

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 03-58
Table of Allotments,)	RM-10608
FM Broadcast Stations.)	
(Pelham and Meigs, Georgia))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 18, 2003

Released: June 23, 2003

By the Assistant Chief, Audio Division:

1. In response to a Petition for Rule Making filed by Jerry E. White, Cindy Mitchell White, Donald E. White and Donald F. White d/b/a Mitchell County Television (“Mitchell”), the Commission has before it for consideration the *Notice of Proposed Rule Making*,¹ requesting the reallocation of Channel 222A from Pelham, Georgia, to Meigs, Georgia.² Mitchell also requests modification of the authorization for Station WQLI to specify Meigs as the community of license. Mitchell filed comments in which it restated its intention to file an application for Channel 222A at Meigs. No other comments were received in response to the *Notice* in this proceeding.

2. Based upon the information presented in this proceeding, we believe the public interest would be served by reallocating Channel 222A from Pelham to Meigs, Georgia, since it would provide a first local service for the community. As stated in the *Notice*, information was provided demonstrating community status for Meigs. Meigs would receive its first local service fulfilling allotment priority (3) of the Commission's allotment priorities.³ We recognize that the reallocation will remove the potential sole local service from Pelham but not the removal of an existing service since Station WQLI is not constructed. Therefore, we do not consider its removal from Pelham to present the parallel concerns with loss of service represented by the removal of an operating station, as it does not constitute a service that the public has become reliant upon.⁴ Although the *Notice* stated that Mitchell was not requesting a change in transmitter

¹ *Pelham and Meigs, Georgia*, 18 FCC Rcd 4457 (Aud. Div. 2003).

² *See Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989) (“*Change of Community MO&O*”), recon. granted in part, 5 FCC Rcd 7094 (1990).

³ The FM allotment priorities are: (1) First full-time aural service; (2) Second full-time 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*, 90 FCC 2d 88 (1982).

⁴ *See Sanibel and San Carlos Park, Florida*, 10 FCC Rcd 7215 (M.M. Bur. 1995); *Pawley's Island and Atlantic Beach, South Carolina*, 8 FCC Rcd 8657 (M.M. Bur. 1993); and *Linden and White Oak, Texas*, 15 FCC Rcd 21619

site, Mitchell has modified its construction permit proposing a new site. According to Mitchell, in order to meet local zoning ordinances that were put into place after Mitchell filed the original application and petition, a site change was required. Mitchell provided information showing that city grade coverage will be provided to Meigs and to Pelham from the modified site for Station WQLI. In support of its proposal, Mitchell states that while Station WQLI will provide a local service for Meigs, the station will also provide service to Pelham and several other agricultural communities in the rural Southwestern part of Georgia

3. The reallocation proposal is consistent with the requirements set forth in *Change of MO&O Community, supra*. A staff engineering analysis indicates that Channel 222A can be allotted to Meigs, Georgia, in compliance with the Commission's minimum distance separation requirements at Mitchell's specified site.⁵ Our analysis has determined that with the use of an alternate site for Channel 222A there is a theoretical gain and loss area. Our analysis also shows that both areas are considered to be well served with five or more services. Additionally, although not of decisional significance, since the Commission does not consider the availability of video services in a community when examining an FM proposal, we do note that TV Channel 14 is allotted to Pelham. In accordance with Section 1.420(i) of the Commission's Rules, we will modify the license for Station WQLI to specify operation on Channel 222A at Meigs, Georgia, as its new community of license.

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 7, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the communities listed below, as follows:

Community	Channel Number
Meigs, Georgia	222A
Pelham, Georgia	-----

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the authorization of Mitchell County Television for Station WQLI, Channel 222A, Pelham, Georgia, IS MODIFIED to specify operation on Channel 222A at Meigs, Georgia, subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the permittee of Station WQLI shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be

(M.M. Bur. 2001).

⁵ The coordinates for Channel 222A at Meigs are 31-05-12 and 84-12-10. The site is located 11 kilometers west of the community.

conducted in accordance with Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

6. Pursuant to Commission Rule Section 1.1104(1)(k) and (2)(k), any party seeking a change in community of license of an FM or television allotment or an upgrade of an existing FM allotment, IF THE REQUEST IS GRANTED, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Mitchell County Television, permittee of Station WQLI, Channel 222A, is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license for Station WQLI, Channel 222A, from Pelham, Georgia, to Meigs, Georgia.

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

8. For further information concerning this proceeding, contact Kathleen Scheuerle, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

