employment opportunities exist in Pickerington for its residents.

2. Pickerington Has its Own Newspapers and Other Media Outlets.

The Pickerington Times-Sun and *This Week-Pickerington*, weekly newspapers, serve Pickerington. The newspapers carry Pickerington news of local events and advertising for Pickerington businesses. See Petition, Exhibit C. *The Southeast Messenger*, another weekly newspaper, also includes news of the area and advertising for businesses in Pickerington and nearby small communities. Additionally, several Internet web sites regarding Pickerington are available, including sites operated by the Pickerington Chamber of Commerce and the municipal government. A sampling of the Pickerington web sites includes:

www.ci.Pickerington.oh.us.com, www.Pickeringtonchamber.com, www.iwaynet.net (Pickerington Lady Tigers), www.pickerington.lib.oh.us (Pickerington Public Library), www.pasasoccer.org (Pickerington Area Soccer Association); and www.osuweb.net boosters (Pickerington Music Boosters)

3. Pickerington's Residents Consider Their Long-Established Community to be Separate from Columbus

Pickerington has a long history and a well-established identity separate from that of Columbus. The first settlers arrived in the attractive, growing community that is now Pickerington in 1808, and in 1815, Abraham Pickering laid out the original plat of Pickerington. Growth and prosperity burst into Pickerington in 1965, changing the then village to a major city. The state of Ohio certified Pickerington as a city in 1991. See Petition, Exhibit D.

One manifestation of Pickerington's pride and civic minded population is the efforts of two Pickerington women, Jill Ann Sparks and Karen Wingler. Wingler and Sparks, participants in a local LEADS class, prepared a project to get Pickerington designated as the official "Violet Capital." The LEADS program is sponsored by the Pickerington area Chamber of Commerce.

and is a leadership development program. After extensive research and effort, Sparks' and Wingle's work paid off with the Ohio Legislators adopting resolutions in June, 1995, honoring the City with the official designation. In adopting the resolution, the Ohio House of Representatives noted that Pickerington has long enjoyed the fruits of the "generous and civic minded population" of which Sparks' and Wingle's efforts are an example. Pickerington celebrates its status as the Violet Capital of Ohio with the annual Violet Festival. This four to five day festival in July features family entertainment with a focus on violets.

Pickerington's status as a community separate from Columbus is highlighted by the vigorous efforts of Pickerington Chamber of Commerce to promote the community. Among several other functions, the Chamber operates a Member Referral Service, publishes a Business Directory and produces brochures and leaflets regarding Pickerington's attributes and culture. As previously noted, the Chamber also maintains a website to provide information regarding facilities and services available in Pickerington.

4. Pickerington Has its Own Local Government and Elected Officials.

Pickerington is governed by a seven-member City Council and a mayor, all elected by popular vote. A City Manager runs the day-to-day operations of its city. Among other town officials are the Director of Finance, the Clerk/Treasurer, the Director of the City, the Director of Parks and Recreation, the Utilities Billing Clerk, the Public Administrator, the Tax Administrator, the Building Inspector, the Law Director, the Planning and Zoning Director, the Clerk of Mayor's Court, the Chief of Police, and the Municipal Clerk. *See* Petition, Exhibit F (excerpts from the City of Pickerington's web site)

There is community support for Franklin's proposal. Attached hereto as Exhibit 2 is a copy of a Proclamation from the Office of the Mayor of Pickerington stating the city's support for WJZA changing its city of license to Pickerington, and a copy of a letter from the City Manager of Pickerington, Joyce E. Bushman, who states that Pickerington is independent from the Columbus, Ohio, Urbanized Area and that she and other residents of Pickerington perceive Pickerington as separate and distinct from the Columbus Urbanized Area. She urges the FCC to allow WJZA to change its community of license to Pickerington so that "we may have our own local radio station."

5. Pickerington Has its Own Zip Code and Telephone Book.

Pickerington has its own zip code, 43147. See Petition, Exhibit C (print-out from U.S. Postal Service website). It also has its own Telephone Directory. See Petition, Exhibit H.

6. Pickerington Has Numerous Commercial Establishments and Other Facilities.

A long list of businesses are located in Pickerington. As noted above, the Pickerington Chamber of Commerce lists more than 350 members. Indicative of Pickerington's status as an independent community is the fact more than a score of businesses use Pickerington in their names:

- AAA Pickerington Auto Club
- Pickerington Area Counseling Services
- Pickerington Dance Academy
- Pickerington Chiropractic Center
- Pickerington Collision
- Pickerington Family Practice
- Pickerington Heating and Cooling
- Pickerington Ice House.
- Pickerington Insurance
- Pickerington License Agency
- Pickerington Pharmacy
- Pickerington Run Family Health
- Pickerington Sweeper Repair

Pickerington Nursing and Rehab Center
Pickerington Health Care
Pickerington Eye Care, Inc.
Rehabilitative Associates of Pickerington
The Berber House Pickerington Carpet Outlet

See Petition, Exhibit B

Medical services are also available in Pickerington (Petition, Exhibit I) These include a dialysis center, a nursing and rehabilitation center and an ambulatory care center. Additionally, the Yahoo Yellow Pages has 78 listings for doctors and clinics of various specialties and 50 listings for dentists located in Pickerington.

Pickerington also is the home of many churches. *See* Petition, Exhibit J (Pickerington Area Church Directory, from the Pickerington Chamber of Commerce)

Various civic organizations are located in Pickerington to include Senior Citizens Center, an active Welcome Wagon, Lions, Grange, Septoma and Jaycees, Historical Society and Downtown Merchants Association (Petition, Exhibit D).

7. Businesses Can Advertise Directly to Pickerington Residents.

Businesses interested in advertising to the residents of Pickerington can do so through *The Pickerington Times-Sun*, *This Week - Pickerington* and the *Southeast Messenger*, as well as via commercial web sites or through listings in, among others, the Pickerington Chamber of Commerce web site.

8. Pickerington Provides Most of its Own Municipal Services.

Pickerington provides its own police services. The Pickerington Police Department operates with a staff of over 30 full-time employees, 5 patrol vehicles and 25 sworn personnel, including patrol officers, detectives, auxiliary officers and administrative staff. The department

offers a crime prevention program, a school liaison officer, vacation check services, and Drug Abuse Resistance Education (“DARE”) *See* Petition, Exhibits E and K. Fire protection is provided by the Township Fire Department, which has 28 full-time staff and 2 fire stations in Pickerington.

Pickerington’s schools are part of the Pickerington Local School District headquartered in Pickerington, Ohio. The District annually posts some of the highest test scores in Ohio. Schools in Pickerington include 4 elementary schools, a middle school, a junior high school and Pickerington High School. *See* Petition, Exhibits E and K. Numerous Day Care Centers and Preschools are available to city residents. *See* Petition Exhibit L. Ohio University has a Pickerington Center to offer Pickerington area residents College level courses. *See* Petition, Exhibit E.

Pickerington provides its own water and sewerage services (Petition, Exhibit K). The city also maintains its transportation system to include snow and ice removal, street maintenance and storm water drainage systems.

The Pickerington Public Library is located on the campus of Pickerington High School (Petition, Exhibit D).

Pickerington’s Parks and Recreation Department maintains parks and provides recreational programs and events. It controls 91 acres of park land in six parks. (Petition, Exhibits D and K).

C. Conclusion

Skyway, in its Petition, demonstrated that Pickerington is a vibrant, independent community. The proposal to relocate WJZA to Pickerington is in the public interest. The

population to be served will increase more than 58%. The community of Pickerington will receive its first local broadcast service and, significantly, WJZA's present community of license, Lancaster, will continue to be well served by three stations. Moreover, area and population within the present WJZA primary contour will continue to be well served.

In light of the foregoing, Franklin respectfully requests the Commission to adopt the proposal described in the *NPRM* to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, as follows

<u>Community</u>	<u>Present Channel No.</u>	<u>Proposed Channel No.</u>
Pickerington, OH	—	278A
Lancaster, OH	238B, 278A	238B

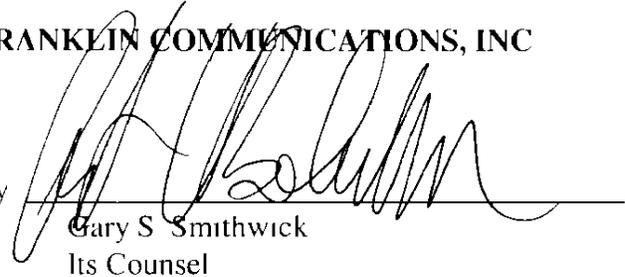
D. Showing of Continued Interest

Franklin also requests the Commission to modify the license of WJZA to specify operation on Channel 278A at Pickerington, Ohio. As required by Paragraph 7 of the *NPRM* and Paragraph 2 of the Appendix thereto, Franklin states that within the time allotted following the

effective date of the modifications requested herein, Franklin will file an application to modify WJZA's facilities to serve Pickerington on Channel 278A and, upon grant, promptly build the station as authorized

FRANKLIN COMMUNICATIONS, INC

By



Gary S. Smithwick
Its Counsel

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5028 Wisconsin Avenue, NW
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January 15, 2004

Exhibit 1

Technical Comments
Notice of Proposed Rule Making
MB Docket No. 03-238, RM-10820
Lancaster and Pickerington, Ohio
January 2004

These comments address the above mentioned Notice of Proposed Rule Making Paragraph 3 of the NPRM mentioned our including information concerning "the gain and loss of service resulting from the downgrade and reallocation" Since this is already a Class A facility, there is no downgrade proposed

We stated in our petition that the present facility serves 480,223 persons and the proposed operation will serve 760,210¹ within the 60 dBu contour This gives the proposal a net gain of 279,987 persons. We used the 30 second terrain data base to determine the 60 dBu contour and extracted the 2000 US Census figures The Commission calculated the present service at 441,943 persons and the proposed service at 768,993 for a net gain of 327,050 or a net gain of 47,000 more persons than our original figures We double-checked our figures and then changed the terrain data to predict the 60 dBu contour using the 3 second database When using that database, the figures changed slightly to a present population of 479,563 and the proposed population of 760,210 within the 60 dBu contour This makes a net gain of 280,647 persons We cannot explain the difference in our figures and those listed in the NPRM However, in all cases there is a large net gain of population with this proposal The loss of service by WJZA of 611 square kilometers due to the relocation of the facilities was

¹ The NPRM shows this figure in error as 770,210 it should be 760,210

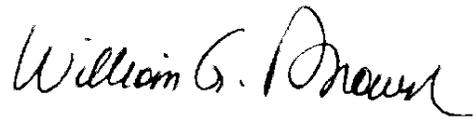
addressed in the original PRM, which included a gain and loss area study showing that the loss area will be more than adequately served with more than five services

In paragraph 4 of the NPRM it is questioned about the statement that Pickerington was not in the Columbus, Ohio Urbanized Area since the Commission's Analysis shows that according to the 2000 Census it is inside the Urbanized Area. At the time of preparation of the Proposed Rule Making, the only data we had available was Urbanized Area from the 1990 Census. The US Census Bureau has only recently released the 2000 Urbanized Areas. Thus the latest Urbanized Area Maps were not available to us at the time of preparation of the Proposed Rule Making. Using the newer data, we agree with the Commission that part of Pickerington is now inside of the Columbus, Ohio Urbanized Area. However, it should be pointed out that 52% of Pickerington remains outside of the Urbanized Area (map is attached). Again, we should mention that due to the close proximity of Pickerington to the Urbanized Area in the PRM we prepared a complete "Tuck" showing as would be required as if the proposed community of license was inside an Urbanized Area.

In a related matter, the Commission has pointed out that we stated the proposed 70 dBu contour would cover 12% of the Columbus Urbanized Area and the Staff shows that 17.3% would be covered. Also we made no mention of the 70 dBu being included in the Newark, Ohio Urbanized Area and the staff has calculated a 5.2% 70 dBu coverage of that Urbanized area. We do not disagree

with the staff when we analyze the data using the new 2000 data. The 1990 and 2000 US Census changes have brought about this discrepancy.

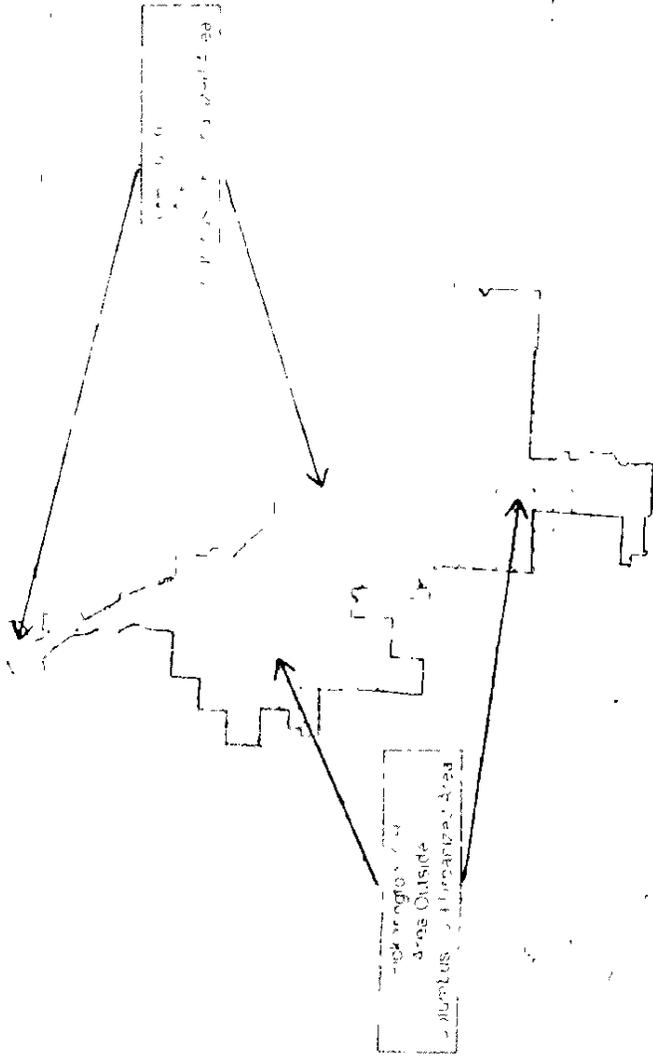
The proposed site is 27.44 km (17.05 miles) from the center of Newark, Ohio. Newark has a 2000 US Population of 46,279 persons.

A handwritten signature in black ink that reads "William G. Brown". The signature is written in a cursive style with a large, prominent 'W' and 'B'.

William G. Brown

Technical Consultant to
Franklin Communications, Inc.

2012-2013



Pickerington, OH
Area Outside
Columbus, OH Urbanized Area

52% of the City of Pickerington, OH is Outside of the
2000 Census Urbanized Area of Columbus, OH

City of Pickerington, OH is outlined in black
Columbus, OH Urbanized Area is outlined in blue

Exhibit 2

Office of the Mayor
City of Pickerington



Proclamation

Whereas; On behalf of the citizens of the City of Pickerington, I am pleased to extend special recognition to WJZA for being the first radio station in the City of Pickerington; and

Whereas; Pickerington is an independent city apart from Columbus, Ohio with its own Mayor and City Council, and

Whereas; the City of Pickerington and Violet Township has a population of approximately 30,000 citizens and is currently without a radio station to serve its citizens; and

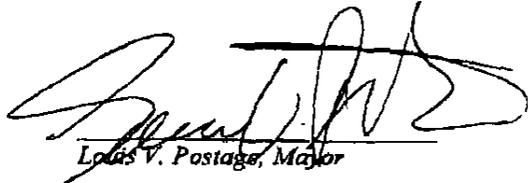
Whereas; We are very supportive of radio station WJZA changing its city of license to the City of Pickerington.

Now, Therefore, on behalf of the citizens of the City of Pickerington and with the concurrence of Council, I, Louis V. Postage, Mayor of the City of Pickerington, welcomes WJZA to our community.

In Witness Whereof, I have hereunto set my hand and caused the seal of the Mayor of the City of Pickerington to be affixed.

Done on this 31st day of December in the year of our Lord two thousand and three, and of the Independence of the United States of America the two hundred and twenty-seventh.




Louis V. Postage, Mayor

December 10, 2003

Federal Communications Commission
Washington, DC 20554

Dear Sir/Madame:

I am Joyce E. Bushman, City Manager of Pickerington, Ohio. I have held this position in Pickerington for the last 12 years and have been a resident even longer.

Based on my familiarity with the area, I can state that Pickerington, Ohio is independent from the Columbus, Ohio Urbanized Area, and that I and other residents of Pickerington perceive Pickerington as separate and distinct from the Columbus Urbanized Area.

We urge the FCC to allow WJZA-FM to change its community of license to Pickerington so that we may have our own local radio station.

 12-19-03
Joyce E. Bushman, City Manager

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, a secretary in the law office of Smithwick & Belendiuk, P.C., do hereby certify that on this 15th day of January, 2004, a copy of the foregoing "Comments of Franklin Communications, Inc." was hand delivered to:

Victoria M. McCauley, Esquire
Media Bureau
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554


Sherry L. Schunemann