

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	
FM Table of Allotments,	)	MB Docket No. 05-147
FM Broadcast Stations.	)	RM-10823
(Lake Park, Florida)	)	
	)	
Reclassification of License	)	BLH-20050225AAQ
of Station WHYI-FM, Fort Lauderdale, Florida	)	

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: August 31, 2006**

**Released: September 5, 2006**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“*Notice*”)<sup>1</sup> issued at the request of Charles Crawford (“*Petitioner*”) requesting the allotment of Channel 262A at Lake Park, Florida, as its first local service. *Petitioner* filed comments, stating that it would file the necessary application to implement the proposed Lake Park allotment, if allotted. No counterproposals or additional comments were received in response to this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 262A at Lake Park, Florida, as its first local service. To accommodate the proposed Lake Park allotment, the *Notice* stated that Station WHYI-FM, Channel 264C, Fort Lauderdale, Florida must specify operation on Channel 264C0 in compliance with the Commission’s reclassification procedures.<sup>2</sup> In this regard, we issued an *Order to Show Cause* directed to Clear Channel Broadcasting Licenses, Inc. (“*Clear Channel*”), licensee of Station WHYI-FM, Fort Lauderdale, Florida, affording it 30 days to express in writing an intention to seek authority to upgrade Station WHYI-FM’s technical facilities to preserve Class C status, or to otherwise challenge the proposed action.<sup>3</sup> No response was received from *Clear Channel*.

3. **Discussion.** Based on the foregoing, we believe the public interest will be served by allotting Channel 262A to Lake Park, Florida because it would provide that community with a first local service.<sup>4</sup> Therefore, in accordance with the Commission’s reclassification procedures, noted above, we are reclassifying the license of Station WHYI-FM to specify operation on Channel 264C0 instead of Channel

<sup>1</sup> *Lake Park, Florida*, Notice of Proposed Rule Making, 20 FCC Rcd 19396 (MB 2005).

<sup>2</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 21649 (2000); see also 47 C.F.R. §§ 1.420(g), n.2; 73.3573, n. 4.

<sup>3</sup> See *Reclassification of License of Station WHYI-FM, Fort Lauderdale, Florida*, Order to Show Cause, 19 FCC Rcd 17449 (MB 2004).

<sup>4</sup> As stated in the *Notice*, Lake Park is an incorporated town listed in the 2000 U.S. Census with a population of 8,721 persons. *Petitioner* states that Lake Park has its own mayor, town manager, elementary school, fire department, police department, post office, and a number of local churches.

264C at Fort Lauderdale, Florida.<sup>5</sup>

4. Channel 262A at Lake Park can be allotted consistent with the minimum distance separation requirements of the Commission's Rules at coordinates 26-45-29 NL and 80-03-28 WL. This reference site requires a site restriction of 4.7 kilometers (2.9 miles) south of the community.

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

6. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. 0.61, 0.204(b) and 0.283, IT IS ORDERED That effective October 20, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Fort Lauderdale, Florida	264C0, 278C, 290C, 294C
Lake Park, Florida	262A

7. The window period for filing applications for Channel 262A at Lake Park 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 Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief  
Audio Division  
Media Bureau

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<sup>5</sup> File No. BLH-20050225AAQ.