



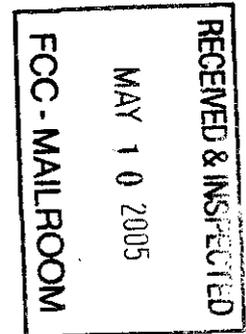
Federal Communications Commission  
Washington, D.C. 20554

Imaging Center  
C4C203

May 2, 2005

Dan J. Alpert, Esq.  
The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Road  
Arlington, Virginia 22201

DOCKET FILE COPY ORIGINAL



Dear Mr. Alpert:

This concerns the petition for rule making you filed on behalf of Georgia-Carolina Radiocasting Company, LLC ("GCR"), in which GCR requests that the Commission amend Section 73.202(b) of its rules, FM Table of Allotments, to upgrade Channel 286A, Station WEHR(FM), Elberton, Georgia, to Channel 286C2 and reallocate Channel 286C2 to Union Point, Georgia.

An initial review of GCR's petition shows that it is unacceptable for filing. The foregoing petition conflicts with a rulemaking proceeding in MB Docket No. 04-379. In that rulemaking, Middle Georgia Communications, Inc. proposes to upgrade Channel 249C3 to Channel 249C2 at Station WMGZ(FM), Eatonton, Georgia, and reallocate Channel 249C2 from Eatonton to Lexington, Georgia. GCR's proposed transmitter site at Union Point is short spaced with the proposed transmitter site for Station WMGZ at Lexington, Georgia, by 145 kilometers. Further, in order for GCR's petition for rule making to be considered as a counterproposal in MB Docket No. 04-379, it would have had to be filed by November 18, 2004, which is the due date in MB Docket No. 04-379 for comments and counterproposals. Since GCR's petition for rule making was filed on February 11, 2005, it was filed too late to be considered as a counterproposal in MB Docket No. 04-379.

Therefore, we are returning GCR's petition for rule making as unacceptable for filing.

Sincerely,

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

*Before the*  
**Federal Communications Commission**  
*Washington, DC 20554*

RECEIVED & INSPECTED  
MAY 10 2005  
FCC - MAILROOM

In the Matter of )  
) )  
Amendment of Section 73.202(b), )  
Table of Allotments, ) RM-  
FM Broadcast Stations )  
(Elberton and Union Point, Georgia) )

**RECEIVED**

FEB 11 2005

Federal Communications Commission  
Office of Secretary

To: **Office of the Secretary**

Directed To: **Assistant Division Chief, Audio Division**  
**Mass Media Bureau**

**PETITION FOR RULEMAKING**

Georgia-Carolina Radiocasting Company, LLC ("GCR"), by its attorney, hereby requests the Commission amend the FM Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Elberton, GA	286A	---
Union Point, GA	---	286C2

In support thereof, the following is stated:

GCR is licensee of Station WEHR(FM), Elberton, Georgia. GCR desires to upgrade its station to a Class C2 facility to enable it to improve and increase its area-wide coverage.

As seen in the attached Technical Comments, it is proposed that this objective be accomplished by allowing GCR to change communities of license from Elberton, Georgia to Union Point, Georgia. The Union Point reference coordinates are mutually-exclusive with the current reference coordinates for Station WEHR(FM). Therefore, this proposal complies with Section 1.420(i) of the Commission's rules. 47 C.F.R. § 1.420(i).

Additionally, Union Point is an independent community, and is not within the urbanized area of any community. As seen in Attachment 1, Union Point is a census designated place with a Year 2000 population of 1669 persons. Information available from the Union Point City Hall<sup>1</sup> confirms that the community is incorporated, with its own Mayor, 6-member City Council, volunteer Fire Department, 10-member Police Department, and water, sewer, gas, and sanitation services. As seen in Attachment 2, the allotment change can be accomplished in full accord with all existing allotments and stations. Moreover, the loss area is well served with five or more full-time stations.

Adoption of this proposal will result in a preferential arrangement of allotments. Elberton currently is served by three aural services (WEHR(FM), WSGC(AM) (1400 Khz) and WSGC-FM (Channel 221A)), and after adoption of this proposal, the community will continue to be served by one full-time aural service.<sup>2</sup> In contrast, no stations currently are allotted to Union Point. Therefore, this allotment will result in a new first aural service for Union Point, which is "Priority (3)" under the Commission's allotment priorities.<sup>3</sup>

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<sup>1</sup> Telephone number 706-486-4102.

<sup>2</sup> The community of license for Station WSGC-FM was changed to Lavonia by *Report and Order*, DA 00-1572 (Allocations Branch, July 14, 2000). See also File No. BPH-20040901ADN.

<sup>3</sup> The Commission's has an established allotment criteria which was set forth initially in Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982), which establish the following allotment priorities:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters;

Adoption of this proposal will be in the public interest. Approval of this proposal will allow GCR to improve the service that it provides to the public through operation of WEHR(FM) by greatly increasing its service area and overall population served. GCR pledges expeditiously to apply for and to construct this proposed facility when this proposal is granted by the Commission.

Accordingly, Georgia-Carolina Radiocasting Company, LLC respectfully requests that this Petition be adopted; and that the Commission issue a Notice of Proposed Rulemaking to amend the FM Table of Allotments as specified above, and accept comments thereon.

Respectfully submitted,

**GEORGIA-CAROLINA  
RADIOCASTING COMPANY, LLC**

By: \_\_\_\_\_

Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201*

*703-243-8690*

*February 11, 2005*

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Co-equal weight is given to Priorities (2) and (3).

*Attachment 1*



**U.S. Census Bureau**  
American FactFinder

## FACT SHEET

## Union Point city, Georgia

## Highlights from the Census 2000 Demographic Profiles:

General Characteristics - show more >>	Number	Percent	U.S.		
Total population	1,669	100.0	100%	map	brief
Male	769	46.1	49.1%	map	brief
Female	900	53.9	50.9%	map	brief
Median Age (years)	36.9	(X)	35.3	map	brief
Under 5 years	140	8.4	6.8%	map	
18 years and over	1,223	73.3	74.3%		
65 years and over	283	17.0	12.4%	map	brief
One race - Total	1,658	99.3	97.6%		
White	859	51.5	75.1%	map	brief
Black or African American	774	46.4	12.3%	map	brief
American Indian and Alaska Native	0	0.0	0.9%	map	brief
Asian	11	0.7	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	14	0.8	5.5%	map	
Two or more races	11	0.7	2.4%	map	brief
Hispanic or Latino (of any race)	35	2.1	12.5%	map	brief
Average household size	2.46	(X)	2.59	map	brief
Average family size	3.08	(X)	3.14	map	
Total housing units	744	100.0	100.0%	map	
Occupied housing units	651	87.5	91.0%		brief
Owner-occupied housing units	414	63.6	66.2%	map	
Renter-occupied housing units	237	36.4	33.8%	map	brief
Vacant housing units	93	12.5	9.0%	map	
<b>Social Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
Population 25 years and over	1,062	100.0			
High school graduate or higher	635	59.8	80.4%	map	brief
Bachelor's degree or higher	49	7.4	24.4%	map	
Civilian veterans (civilian population 25 years and older)	150	12.2	12.7%	map	brief
Disability Status (population 21 to 64 years)	268	32.0	19.2%	map	brief
Foreign Born	3	0.2	11.1%	map	brief
Now Married (population 15 years and over)	496	38.8	54.4%		brief
Speak a language other than English at home (5 years and older)	26	1.7	17.9%	map	brief
<b>Economic Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		

In Labor Force (16 years and older)	673	53.0	63.9%		brief
Mean travel time to work in minutes (16 years and older)	24.8	(X)	25.5	map	
Median household income (dollars)	26,384	(X)	41,994	map	
Median family income (dollars)	32,284	(X)	50,046	map	
Per capita income (dollars)	14,715	(X)	21,857	map	
Families below poverty level	59	14.0	9.2%	map	brief
Individuals below poverty level	288	18.2	12.4%	map	

**Housing Characteristics - show more >>**

	Number	Percent	U.S.		
Single-family owner-occupied homes	331	100.0			
Median value (dollars)	51,400	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			
With a mortgage	694	(X)	1,088	map	
Not mortgaged	215	(X)	295		

(X) Not applicable

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

*Attachment 2*

Technical Comments  
Rule Making Request  
To Reallocate 286A Elberton, GA  
To 286C2 Union Point, GA  
March 2003

These Technical Comments are prepared on behalf of Georgia-Carolina Radiocasting Company, LLC ("GCRC") which is the licensee of WEHR (FM), Elberton, GA. WEHR operates as a Class A facility with 6 KW from 100 M HAAT. GCRC is requesting that Channel 286A at Elberton, GA be reallocated to Union Point, GA and be increased to Class C2 and that WEHR (FM) be ordered to Union Point, GA.

**ALLOCATION**

From the Union Point, GA reference coordinate of North Latitude 33 22 42 and West Longitude 83 00 16 all Section 73.207 spacing requirements are met. An allocation study to substantiate this clearance is being included. The only allocation shortages are to our own facility or proposals this instant request supercedes. A map indicating the 70 dBu uniform terrain 32.6 KM city grade contour is also being included. 100% of Union Point is within the city grade contour.

There is a distance of 71.08 KM between the Union Point allocation reference and the licensed WEHR (FM) site. Section 73.207 requires co-channel class A and C2 stations to be separated by 166 KM; therefore this proposal is mutually exclusive with WEHR (FM).

## **AREAS AND POPULATION**

WEHR (FM) operates as a maximum Class A facility. Within the 60 dBu contour there are 26,638 persons within 2,428.18 SQ KM. From the proposed Union Point allocation reference within the proposed 60 dBu contour there are 104,568 persons within 6,590.22 SQ KM.

## **ELBERTON AND UNION POINT BROADCAST SERVICES**

This instant proposal will be the first broadcast service allocated to Union Point, GA. At Elberton, GA, after WEHR (FM) is removed, two broadcast services will remain. They are WSGC-AM, 1400 kHz and WSGC-FM, 221A.

A study was made to analyze the number of services remaining to the WEHR (FM) loss area. 100% of the loss is served by five or more broadcast services.

## **TOWN OF UNION POINT, GA**

Union Point, GA is located in Greene County, GA . The 2000 Census depicts the city with 1,669 persons. It also lists the area of Union Point, GA as 5.4 SQ KM. The racial makeup of the city is 51.4% White, 46.38% African American. Less than 1% of the population is comprised of Asians and Pacific islanders and other races. Union Point, GA nor any part of the proposed 70 dBu contour are in any urbanized area.

Employment in Union Point is composed of 29% manufacturing, 16.4% educational and health and social services and 13.9% retail trade.

Bethel Christian School is a private primary/middle school at Union Point with 70 students enrolled. Union Point Elementary is a public school with 504 Students.

### PROPOSAL

It is therefore requested that the following changes of the FM Table of Allotments, Section 73.202 be made:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Elberton, GA	221A, 286A	221A
Union Point, GA	None	286C2

All information contained herein is thought to be true and accurate to the knowledge of the undersigned.



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Clifton G. Moor  
Bromo Communications, Inc.

March 5, 2004

Bromo Communications, Inc.  
Atlanta, Georgia

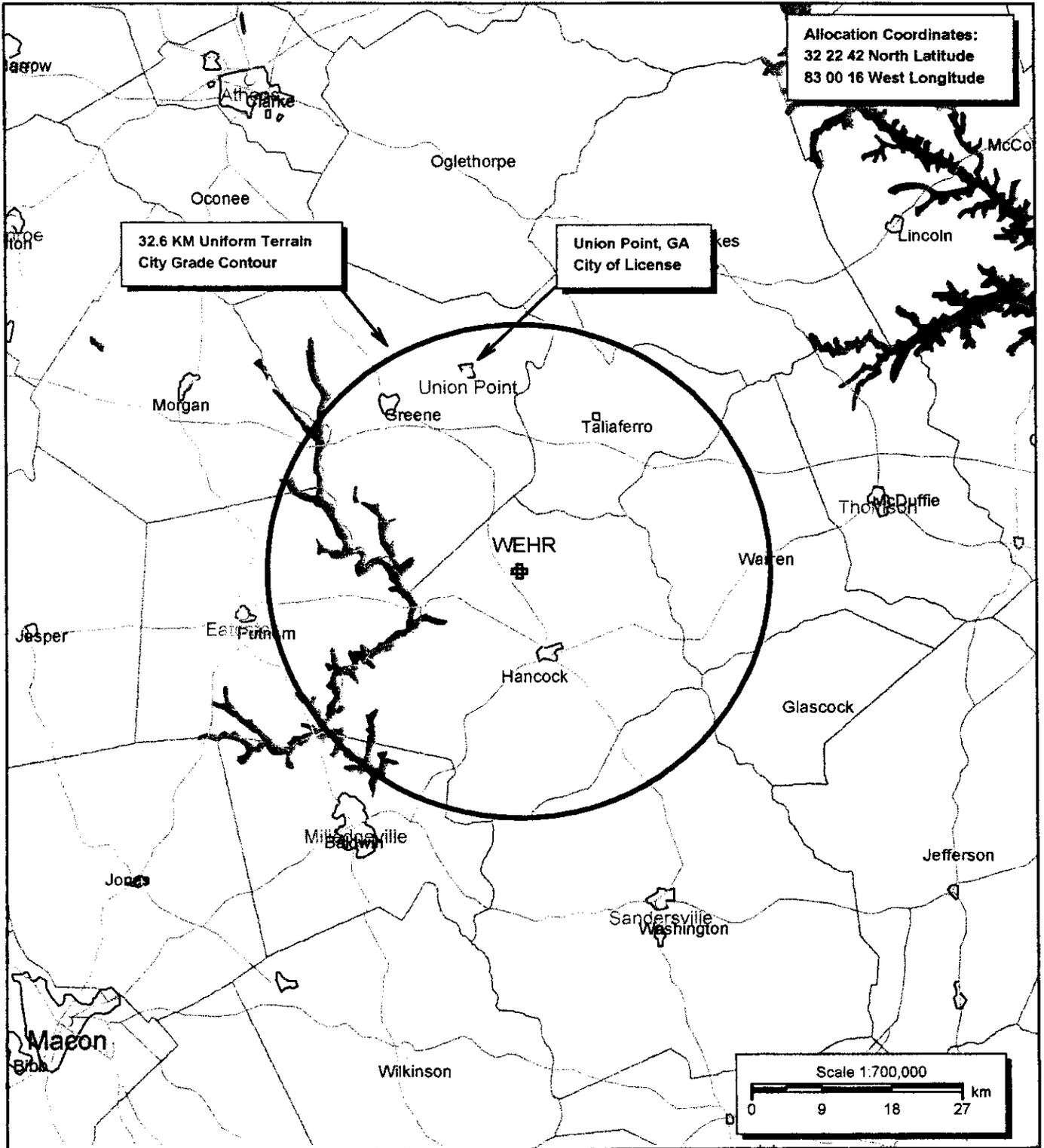
WEHR from Allocation Coordinates  
Union Point, Georgia

REFERENCE  
33 22 42 N CLASS = C2  
83 00 16 W Current Spacings  
----- Channel 286 - 105.1 MHz -----

DISPLAY DATES  
DATA 02-25-04  
SEARCH 02-25-04

Call	Channel	Location	Dist	Azi	FCC	Margin
RADD	ADD 286C3	Eatonton	GA 20.45	259.5	177.0	-156.55
WEHR	LIC 286A	Elberton	GA 71.08	17.4	166.0	-94.92
RDEL	DEL 286A	Elberton	GA 71.08	17.4	166.0	-94.92
WEHR.A	APP-Z 286A	Elberton	GA 85.85	16.7	166.0	-80.15
WEHR.A	APP-Z 286A	Elberton	GA 85.85	16.7	166.0	-80.15
WHEL.C	CP 286A	Helen	GA 166.03	336.6	166.0	0.03
WHEL	LIC-Z 286A	Helen	GA 166.03	336.6	166.0	0.03
ALLO	VAC 287C3	Alamo	GA 119.78	167.3	117.0	2.78
WMCG.A	APP-Z 285C2	Milan	GA 133.47	191.8	130.0	3.47
WZNY	LIC-N 289C	Augusta	GA 108.56	87.2	105.0	3.56
WMCG	LIC 285C2	Milan	GA 141.60	190.1	130.0	11.60
WMAXFM	LIC-N 287C1	Bowdon	GA 169.88	271.7	158.0	11.88
WFSHF	LIC 284C1	Athens	GA 93.44	305.7	79.0	14.44
WFSHF	CP 284C1	Athens	GA 93.76	305.7	79.0	14.76
WAYS	LIC-Z 288C3	Macon	GA 72.81	222.8	56.0	16.81
ALLO	VAC 232A	Gibson	GA 38.75	108.3	15.0	23.75
960916	CP -N 232A	Gibson	GA 40.54	109.5	15.0	25.54
WBMZ	LIC 285A	Metter	GA 141.02	140.3	106.0	35.02
WCCPFM	LIC 285A	Clemson	SC 142.21	11.0	106.0	36.21
WCCPFM	APP 285A	Clemson	SC 142.21	11.0	106.0	36.21
WGFG	LIC 286A	Branchville	SC 202.27	92.7	166.0	36.27
WGFG.A	APP 286A	Branchville	SC 203.18	87.5	166.0	37.18
WKUB.C	CP -N 286C2	Blackshear	GA 243.92	163.9	190.0	53.92
WAGIFM	CP 287C	Gaffney	SC 252.55	26.1	188.0	64.55
WAGIFM	LIC 287C	Gaffney	SC 252.90	26.1	188.0	64.90
WKUB	LIC-N 286C3	Blackshear	GA 243.92	163.9	177.0	66.92

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All Section 73.207 allocation requirements are met or exceeded from the allocation reference.



**Petition for Rule Making**  
**Georgia-Carolina Radiocasting Company, LLC**  
**256 C2 - 105.1 kHz - 50 KW**  
**Union Point, Georgia**

**Bromo Communications, Inc.**  
 Atlanta, Georgia  
 February 2004