

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

MAILED

FEB 24 2009

In the Matter of)

Amendment of Section 73.202(b),
Table of Allotments,)

FM Broadcast Stations.
(Williston, South Carolina))

MB Docket No. 08-201
RM-11478

REPORT AND ORDER
(Proceeding Terminated)

Adopted: February 18, 2009

Released: February 20, 2009

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division issued a *Notice of Proposed Rule Making* in response to a Petition for Rule Making filed by Henry B. Shaffer ("Petitioner").¹ The *Notice* proposes the allotment of Channel 260A at Williston, South Carolina, as potentially the community's second local aural transmission service. Petitioner filed a FCC Form 301 application proposing allotment of Channel 260A at Williston, South Carolina.² Petitioner submitted a filing fee for that application pursuant to *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*.³

2. Petitioner filed comments supporting the allotment of Channel 260A at Williston, and he reaffirmed his intention to apply for the channel if it is allotted and, if authorized, to build and operate a station on that channel. No other comments were received.

3. Williston is a community for allotment purposes and is deserving of a second local service. We find that the allotment of Channel 260A at Williston, South Carolina, would serve the public interest, because it would add a competing service to the community under Priority 4 of the FM allotment priorities.⁴ Channel 260A can be allotted at Williston with a site restriction of 3.1 km (1.9 miles) northeast of Williston. The reference coordinates for Channel 260A at Williston are: 33-23-34 NL and 81-23-21 WL.

¹ *Williston, South Carolina*, Notice of Proposed Rule Making, DA 08-2332 (MB, rel. Oct. 24, 2008) ("Notice"). See 73 Fed.Reg. 66588 (Nov. 10, 2008).

² File No. BNPH-20080612AAE.

³ Report and Order, 21 FCC Rcd 14212 (2006) ("*Revised Allotment Procedures R&O*").

⁴ 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). See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 0 FCC 2d 88 (1988).

4. 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.⁵

5. Accordingly, IT IS ORDERED, That effective April 6, 2009, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

<u>Community</u>	<u>Channel Number</u>
Williston, South Carolina	260A

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

Henry B. Shaffer
Post Office Box 1236
Aiken, South Carolina 29802-1236

7. A filing window period for Channel 260A at Williston, South Carolina, 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*.

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

9. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072. Questions related to the application filing process for Channel 260A at Williston, South Carolina, should be addressed to the Audio Division, Media Bureau, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ See 5 U.S.C. § 801 (a)(1)(A).