



Federal Communications Commission
Washington, D.C. 20554

October 18, 2007

DA 07-4328

In reply refer to:

1800B3-LAS/JP

Released: October 18, 2007

Joe McKissick, d/b/a
McKissick Enterprises
879 South Alabama Avenue
Monroeville, AL 36460

Brantley Broadcast Associates, LLC
415 College Street
Greenville, AL 36037

Re: **AM Broadcast Auction 84
MX Group 84-153**

WEZZ(AM), Monroeville, Alabama
Facility ID No. 40900
File No. BMJP-20040130AZP

**Application for Major Change in
Licensed AM Station**

Dear Applicant:

This letter is in reference to the above-captioned mutually exclusive application for a major change to Station WEZZ(AM), Monroeville, Alabama, filed by Joe McKissick d/b/a McKissick Enterprises ("McKissick").¹ This application was filed during the January 2004 filing window in which the Commission permitted the filing of proposals for new AM stations and major modifications to authorized AM facilities.² The Media Bureau and the Wireless Telecommunications Bureau (the "Bureaus") found McKissick's proposal to be mutually exclusive with six other applications, and the seven applications were designated as MX Group 84-153 in AM Auction 84.³ Accordingly, this application is subject to competitive bidding procedures.

On November 6, 2003, the Bureaus released a public notice announcing the January 2004 filing window and other procedures for Auction No. 84.⁴ In the *Auction No. 84 Filing Window Public Notice*, among other things, the Bureaus cautioned that "applicants will not be permitted to make major

¹ The application originally reflected a call sign of WYNI(AM).

² See "AM New Station and Major Modification Auction Filing Window; Minor Modification Application Freeze, Public Notice, 18 FCC Rcd 23016 (MB/WTB 2003) ("Auction No. 84 Filing Window Public Notice").

³ See *AM Auction No. 84 Mutually Exclusive Applications Subject to Auction; Settlement Period Announced for Certain Mutually Exclusive Application Groups; September 16, 2005 Deadline Established for Section 307(b) Submissions; AM New Station and Major Modification Auction Filing Window; Minor Modification Application Freeze*, Public Notice, 20 FCC Rcd 10563 (MB/WTB 2005).

⁴ See *Auction No. 84 Filing Window Public Notice*.

modifications to the FCC Form 175,”⁵ citing Section 1.2105(b) of the Commission’s rules.⁶ Section 1.2105(b)(2) states that “[m]ajor amendments cannot be made to a short-form application after the initial filing deadline. Major amendments include changes in ownership of the applicant that would constitute an assignment or transfer of control”⁷ The Bureaus further warned that “[a]pplicants will not be permitted to make major modifications to their applications (e.g., . . . change the certifying official or change control of the applicant . . .).”⁸

On January 30, 2004, McKissick filed a short-form application proposing to move Station WEZZ(AM) from Monroeville, Alabama to Harahan, Louisiana. Subsequently, on February 15, 2007, McKissick sought Commission approval to assign the license for WEZZ(AM) to Brantley Broadcast Associates, LLC (“Brantley”).⁹ The Media Bureau granted the application for assignment of the WEZZ(AM) license from McKissick to Brantley on April 30, 2007, and the parties consummated the transaction on June 6, 2007. The major change in ownership of Station WEZZ(AM) is a major amendment to McKissick’s short-form application that is prohibited by Section 1.2105(b)(2) of the Commission’s Rules. Because the competitive bidding rules do not permit major amendments to the short-form application after the initial application filing deadline, McKissick’s Auction 84 application must be dismissed.

Accordingly, the short-form application filed by McKissick for Auction No. 84 and the associated engineering data contained in the supplemental Form 301 Tech Box, File No. BMJP-20040130AZP, for a major modification to WEZZ(AM) ARE DISMISSED.

Sincerely,

Margaret W. Wiener
Chief, Auctions and Spectrum Access Division
Wireless Telecommunications Bureau

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Mark Lipp, Esq.

⁵ *Id.*, 18 FCC Rcd at 23018.

⁶ 47 C.F.R. § 1.2105(b)(2).

⁷ *Id.*; see also 47 C.F.R. § 1.65(b) (“Applications in . . . broadcast services subject to competitive bidding will be subject to the provisions of §§ 1.2105(b), 73.5002 and 73.3522 of this chapter regarding the modification of their applications.”).

⁸ *Auction No. 84 Filing Window Public Notice*, 18 FCC Rcd at 23021 (emphasis added); see also *Amendment of Part 1 of the Commission’s Rules – Competitive Bidding Procedures; Allocation of Spectrum Below 5 GHz Transferred from Federal Government Use – 4660-4685 MHz*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 13 FCC Rcd 374, 416 ¶¶ 69 (1997) (“As in all prior auctions, an application that is amended by a major amendment will be considered newly filed, and therefore will not be accepted after the short-form filing deadline.” citing 47 C.F.R. §§ 1.2105(b)(2)).

⁹ File No. BAL-20070215ABH.