

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

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 05-240
Table of Allotments,)	RM-11261
FM Broadcast Stations.)	
(Fernandina Beach and Yulee, Florida))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: February 15, 2006

Released: February 17, 2006

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* (“*Notice*”),¹ issued at the request of Tama Radio Licenses of Jacksonville, FL, Inc. (“Petitioner”), licensee of Station WJSJ(FM), Channel 287A, Fernandina Beach, Florida. Petitioner filed comments. No counterproposals or other comments were received in response to this proceeding.

2. **Background.** The *Notice* proposed the reallocation of Channel 287A from Fernandina Beach to Yulee, Florida, as its first local service and modification of the Station WJSJ(FM) license accordingly.² To accommodate the proposed Yulee reallocation, the *Notice* also proposed the relocation of the transmitter site of co-owned Station WSJF(FM), Channel 288C3, St. Augustine Beach, Florida. Petitioner filed comments, reiterating its expression of interest in the reallocation of Station WJSJ(FM) to Yulee, Florida.

3. **Discussion.** Petitioner filed its request pursuant to Section 1.420(i) of the Commission’s rules, which permits the modification of a station’s license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest in the proposed allotment.³ The proposed reallocation of Channel 287A at Yulee is mutually exclusive with the current authorized facilities of Station WJSJ(FM), Channel 287A, Fernandina Beach, Florida.

4. When considering a reallocation proposal, a comparison is made between the existing allotment and the proposed allotment to determine whether the reallocation would result in a preferential

¹ See *Fernandina Beach and Yulee, Florida*, 20 FCC Rcd 12958 (MB 2005).

² As stated in the *Notice*, Yulee is a Census Designated Place (“CDP”) located in Nassau County with a 2000 U.S. Census population of 8,392 persons. Yulee has its own zip code, fire department, library and a number of local churches and other community-based organizations. Yulee also has its own primary school, elementary school and middle school that are part of the Nassau County School system. The Betty P. Cook Nassau Center, a local education center, which is part of the state-wide Florida Community College system, is located in Yulee. In addition, Yulee has a substantial number of businesses that identify themselves with Yulee, such as Yulee Appliance Service, Yulee Auto Parts, Yulee Car Wash, Yulee Villas, and Vision Center of Yulee.

³ See *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), recon. granted in part 5 FCC Rcd 7394 (1990).

arrangement of allotments based upon the FM Allotment priorities.⁴ The proposed reallocation of Channel 287A to Yulee would provide a first local service, priority (3), whereas the retention of Station WJSJ(FM) at Fernandina Beach would attribute to a third local service, priority (4).⁵ The reallocation proposal results in a preferential arrangement of allotments based on priority (3), first local service.

5. Accordingly, we are reallocation Channel 287A from Fernandina Beach to Yulee, Florida, as its first local aural transmission service and modifying the Station WJSJ (FM) license to reflect this change.⁶ To accommodate this reallocation, we are relocating the transmitter site of co-owned Station WSJF(FM), Channel 288C3, St. Augustine Beach.⁷

6. The Yulee reallocation results in a net gain of 22,955 persons, while the loss area contains 276,388 persons. The gain and loss area are currently well-served with five or more aural reception services. Yulee is not located in an urbanized area. The Yulee reallocation would not cover more than fifty percent of the Jacksonville, Florida Urbanized Area. Therefore, a *Tuck* showing is not warranted.⁸

7. 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, *see* 5 U.S.C. § 801(a)(1)(A).

8. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective April 3, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Fernandina Beach, Florida	-----
Yulee, Florida	287A

⁴ The FM Allotment priorities are (1) First full-time aural service. (2) Second full-time aural service. (3) First local service. (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 Rcd 88, 91 (1988).

⁵ Noncommercial educational Station WNLE and AM Station WVOJ are currently licensed to Fernandina Beach.

⁶ Channel 287A can be allotted to Yulee in conformity with the Commission's rules, provided there is a site restriction of 10.6 kilometers (6.6 miles) southeast of the community, using reference coordinates 30-34-00 NL and 81-31-30 WL.

⁷ The transmitter site for FM Station WSJF can be relocated, consistent with the minimum distance separation requirements of Section 73.207(b) of the Commission's rules, provided there is a site restriction of 7.0 kilometers (4.3 miles) south of the community, using reference coordinates 29-46-53 NL and 81-15-25 WL.

⁸ *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998) ("*Tuck*") and *RKO General*, 5 FCC Rcd 3222 (1990) ("*KFRC*").

9. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the authorization of Tama Radio Licenses of Jacksonville, FL, Inc. for Station WJSJ(FM), Channel 287A, Fernandina Beach, Florida IS MODIFIED to specify operation on Channel 287A at Yulee, Florida, subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of Station WJSJ(FM) 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 conducted in accordance with 47 C.F.R. 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

10. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a) that the license of Tama Radio Licenses of Jacksonville, FL, Inc. for Station WSJF(FM), Channel 288C3, St. Augustine Beach, Florida, IS MODIFIED to specify operation on Channel 288C3 at St. Augustine Beach, Florida at coordinates 29-46-53 NL and 81-15-25 WL subject to the following conditions:

- (a) Within 90 days of the effective date of the *Order*, the licensee of Station WSJF(FM) 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 conducted in accordance with 47 C.F.R. 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 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

11. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (3)(l) of the Commission's rules, Tama Radio Licenses of Jacksonville, FL, Inc., licensee of Station WJSJ(FM), Channel 287A, Fernandina Beach, Florida is required to submit a rulemaking fee in addition to the fee required for the application to effectuate the community of license for Station WJSJ(FM) to specify operation on Channel 287A at Yulee, Florida at the time its Form 301 application is submitted.

12. IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

13. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
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Audio Division
Media Bureau