

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

MAILED  
JUL 13 2007

FCC

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MB Docket No. 05-273
Table of Allotments,	)	RM-11273
FM Broadcast Stations.	)	RM-11307
(Charleston and Englewood, Tennessee)	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: July 11, 2007**

**Released: July 13, 2007**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a Notice of Proposed Rule Making issued in response to a Petition for Rule Making filed by Claire Giannasi ("Giannasi").<sup>1</sup> The *Notice* proposed the allotment of Channel 250A as a first local service at Charleston, Tennessee, a city of 630 persons. Giannasi filed comments supporting the allotment of Channel 250A at Charleston, and reaffirmed her intention to apply for the channel if it is allotted and, if authorized, to build and operate a station on that channel.

2. Englewood Wireless ("Englewood") submitted a timely counterproposal requesting that the Commission allot Channel 250A as a first local service at Englewood, Tennessee, a town of 1,590 persons, in lieu of the allotment of Channel 250A at Charleston.<sup>2</sup> Englewood's proposed allotment of Channel 250A at Englewood is mutually-exclusive with the *Notice's* proposed allotment of Channel 250A at Charleston, Tennessee. Englewood states that, if its counterproposal is granted, it will file an application for a construction permit for the allotment.

3. A counterproposal also was submitted by Georgia-Carolina Radiocasting Company, LLC ("GCR"). GCR proposes the allotment of FM Channel 250A at Tellico Plains, Tennessee, as that community's first local aural broadcast transmission service. To accommodate that allotment, GCR requests the reclassification of Station WJXB-FM, Channel 248C, Knoxville, Tennessee, to specify operation on Channel 248C0. The Commission has stated that reclassification of a Class C channel to Class C0 "may be initiated only through an original petition for rule making to amend the FM Table of Allotments, and not through comments or counterproposals."<sup>3</sup> For that reason, GCR's proposal to downgrade Channel 248C, Knoxville, Tennessee, to Channel 248C0 is unacceptable, and we will dismiss GCR's counterproposal.

4. In choosing between competing allotment proposals, we compare the proposed arrangements of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and*

<sup>1</sup> *Charleston, Tennessee*, Notice of Proposed Rule Making, 20 FCC Rcd 15,240 (MB 2005) ("*Notice*").

<sup>2</sup> See Public Notice, Report No. 2749 (Jan. 18, 2006).

<sup>3</sup> See *1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, Second Report and Order, 15 FCC Rcd 21,649, 21,664 (2000).

*Procedures.*<sup>4</sup> Both the Giannasi and Englewood proposals would provide a fifth reception service to 855 persons, with individuals in the remainder of each proposed service area already well-served by five or more reception services. Accordingly, priorities one and two are inapplicable. Allotment of Channel 250A at either Charleston or Englewood would satisfy the third allotment priority, "first local service." Under these circumstances, Channel 250A should be allotted at Englewood, whose population is greater than that of Charleston.<sup>5</sup> Accordingly, we will allot Channel 250A as a first local service at Englewood, Tennessee. Channel 250A can provide the required city-grade 70 dBu contour coverage to the entire community of Englewood from an allotment site 13.4 km (8.3 miles) southwest of Englewood at the following reference coordinates: 35-21-05 NL and 84-36-18 WL.

5. 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.<sup>6</sup>

6. Accordingly, IT IS ORDERED, That effective August 27, 2007, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel No.</u>
Englewood, Tennessee	250A

7. IT IS FURTHER ORDERED, That the petition of Claire Giannasi, seeking the allotment of Channel 250A at Charleston, Tennessee, IS DISMISSED.

8. IT IS FURTHER ORDERED, That the counterproposal of Georgia-Carolina Radiocasting Company, LLC, seeking the allotment of Channel 250A at Tellico Plains, Tennessee, IS DISMISSED.

9. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail, Return Receipt Requested, a copy of this Report and Order to the following:

Kris R. Kendrick, Esq.  
Post Office Box 82032  
Athens, Georgia 30608-2032  
(Counsel for Claire Giannasi)

H. J. McDonald, Owner  
Englewood Wireless  
Post Office Box 365  
Calhoun, Georgia 30703

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<sup>4</sup> *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982), *recon. denied*, 56 RR 2d 448 (1983). 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. Co-equal weight is given to priorities (2) and (3).

<sup>5</sup> See *West Liberty and Richwood, Ohio*, Report and Order, 6 FCC Rcd 6084 (MMB 1991) (channel providing first local service allotted at larger community).

<sup>6</sup> See 5 U.S.C. § 801 (a)(1)(A).

Dan J. Alpert, Esq.  
*The Office of Dan J. Alpert*  
2120 N. 21<sup>st</sup> Road  
Arlington, Virginia 22201  
(Counsel for Georgia-Carolina Radiocasting Company, LLC)

10. A filing window period for Channel 250A at Englewood, Tennessee, 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*.

11. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 250A at Englewood, Tennessee, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John Karousos  
Assistant Chief  
Audio Division  
Media Bureau