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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MB Docket No. \_\_\_\_\_  
FM Table of Allotments, ) RM- \_\_\_\_\_  
FM Broadcast Stations. )  
(Waverly, Alabama)

To: Office of the Secretary  
Attn: Chief, Audio Division

FILED/ACCEPTED

DEC 16 2008

Federal Communications Commission  
Office of the Secretary

PETITION FOR RULE MAKING

Auburn Network, Inc. ("Auburn"), licensee of Station WGZZ(FM), Waverly, Alabama hereby submits this Petition for Rule Making. Currently, vacant Channel 232A is allotted to Waverly, Alabama. In a simultaneously filed application, Auburn is filing to change the channel of WGZZ from Channel 262A to Channel 232A at Waverly, Alabama. In order to accomplish this change, Auburn requests that the Commission substitute Channel 262A for vacant Channel 232A in order to retain a channel at Waverly, Alabama.<sup>1</sup> In support hereof, Auburn states as follows.

The WGZZ application is part of a hybrid filing with two other contingent applications that propose to (i) change the community of license of Station WAOQ(FM) from Brantley to Goshen, Alabama, as that community's first local service, and (ii) change the community and frequency of Station WEZZ(AM) from 930 kHz at Monroeville, Alabama, to 920 kHz at Brantley, Alabama, as a replacement service. The benefits offered by this hybrid filing are a first

<sup>1</sup> Pursuant to the Commission's new allotment procedures, "changes to vacant allotments will continue to be made via notice-and-comment rule making procedures." See *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, ¶ 15 (2006). Thus, this proposal is considered a hybrid filing. *Id.* at ¶ 17.

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local service at Goshen, Alabama, and a net gain in service to 8,672 persons. Thus, this proposal as a whole serves the public interest.

As indicated, in order to allot Channel 232A to Waverly for use by WGZZ, Auburn proposes to substitute vacant Channel 262A for Channel 232A at Waverly, Alabama. As demonstrated in the attached Engineering Statement, Channel 262A can be allotted to Waverly consistent with Section 73.207 of the Commission's Rules.<sup>2</sup> A 70 dBu signal can be provided to Waverly from the proposed reference coordinates.

For the foregoing reasons, Auburn respectfully requests that the Commission change vacant Channel 262A for Channel 232A at Waverly, Alabama as proposed herein.

Respectfully submitted,

AUBURN NETWORK, INC.

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Its Attorneys

December 16, 2008

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<sup>2</sup> The channel study reveals a short spacing to WGZZ's Channel 262A allotment at Waverly, Alabama, which is being modified to Channel 232A in the contemporaneously filed contingent application.

**Engineering Statement  
In Support of an  
Application for a Construction Permit  
WGZZ, Channel 232A, Waverly, Alabama**

**Channel 262A at Waverly, AL (In Lieu of Channel 232A) Allocation Study**

REFERENCE		DISPLAY DATES
32 48 14.0 N.	CLASS = A	DATA 11-20-08
85 41 28.0 W.	Current Spacings to 3rd Adj.	SEARCH 12-08-08
----- Channel 262 - 100.3 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin
<b>WGZZ</b>	<b>LIC-N 262A</b>	<b>Dadeville</b>	<b>AL 149.5</b>	<b>4.08</b>	<b>115.0</b>	<b>-110.92</b>
<b>WGZZ</b>	<b>CP -N 262A</b>	<b>Waverly</b>	<b>AL 187.8</b>	<b>9.35</b>	<b>115.0</b>	<b>-105.65</b>

Of concern:

WGZZ moves from channel 262A to channel 232A in the instant application.

<b>WGSY</b>	<b>LIC</b>	<b>261A</b>	<b>Phenix City</b>	<b>AL</b>	<b>116.9</b>	<b>71.52</b>	<b>72.0</b>	<b>-0.48</b>
<b>WAOQ</b>	<b>PRO</b>	<b>262A</b>	<b>Goshen</b>	<b>AL</b>	<b>195.9</b>	<b>114.53</b>	<b>115.0</b>	<b>-0.47</b>

Of note:

Proposed allocation/application coordinates proposed for WAOQ at Goshen, AL (31-48-38 N/86-C1-28 W).

WQNR	LIC	260A	Tallassee	AL	193.1	41.19	31.0	10.19
AL5637	VAC	261C3	Anniston	AL	353.4	99.59	89.0	10.59
WWMM	LIC-N	263C1	Helena	AL	282.9	149.70	133.0	16.70
WWMM	LIC-N	263C1	Northport	AL	282.9	149.70	133.0	16.70
WCJM-FM	LIC-N	265A	West Point	GA	84.0	52.13	31.0	21.13
1084083	APP	264A	Ashland	AL	347.6	52.63	31.0	21.63
WDXX	APP	261C2	Selma	AL	250.6	127.68	106.0	21.68
WOBB	LIC	262C0	Tifton	GA	129.4	237.99	215.0	22.99
WDXX	LIC	261C2	Selma	AL	251.9	130.50	106.0	24.50
WJHO	LIC-D	209A	Alexander City	AL	311.9	37.41	10.0	27.41
WCKF	LIC-N	264A	Ashland	AL	344.7	59.45	31.0	28.45

Channel 262A Allocation  
Latitude: 32-48-14 N  
Longitude: 085-41-28 W  
Frequency: 100.3 MHz

Channel 262A at Waverly, AL  
Hypothetical Class A  
70 dBu Contour

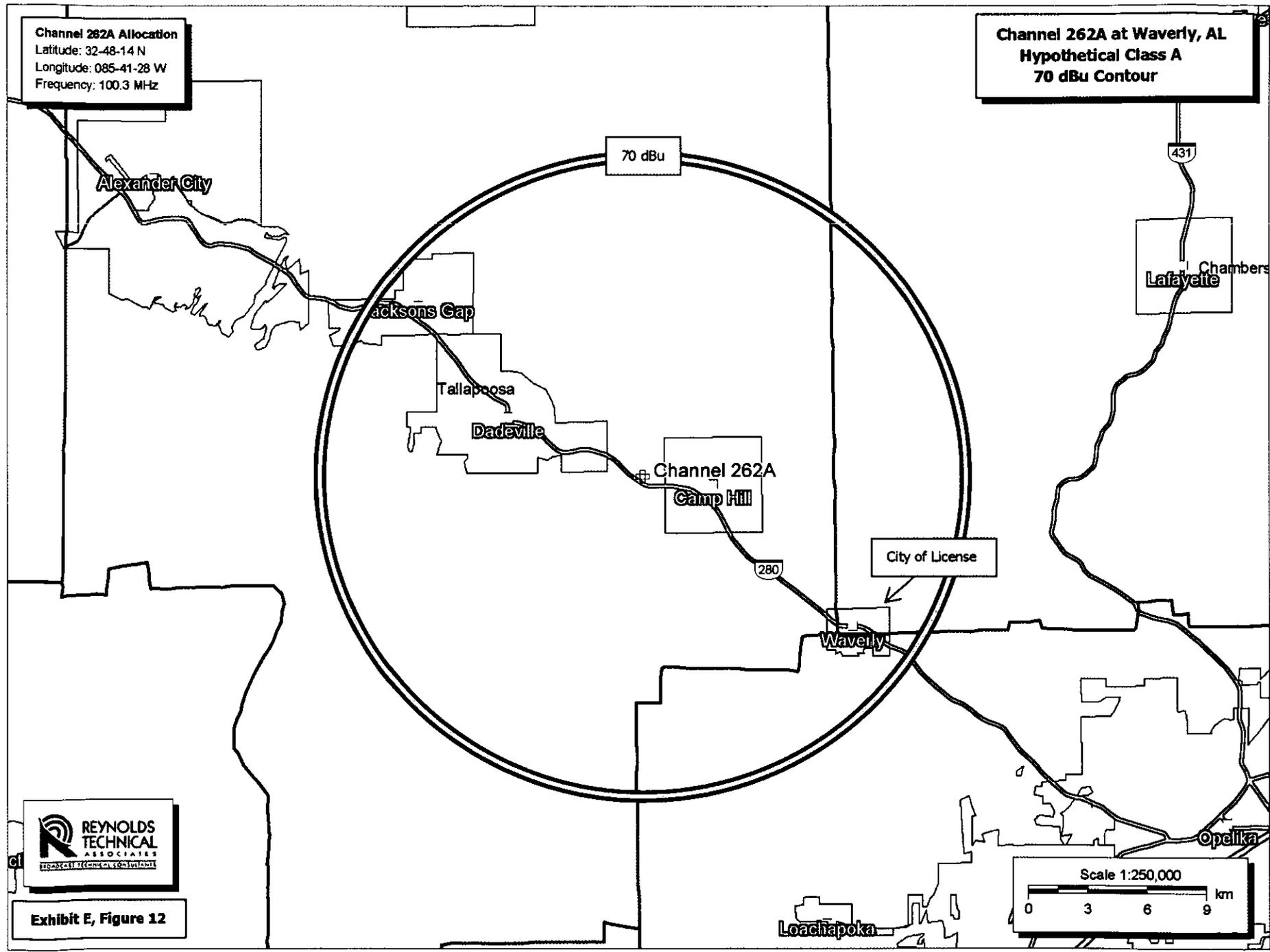


Exhibit E, Figure 12