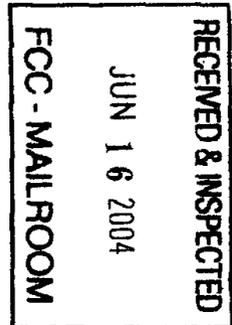




Federal Communications Commission  
Washington, D.C. 20554

June 15, 2004

Matthew K. Wesolowski,  
General Manager  
SSR Communications Incorporated  
5270 West Jones Bridge Road  
Norcross, Georgia 30092-1628



Re: Petition for Rule Making  
SSR Communications Incorporated  
Rainsville, Alabama, FM Channel 230A

Dear Mr. Wesolowski:

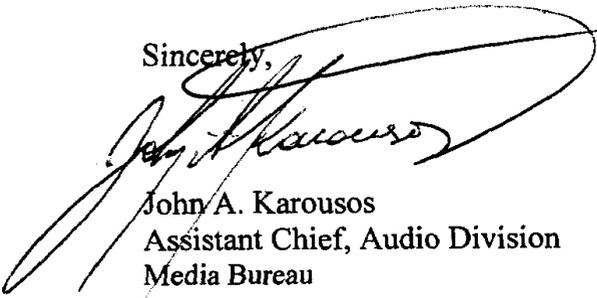
I am writing in response to the petition for rulemaking, filed December 24, 2003, on behalf of SSR Communications Incorporated ("SSR"). The petition requests allotment of FM Channel 230A to Rainsville, Alabama, as that community's first FM broadcast service. In order to accommodate that allotment, the petition also requests downgrade of the license of Station WDJC-FM, Birmingham, Alabama, from Channel 229C to Channel 229C0, and downgrade of the license of FM Station WSTR, Smyrna, Georgia, from Channel 231C to Channel 231C0.

A petitioner proposing both amendment of the FM Table of Allotments and reclassification of a Class C FM station must certify that no alternative channel is available for the proposed service. See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 15 FCC Rcd 21,649, 21,662 (2000), ¶ 26. The petition submitted on behalf of SSR did not provide the required certification.

Over a year ago, the Audio Division reiterated this certification requirement and stated that future petitions for rule making that seek reclassification of an existing FM channel from Class C to C0 will be dismissed if the requisite certification is not included. See *Reclassification of License of Station KRBB-FM, Wichita, Kansas*, 18 FCC Rcd 8523, 8524 (MB 2003), ¶4. Accordingly, we are returning SSR's petition for rule making as unacceptable for filing.

SSR may resubmit its petition, provided that the petition is amended to comply with the Commission's rules.

Sincerely,



John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau