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

MAILED
JUN - 2 2006
FCC Mail Room

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-121
Table of Allotments,)	RM-11197
FM Broadcast Stations.)	
(Wilson and Knightdale, North Carolina))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 24, 2006

Released: May 26, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice"),¹ issued at the request of Capstar TX Limited Partnership ("Petitioner"), licensee of Station WRDU(FM), Channel 291C0, Wilson, North Carolina. Petitioner filed comments. No counterproposals or other comments were received in response to this proceeding.

2. **Background.** The *Notice* proposed the reallocation of Channel 291C0 from Wilson to Knightdale, North Carolina, as its first local service, and modification of the Station WRDU(FM) license accordingly. Petitioner filed comments, reiterating its expression of interest in the reallocation of Station WRDU(FM) to Knightdale.

3. **Discussion.** Petitioner filed its request pursuant to Section 1.420(i) of the Commission's rules, which permits the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest in the proposed allotment.² The proposed reallocation of Channel 291C0 at Knightdale is mutually exclusive with the current authorized facilities of Station WRDU(FM), Channel 291C0, Wilson, North Carolina.

4. When considering a reallocation proposal, a comparison is made between the existing allotment and the proposed allotment to determine whether the reallocation would result in a preferential arrangement of allotments based upon the FM Allotment priorities.³ The proposed Knightdale reallocation would provide a first local service, priority (3), whereas the retention of Station WRDU(FM) at Wilson would attribute to a fifth local service.⁴ As such, the reallocation proposal results in a preferential arrangement of allotments based on priority (3), first local service.

¹ See *Wilson and Knightdale, North Carolina*, Notice of Proposed Rule Making, 20 FCC Rcd 6049 (MB 2005).

² See *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870 (1989), recon. granted in part, Memorandum Opinion and Order, 5 FCC Rcd 7394 (1990).

³ The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (4) Other public interest matters. [Co-equal weight is given to priorities (2) and (3)], See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, 91 (1988).

⁴ AM Stations WGTM, WLLY, WVOT, and noncommercial FM Station WAJC are currently licensed to Wilson.

5. The proposed reallocation of Station WRDU(FM) at Knightdale would provide city grade coverage to 94 percent of the Rocky Mount, North Carolina Urbanized Area, 50 percent of the Greensboro, North Carolina Urbanized Area, 60 percent of the Durham, North Carolina Urbanized Area and 100 percent of the Raleigh, North Carolina Urbanized Area. Currently, the existing Channel 291C0 facility at Wilson for Station WRDU(FM) covers 100 percent of the Rocky Mount, North Carolina and Goldsboro, North Carolina Urbanized Areas and more than 75 percent of the Raleigh, North Carolina Urbanized Area within its current 70 dBu contour. Petitioner submitted a *Tuck* showing because of the new coverage to the Durham, North Carolina Urbanized Area.⁵ We find that Knightdale warrants a first local preference because the community is not dependent upon the Durham, North Carolina Urbanized Area.⁶

6. Accordingly, we are reallocating Channel 291C0 from Wilson to Knightdale, North Carolina and modifying the Station WRDU(FM) license to reflect this change. Channel 291C0 can be reallocated to Knightdale, using reference coordinates 35-47-50 NL and 78-22-15 WL, which requires a site restriction of 10 kilometers (6.2 miles) east of the community to avoid short-spacings to the license sites of Station WFJA(FM), Channel 288A, Sanford, North Carolina and Station WMNA-FM, Channel 292A, Gretna, Virginia.

7. The population within the new service area of Knightdale contains 1,813,942 persons, while the net loss area contains 48,447 persons. In this instance, the gain and loss areas are currently well-served with five or more aural reception services.

8. 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).

9. 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 July 10, 2006, 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>Communities</u>	<u>Channel No.</u>
Wilson, North Carolina	-----

⁵ *See Headland, Alabama and Chattahoochee, Florida*, Report and Order, 10 FCC Rcd 10352 (1995); *See also Faye and Richard Tuck, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 5374 (1998) ("*Tuck*") and *RKO General, Inc.*, Memorandum Opinion and Order, 5 FCC Rcd 3222 (1990).

⁶ Knightdale's population (2000 U.S. Census 6,017 persons) is 3.2 percent of that of Durham (2000 U.S. Census 187,183 persons). Knightdale is located 44.3 kilometers from Durham. According to 2000 Census figures, 378 (11.5 percent) of the 3,279 persons employed individuals in Knightdale work at their place of residence. Knightdale has a newspaper, *The Eastern Wake News*, a newsletter, *Knightdale View*, and a monthly publication of the Knightdale Chamber of Commerce named *Chamber Communicator* that serves its residents. Knightdale has its own Chamber of Commerce, a mayor-council-manager form of government, town attorney, town engineer, and individuals that work in the following departments: Administration, Finance, Legislative, Parks and Recreation, Planning, Public Safety and Public Works. Knightdale also has a Land Use Review Board and a Parks and Recreation Advisory Board. Moreover, Knightdale has two post offices and its own zip code, 27545. Bell South publishes the Knightdale-Wendell-Zebulon phone book, which contains yellow and white page directories for the community of Knightdale. The city has its own commercial establishments, health facilities, schools, library, police and fire departments. The *Eastern Wake News* provides an advertisement outlet for businesses located in Knightdale.

Knightdale, North Carolina

291C0

10. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the authorization of Capstar TX Limited Partnership for Station WRDU(FM), Channel 291C0, Wilson, North Carolina IS MODIFIED to specify operation on Channel 291C0 at Knightdale, North Carolina, subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of Station WRDU(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 47 C.F.R. 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

11. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (3)(l) of the Commission's rules, Capstar TX Limited Partnership, licensee of Station WRDU(FM), Channel 291C0, Wilson, North Carolina is required to submit a rulemaking fee in addition to the fee required for the application to effectuate the community of license for Station WRDU(FM) to specify operation on Channel 291C0 at Knightdale, North Carolina at the time its Form 301 application is submitted.

12. IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

13. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau