

FCC MAIL SECTION

Federal Communications Commission

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DISPATCH

Before the
Federal Communications Commission
Washington, D.C. 20554

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b), |) | MB Docket No. 02-109 |
| Table of Allotments, |) | RM-10420 |
| FM Broadcast Stations. |) | RM-10546 |
| (Morgan, Georgia) |) | |

REPORT AND ORDER
(Proceeding Terminated)

Adopted: July 27, 2005

Released: July 29, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* ("Notice")¹ issued in response to a petition for rule making filed Donald F. White and Jerry E. White d/b/a Morgan Radio Company ("Petitioner"), proposing the allotment of Channel 228A at Morgan, Georgia, as the community's first local aural transmission service (RM-10420). Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. In response to the *Notice*, a counterproposal was filed by Clyde Scott, Jr. d/b/a EME Communications ("EME Communications"), proposing the allotment of Channel 228C3 in lieu of Channel 228A at Morgan, Georgia (RM-10546).² No other pleadings were received.

2. In support of the proposal, Petitioner states that Morgan is an incorporated community located in Calhoun County (population 6,320) and has a 2000 U.S. Census population of 1,464 persons. Petitioner further states that the allotment of Channel 228A at Morgan would be in the public interest because it would offer the area a source of news and coverage of local events. Similarly, EME Communications states that the allotment of Channel 228C3 in lieu of Channel 228A at Morgan would provide new service to a larger area and population.

3. Generally, conflicting proposals are comparatively considered under the Commission's FM allotment priorities.³ In the instant proceeding, however, it is not necessary to compare the Petitioner's and EME Communications' proposals because we are dismissing the counterproposal. Specifically, EME Communications proposed the allotment of Channel 228C3 in lieu of 228A at

¹ *Morgan, Georgia*, 17 FCC Rcd 8816 (MB 2002).

² The counterproposal was placed on *Public Notice* on August 16, 2002, Report No. 2570, (RM-10546).

³ The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

Morgan asserting that it was the better proposal. However, neither EME Communications nor any other party expressed an interest in applying for the higher channel, if allotted. In the absence of such an expression of interest, we will not allot a channel.⁴

4. Therefore, we believe the public interest would be served by allotting Channel 228A at Morgan, Georgia, as the community's first local aural transmission service. The allotment will provide new service to an area of 2,516 square kilometers (971.4 miles) encompassing a population of 11,856 persons. An engineering analysis has determined that Channel 228A can be allotted to Morgan in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 228A at Morgan are 31-32-15 North Latitude and 84-35-58 West Longitude.

5. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and C.F.R. Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective September 12, 2005, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, as follows:

| <u>Community</u> | <u>Channel</u> |
|------------------|----------------|
| Morgan, Georgia | 228A |

6. A filing window for Channel 228A at Morgan, Georgia, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the counterproposal (RM-10546) filed by Clyde Scott, Jr. d/b/a EME Communications, for the allotment of Channel 228C3 at Morgan, Georgia, IS DISMISSED.

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

⁴ See *Cardwell, College Station and Gause, Texas*, 13 FCC Rcd 13772 (MMB 1998); *Murray, Kentucky* 3 FCC Rcd 3016 (MMB 1988); and *Pine, Arizona*, 3 FCC Rcd 1010 (MMB 1988).

9. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

10. For further information concerning the above, contact Sharon P. McDonald, Media Bureau, (202) 418-2180

FEDERAL COMMUNICATIONS COMMISSION

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