

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
Table of Allotments,	)	MB Docket No. 06-52
FM Broadcast Stations.	)	RM-11318
(Flora, Mississippi)	)	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: August 31, 2006

Released September 5, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* (“*Notice*”)<sup>1</sup> issued at the request of MissAla RF (“*Petitioner*”), requesting the allotment of Channel 280A at Flora, Mississippi, as its second local aural transmission service. *Petitioner* did not file comments or reply comments! SSR Communications, Inc. (“*SSR*”) filed a Counterproposal expressing its interest in the allotment of Channel 280A to Hermanville, Mississippi. For the reasons stated below, we deny the *Petition for Rule Making* underlying the *Notice*, dismiss *SSR*’s Counterproposal, and terminate this proceeding.

2. The deadline for comments and counterproposals was April 24, 2006. No party to this proceeding filed comments expressing an interest in filing an application for Channel 280A at Flora, Mississippi, if that channel were allotted to Flora. Accordingly, we deny the *Petition for Rule Making* which initiated this proceeding. *SSR* filed its Counterproposal on April 24, 2006, which was the due date for comments and counterproposals in this proceeding. Nevertheless, *SSR* did not address its Counterproposal to the Office of the Secretary of the Commission, as required by our Rules. Instead, *SSR* addressed its Counterproposal to the Media Bureau. Paragraph 5 of the *Notice* stated that all filings must be addressed to the Secretary of the Commission and that any filing that is not addressed to the Office of the Secretary will be treated as filed on the day it is received in the Office of the Secretary. Since *SSR* did not file its Counterproposal addressed to the Office of the Secretary until May 12, 2006, its counterproposal is treated as being filed past the due date and is dismissed as untimely. Even if we were to consider this Counterproposal, we would deny it because the proposed transmitter site was short spaced to the authorized facilities of Station KJLO-FM, Channel 281C, Monroe, Louisiana: at the time it was

<sup>1</sup> *Flora, Mississippi*, Notice of Proposed Rule Making, 21 FCC Rcd 2241 (MB 2006).

<sup>2</sup> Brantley Broadcast Associates, L.L.C. filed a Motion to Dismiss in which it requested that the Commission dismiss the *Notice* herein since no one filed comments or a counterproposal. This request has been rendered moot in light of the fact that a counterproposal was filed.

<sup>3</sup> Subsequent to the May 12, 2006 filing of the Counterproposal, Station KJLO-FM was reclassified as a **Class C** station on Channel 281C0. Although the Counterproposal is no longer short spaced to Station KJLO-FM, the fact that it was short spaced at the time that the Counterproposal was filed renders the Counterproposal fatally defective.

filed. Thus, the Counterproposal would be denied as not being technically correct and substantially complete when filed.<sup>4</sup>

3. This document is not subject to the Congressional Review Act. (The Commission is, therefore, not required to submit a copy of this *Report and Order* to the Government Accountability Office, pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), since the proposed rule is denied herein.)

4. Accordingly, IT IS ORDERED, That the Petition for Rule Making filed by MissAlaRf IS DENIED and the Counterproposal filed by SSR Communications, Inc. IS DISMISSED.

5. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202)418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>4</sup> *See, e.g., Broken Arrow and Bixby, Oklahoma, and Coffeyville, Kansas*, Report and Order, 3 FCC Rcd 6507,6511 (MMB 1988) and *Provincetown, Massachusetts et al.*, Memorandum Opinion and Order, 8 FCC Rcd 19 (MMB 1992).