

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

RECEIVED & INSPECTED
OCT 18 2004
FCC - MAILROOM

In the Matter of)
)
) MB Docket No. 04-329
Amendment of Section 73.202(b),) RM-11050
Table of Allotments)
FM Broadcast Stations)
(Dulac, Louisiana))

To: Chief, Allocations Branch
Policy and Rules Division
Media Bureau

DOCKET FILE COPY ORIGINAL

COMMENTS ON PROPOSED RULE MAKING

These comments are filed in support of the Notice of Proposed Rule Making, MB Docket No. 04-329, RM-11050, by SSR Communications Incorporated, the petitioner.

SSR Communications Incorporated ("SSR") reiterates the intent that it will file an application for a Construction Permit to operate a new FM commercial broadcast station in Dulac, Louisiana, during the first proximal filing window in which it is eligible to participate. SSR Communications Incorporated will furthermore promptly construct the station should the Commission grant its application.

As part of the Notice of Proposed Rulemaking, the Commission addressed two minor errors in SSR's Initial Petition for Rulemaking ("Petition"). Firstly, the Commission corrected SSR's improper belief that an FM Class C station could be ordered to downgrade to a Class C0 facility in any number of allotment scenarios. More specifically, SSR was not aware that a *comprehensive* channel search and certification was required to propose the downgrade of another facility. SSR apologizes for this oversight and remains interested in the Commission's substituted FM Channel for

No. of Copies rec'd
List ABCDE

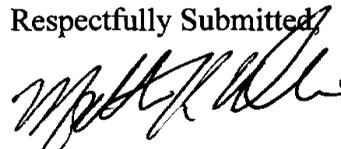
014

allotment purposes. Secondly, the Commission was unclear of the community status of Dulac, Louisiana. SSR has included its argument as to Dulac's community status as part of the attached Exhibit "1".

SSR Communications Incorporated respectfully requests that the Commission adopt the proposed Channel 242A to Dulac, Louisiana.

Date: October 15, 2004

Respectfully Submitted,



SSR Communications, Inc.
5270 West Jones Bridge Road
Norcross, GA 30092-1628
(770) 447-0026

Matthew K. Wesolowski
General Manager
(601) 201-2789

SSR Communications Incorporated
Comment on Petition for Rulemaking
October 15, 2004

EXHIBIT 1
Evidence of Community Status at Dulac, Louisiana

Overview

Dulac is a Census Designated Place with a recorded population of 2,458 persons, according to the 2000 United States Census. Dulac has clearly defined city limits (see Initial Petition for Rulemaking, Exhibit 2, Figure 1): Dulac's defined area is 26.4 square miles. The town's racial makeup is 1,327 "Whites", 969 "American Indians", 61 "African Americans", 12 "Asians", and 89 persons who are either another race or who claimed multiple races. The median household income is \$22,900, and there are 768 total households, according to the 2000 U.S. Census. Clearly, Dulac is a well-defined community for allotment purposes. Furthermore, at the request of the Commission, this is the "Dulac" to which SSR refers in its Initial Petition for Rulemaking.

Government Presence

The Commission requested that SSR provide evidence of a government presence, local to Dulac. There are many such indications. Firstly, Dulac has its own U.S. Post Office location and zip code, located at 7661 Grand Caillou Road in Dulac, with a zip code designation of 70353. Also, the Louisiana State Department of Transportation has offices in Dulac: at 6974 Grand Caillou Road. There is a government public school in Dulac: the Grand Caillou Elementary School, at 6741 Grand Caillou Road.

Social Presence

The Commission requested that SSR provide evidence of a social programs and outlets, local to Dulac. There are many such indications. Dulac has its own Community Center, the Dulac Community Center at 125 Coast Guard Road. There is also a Disaster Relief Center near the same facility.

Economic/Commercial Presence

The Commission requested that SSR provide evidence of economic and commercial entities, local to Dulac. There are many such indications. Along Grand Caillou Road *alone*, one will find Annie's Restaurant, Ceana's Cajun Cooking, Mom's Kitchen, Schmoopy's, the Dulac Food Store, Dulac Propeller, the Dulac Shipyard, Hi Seas of Dulac, P&S Grocery, Buquet Auto Repair, and Aces Mini Mart. Clearly, economic activity, local to Dulac, justifies the town's community status.

Cultural/Religious Presence

The Commission requested that SSR provide evidence of cultural and religious organizations, local to Dulac. There are many such indications. There are many churches, for instance, with a Dulac address. The Dulac Church of God is at 5741 Grand Caillou Road, the Holy Family Church is at 6641 Grand Caillou Road, the Vision Christian Center of Dulac is at 7447 Grand Caillou Road. There are also many other churches in Dulac.

Public Service Presence

The Commission requested that SSR provide evidence of public service entities, local to Dulac. SSR found several such examples, most notably the Dulac Volunteer Fire Department, at 6974 Grand Caillou Road. There is also a local library in Dulac: the Grand Caillou Branch Library at 200 Recreation Drive.