

Jackson Urbanized Area, since its proposed 70dBu contour will cover the same amount of the Jackson Urbanized Area, it is not considered a move-in to an urbanized area. Thus, no *Tuck*⁵ analysis is required.⁶ In support of its community status, Petitioner states that is an incorporated city of 14,692 persons, according to the 2000 U.S. Census, with an elected mayor and five-member board of aldermen. The community has its own city services, including departments of finance and administration, parks and recreation, planning and development, and public works. The city also has police and fire departments and schools and libraries. There are also parks, churches, and businesses.

5. We agree with Petitioner's analysis. Accordingly, Channel 242C0 is reallocated at Madison at petitioner's site 24.0 kilometers (14.9 miles) southwest of the community.⁷

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

7. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective August 29, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel</u>
Jackson, Mississippi	234C, 238C0, 259C, 275C
Madison, Mississippi	242C0

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) the authorization of New South Communications, Inc., licensee of Station WUSJ(FM), Jackson, Mississippi, IS MODIFIED to specify operation at Madison, Mississippi, subject to the following conditions:

- a) Within 90 days of the effective date of the *Order*, the licensee of Station WUSJ(FM) shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules, unless the proposed facilities are categorically excluded from environmental processing.

9. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, New South Communications, Inc., licensee of Station WUSJ(FM), is required to submit a rulemaking fee in addition to the fee required for the application to effectuate the change in community of license for Station

⁵ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

⁶ *Long Beach and East Los Angeles, California*, 10 FCC Rcd 2864 (1995). No site change is proposed in this case.

⁷ The coordinates for Channel 242C0 at Madison are 32-11-29 NL and 90-24-22 WL.

WUSJ(FM) at the time its Form 301 application is submitted.

10. For further information concerning this proceeding, contact Victoria M. McCauley (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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