

ORIGINAL

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

FILED/ACCEPTED

In the Matter of)
)
Amendment of Section 73.202(b),)
FM Table of Allotments,)
FM Broadcast Stations.)
(Waverly, Alabama))

JUN - 8 2009

MB Docket No. 09-54 Federal Communications Commission
RM-11520 Office of the Secretary

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

COMMENTS

Auburn Network, Inc. ("Auburn"), hereby submits its Comments in the above captioned proceeding. See *Notice of Proposed Rule Making (NPRM)*, DA 09-847, released April 17, 2009. In response to a Petition for Rule Making filed by Auburn, the *NPRM* proposed the substitution of Channel 262A for vacant Channel 232A at Waverly, Alabama.¹ In an application simultaneously filed with its Petition for Rule Making, Auburn proposed to change the channel of WGZZ from Channel 262A to Channel 232A at Waverly, Alabama. In order to accomplish this change, Auburn requested the substitution of channels to the vacant Waverly allotment.² The benefits offered by this hybrid filing are a first 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.

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

¹ The Commission does not require the filing of an application for the Waverly channel substitution since the proposal does not involve an expression of interest for a new allotment. 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 (2006). Similarly, because Auburn is not proposing the allotment of a new channel at Waverly, it is not required to file an expression of continuing interest in these Comments.

² 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.

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Respectfully submitted,

AUBURN NETWORK, INC.

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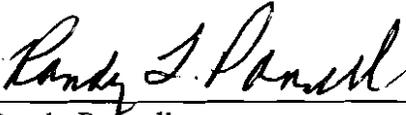
Its Attorneys

June 8, 2009

CERTIFICATE OF SERVICE

I, Randy Pannell, in the law firm of Wiley Rein LLP, hereby certify that I have on this 8th day of June, 2009, caused to be hand-delivered, a copy of the foregoing "**Comments**" to the following:

Deborah A. Dupont
Federal Communications Commission
Audio Division, Media Bureau
445 12th Street, SW
Washington, DC 20554



Randy Pannell