



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

April 29, 2016

*In Reply Refer to:*  
1800B3-SNC

John S. Logan, Esq.  
Cooley LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004

Mark N. Lipp, Esq.  
Wiley Rein LLP  
1776 K Street, NW  
Washington, DC 20006

A. Wray Fitch, Esq.  
Gammon & Grange P.C.  
8280 Greensboro Drive  
7<sup>th</sup> Floor  
McLean, VA 22102

Elmore Stone & Caffey, PLLC  
5616 Kingston Pike  
Suite 301  
Knoxville, TN 37919

Re: Station WALR-FM, Palmetto, Georgia  
Cox Radio, Inc.  
Facility ID No. 48728  
File No. BPH-20130624ABZ

Station WVFJ-FM, Greenville, Georgia  
Radio Training Network, Inc.  
Facility ID No. 53679

File No. BLED-20130529ADX  
File No. BPED-20140214AAS

Station WCLE-FM, Calhoun, Tennessee  
Hartline, LLC  
Facility ID No. 55099  
File No. BPH-20130911ABJ

Dear Counsels:

This letter is in reference to the following:

- (1) minor change application BPH-20130624ABZ (WALR-FM Application) filed by Cox Radio, Inc. (Cox), licensee of commercial FM station WALR-FM, Facility ID No. 48728, Palmetto, Georgia;<sup>1</sup>
- (2) Informal Objections to the WALR-FM Application filed by Radio Training Network, Inc., licensee of commercial FM station WVFJ-FM, Facility ID No. 53679, Greenville, Georgia (RTNI Informal Objections),<sup>2</sup> and Cox opposition thereto;<sup>3</sup>
- (3) WVFJ-FM application for license BLED-20130529ADX (WVFJ-FM License Application) filed by RTNI;<sup>4</sup>
- (4) Informal Objection to WVFJ-FM License Application filed by Cox (Cox Informal Objection), RTNI opposition thereto, and Cox response to RTNI opposition;<sup>5</sup>
- (5) Informal Objection to minor change application BPH-20130911ABJ requesting modification of licensed facilities of station WCLE-FM, Facility ID No. 55099, Calhoun, Tennessee (WCLE-FM Application), filed by Cox.<sup>6</sup>
- (6) Petition for Reconsideration of grant of WVFJ-FM construction permit BPED-20140214AAS (WVFJ-FM CP) filed by Cox (Cox Petition) and RTNI's response thereto;<sup>7</sup>

For the reasons discussed below, we take the following actions:

- grant the RTNI Informal Objections to WALR-FM Application
- dismiss the WALR-FM Application
- deny the Cox Informal Objection to WVFJ-FM License Application
- grant the RTNI request to delete Special Operating Condition (SOC) 2 on WVFJ-FM CP BPH-20091124ACR
- grant the WVFJ-FM License Application
- deny the Cox Informal Objection to the WCLE-FM Application
- grant the WCLE-FM Application.
- deny the Cox Petition for reconsideration of grant of WVFJ-FM CP, delete SOC 8 on the WVFJ-FM CP, and affirm grant of WVFJ-FM CP.

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<sup>1</sup> File No. BLH-20070314ABH. WALR-FM is currently licensed to operate on channel 281C1 at Palmetto, Georgia.

<sup>2</sup> File No. BMLED-20110411ABY. WVFJ-FM is currently licensed to operate on channel 227C0 at Greenville, Georgia.

<sup>3</sup> RTNI initial Informal Objection (RTNI First Informal Objection) filed July 24, 2013. Cox responded with its Consolidated Reply and Opposition of Cox Radio, Inc. to Opposition and Informal Objection of Radio Training Network (Cox Reply and Opposition) to the RTNI First Informal Objection on August 14, 2013. RTNI filed its second Informal Objection entitled Informal Objection to Amendment and Request for Waiver (RTNI Second Informal Objection) on October 29, 2013.

<sup>4</sup> Application for license to cover Construction Permit (CP) BPH-20091124ACR. At the time of initial filing and grant of this CP, WVFJ-FM was a commercial FM station. With the grant and consummation of application BALH-20101112AVO, WVFJ-FM became a noncommercial educational FM station.

<sup>5</sup> Cox Informal Objection filed July 3, 2013. RTNI Opposition to Informal Objection (RTNI Opposition) filed July 24, 2013, and Cox Reply and Opposition filed on August 14, 2013.

<sup>6</sup> Cox Informal Objection to WCLE-FM Application filed November 25, 2013.

<sup>7</sup> Cox Petition filed April 18, 2014. RTNI Opposition to Petition for Reconsideration (RTNI Opposition to Petition) filed May 1, 2014.

*Background.* The amalgamation of applications and pleadings addressed herein is the aftermath of a failed attempt by three FM station licensees to achieve mutually agreed upon, contingent facility modifications.

On November 24, 2009, the licensees of FM stations WALR-FM, WVFJ-FM and WSRM(FM), Facility ID No. 30623, Coosa, Georgia, submitted contingent applications<sup>8</sup> requesting the following coordinated changes to the FM Table of Allotments<sup>9</sup> and modification of each station's licensed facilities:

Community	Channel Number
Greenville, Georgia	Delete 281C0, Add 227C0
Manchester, Georgia	Delete 227C1
Palmetto, Georgia	Add 281C1

WALR-FM proposed changing its community of license to Palmetto, Georgia, from Greenville, Georgia, downgrading to channel 281C1 from channel 281C0, and relocating its transmitting facilities to a new site. WVFJ-FM proposed changing its community of license to Greenville, Georgia, from Manchester, Georgia, and upgrading to channel 227C0 from channel 227C1 at its licensed site. WSRM(FM) proposed relocating its transmitting facilities to a new site, increasing effective radiated power, decreasing antenna height above average terrain, and changing from a directional to a nondirectional antenna. The contingent applications were granted on April 29, 2010. At the time of the CP grants, the requested modifications of the FM Table of Allotments were made, and the licenses of WALR-FM<sup>10</sup> and WVFJ-FM<sup>11</sup> were modified to specify operation on the new channels at the new communities of license. Specifically, the license of WALR-FM was modified to specify operation on channel 281C1 at Palmetto, Georgia, and the license of WVFJ-FM was modified to specify operation on channel 227C0 at Greenville, Georgia. WSRM(FM) remained on its licensed channel at its licensed community, so there was no modification of the WSRM(FM) license required. The permittees were given 36 months from the date the applications were granted, until April 29, 2013, to construct and be ready to operate the authorized, coordinated facility changes. Commencement of program test authority (PTA) and grant of a license for the authorized WALR-FM facilities were conditioned on commencement of PTA and license grant for the authorized WVFJ-FM facilities by a SOC on WALR-FM CP BPH-20091124ABA.<sup>12</sup> Likewise, commencement of PTA and grant of a license for the authorized WVFJ-FM facilities were conditioned on commencement of PTA and license grant for the authorized WALR-FM facilities by a SOC on WVFJ-FM CP BPH-20091124ACR.<sup>13</sup>

By the end of the allowable construction period, only WVFJ-FM constructed its authorized facilities. The permittees of both WALR-FM and WSRM(FM) failed to complete construction of their authorized facilities, and their CPs expired as a matter of law on April 29, 2013. RTNI had sought and obtained tolling of the WVFJ-FM CP expiration date in advance of the expiration date of all three contingent CPs due to WALR-FM's failure to construct its authorized facilities, and could have chosen to wait to construct its authorized facilities beyond the original CP expiration date. However, in keeping with its commitments in the Memorandum of Agreements submitted by the permittees in each respective contingent application, RTNI chose to timely construct the WVFJ-FM facilities authorized by WVFJ-FM CP BPH-20091124ACR, and

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<sup>8</sup> File Nos. BPH-20091124ABA, BPH-20091124ACR, and BPH-20091124AAV, respectively.

<sup>9</sup> 47 CFR § 73.202(b) (Section 73.202)(b)).

<sup>10</sup> File No. BLH-20070314ABH.

<sup>11</sup> File No. BMLH-20030220AAJ.

<sup>12</sup> See SOC 4 on WALR-FM CP BPH-20091124ABA.

<sup>13</sup> See SOC 2 on WVFJ-FM CP BPH-20091124ACR.

filed the WVFJ-FM License Application and request for PTA for those facilities.<sup>14</sup> Included in the WVFJ-FM License Application was a request to delete the SOC on the WVFJ-FM CP restricting WVFJ-FM commencement of PTA for its newly constructed facilities.<sup>15</sup> Cox objected to the deletion of the SOC and grant of PTA for the authorized WVFJ-FM facilities on its contentions that WVMJ-FM is required to protect the licensed WALR-FM facilities until a license is granted for the modified facilities authorized by WALR-FM CP BPH-20091124ABA (WALR-FM CP), and that the public would be better served by grant of the WALR-FM Application.<sup>16</sup> RTNI responded, stating that the WALR-FM license modification specifying the new class and community was final 30 days after the grant of the WALR-FM CP, and questioning Cox's desire and efforts to construct the facilities authorized by the WALR-FM CP, as well as the *bona fides* of the WALR-FM Application.<sup>17</sup> In its further response to RTNI, Cox recounts, in detail, its failed efforts to construct the facilities authorized by the WALR-FM CP,<sup>18</sup> and its continued reliance on its contention that the licensed WALR-FM facilities must be protected from interference by WVFJ-FM.<sup>19</sup> WVFJ-FM was granted PTA on November 1, 2013, and RTNI subsequently sought and received the WVFJ-FM CP to increase effective radiated power (ERP) to 57 kilowatts and install a directional antenna.

As noted above, following its failure to construct the facilities authorized by the WALR-FM CP, Cox submitted the WALR-FM Application seeking authorization to return to its formerly licensed channel and facilities to serve its modified community of license, Palmetto, Georgia. Cox based the application on its assertions that the licensed WALR-FM channel 281C0 facilities were not modified by the grant of the WALR-FM CP and remain fully protected until the facilities authorized by the WALR-FM CP are licensed, and that WVFJ-FM CP BPH-20091124ACR expired on April 10, 2013.<sup>20</sup> RTNI objected to the WALR-FM Application, claiming that the action modifying the WALR-FM station class and community of license in the FM Table of Allotments<sup>21</sup> became effective over three years before without any dissent concerning or request for reconsideration of the WALR-FM license modification from Cox.<sup>22</sup> RTNI also opined *arguendo* that if the WALR-FM license modification is not effective until a license for the facilities authorized by the WALR-FM CP is granted, then Cox cannot propose Palmetto, Georgia, as its community of license in the WALR-FM Application without submitting the community of license change request and exhibits required under Rural Radio policies,<sup>23</sup> and WALR-FM is still licensed at Greenville, Georgia. Furthermore, RTNI points out that in addition to its reliance on the finality of the modification of the WALR-FM facilities and license by the WALR-FM CP, Hartline, LLC, licensee of WCLE-FM, Calhoun, Tennessee, relied on it as well when it filed minor change applications in 2010 and 2013.<sup>24</sup>

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<sup>14</sup> File Nos. BLED-20130529ADX and 20130529ASW, respectively.

<sup>15</sup> WVFJ-FM License Application at Exhibit 2.

<sup>16</sup> Cox Informal Objection at 3-6.

<sup>17</sup> RTNI Opposition at 2-4.

<sup>18</sup> Cox Reply and Opposition at 1-6.

<sup>19</sup> *Id.* at 5-8.

<sup>20</sup> WALR-FM Application at Exhibit 30.

<sup>21</sup> 47 CFR §73.202.

<sup>22</sup> RTNI First Informal Objection at 1-2

<sup>23</sup> *See Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556 (2011); Second Order on Reconsideration, 27 FCC Rcd 12829 (2012)(Rural Radio).

<sup>24</sup> The facilities proposed in the pending WCLE-FM Application, which is objected to by Cox, are identical to those authorized by WCLE-FM CP BPH-20100528ABQ, operation of which were conditioned on the commencement of operation of the modified WALR-FM facilities authorized by the WALR-FM CP (SOC 3 on the CP). Cox did not oppose WCLE-FM application BPH-20100528ABQ.

Staff review of the WALR-FM Application determined that the facilities proposed therein violated Section 73.207 of the Commission's Rules<sup>25</sup> with respect to the authorized WVFJ-FM facilities,<sup>26</sup> and that an amendment to the application was necessary to cure this application defect. On August 5, 2013, Commission staff sent Cox a letter<sup>27</sup> identifying the application defect, rejecting Cox's application basis,<sup>28</sup> and specifying a 30 day period in which an amendment to the WALR-FM Application curing all tender and acceptance defects in the application must be filed. In response to this letter, rather than amending the application to correct the stated defect and submit a rule-compliant application, Cox stuck with its original proposal, and, "as an alternative option (and without prejudice to Cox's rights) should the Commission ultimately rule that WALR-FM lost frequency protection when the Commission granted the one-step downgrade and changed the community of license for WALR-FM,"<sup>29</sup> sought waiver of Section 73.207 of the Commission's rules to permit the unacceptable short spacing with the authorized WVFJ-FM facilities. Following submission of this amendment, RTNI submitted another objection to the WALR-FM Application,<sup>30</sup> adding its opposition to the Cox request for waiver of Section 73.207 to permit the proposed WALR-FM short-spacing to the authorized WVFJ-FM facilities to its previously submitted objections.

As mentioned earlier, WCLE-FM licensee, Hartline, LLC, was prevented from modifying the WCLE-FM facilities in accordance with CP BPH-20100528ABQ (WCLE-FM CP) by Cox's failure to construct the WALR-FM facilities authorized by the WALR-FM CP, and the WCLE-FM CP expired as a matter of law on June 23, 2013.<sup>31</sup> As a result, Hartline, LLC then filed the WCLE-FM Application, specifying exactly the same facilities authorized by the WCLE-FM CP. However, the facilities proposed in the WCLE-FM Application are short-spaced with the Class C0 facilities proposed in the WALR-FM Application. Since Cox filed the WALR-FM Application before Hartline, LLC filed the WCLE-FM Application, pursuant to Section 73.3573(f)(1) of the Commission's Rules,<sup>32</sup> the WCLE-FM Application is in queue behind the WALR-FM Application. Citing the short-spacing of the facilities proposed in the WCLE-FM Application with those proposed in the WALR-FM Application, Cox objected to the WCLE-FM Application and requested its dismissal.<sup>33</sup>

Last in this daisy chain of related applications and pleadings, is the filing of the Cox Petition requesting that the Commission rescind the grant of the WVFJ-FM CP authorizing an increase in WVFJ-FM ERP and use of a directional antenna. Cox asserts that the WVFJ-FM CP should not have been granted because it conflicts with the pending WALR-FM Application, and, pursuant to Section 73.3573(f)(1), the WALR-FM Application should have been given priority over the WVFJ-FM CP application. Cox claims that the Commission impermissibly disregarded the WALR-FM Application when it granted the WVFJ-FM CP,

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<sup>25</sup> 47 CFR §73.207.

<sup>26</sup> File No. BPH-20091124ACR.

<sup>27</sup> Letter from Rodolfo F. Bonacci, Assistant Chief, Audio Division, FCC Media Bureau, to Cox Radio, Inc. at 1 (August 5, 2013) (Bonacci Letter).

<sup>28</sup> Staff stated in Bonacci Letter "Co-channel downgrades are not effectuated until a license is granted to cover the permit and thus, the previous license remains protected. However, construction permit BPH-20091124ABA proposed the modification of its community to Palmetto, GA with Class C1 facilities. The grant of this permit modified WALR's assignment and license to specify both Palmetto, GA, and Channel 281C1. WALR's licensed facility in Greenville, TN [*sic*] on Channel 281C0 operates via an implied Special Temporary Authority and is no longer afforded protection. Therefore, Cox is required to either implement the Channel 281C1 assignment in Palmetto, GA or specify a rule compliant application protecting WVFJ's construction permit (BPH-20091124ACR)."

<sup>29</sup> WALR-FM Application at Exhibit 30-A.

<sup>30</sup> RTNI Second Informal Objection.

<sup>31</sup> SOC 3 on the WCLE-FM CP conditioned WCLE-FM commencement of PTA on commencement of PTA by the WALR-FM facilities authorized by the WALR-FM CP.

<sup>32</sup> 47 CFR § 73.3573(f)(1) (Section 73.3573(f)(1)).

<sup>33</sup> Cox Informal Objection.

and that the Commission's prompt action on the CP application prevented Cox from objecting to the WVFJ-FM CP application before its grant. Nonetheless, Cox states in its petition that it would have no objection to grant of the WVFJ-FM CP if the WALR-FM Application were granted as well, since WALR-FM has been operating with the facilities proposed in the WALR-FM Application and WVFJ-FM has been operating pursuant to PTA since November 2013 without any reported interference occurring, despite the short spacing between the proposed WALR-FM facilities and the WVFJ-FM facilities authorized by CP BPH-20091124ACR. RTNI responded to the Cox Petition, contesting Cox's standing to file the Cox Petition, and arguing that the short-spacing between the WALR-FM facilities proposed in the WALR-FM Application and the authorized WVFJ-FM facilities was not created by grant of the WVFJ-FM CP.<sup>34</sup>

*Discussion.* Despite Cox's oft-repeated claims to the contrary in the WALR-FM Application and the other pleadings addressed herein, we agree with RTNI that there is no ambiguity in SOC 1 on the WALR-FM CP which states that WALR-FM license BLH-20070314ABH is modified to specify operation on channel 281C1 at Palmetto, Georgia, in lieu of channel of channel 281C0 at Greenville, Georgia, upon grant of the WALR-FM CP. The WALR-FM channel substitution and license modification was effective, as stated in WALR-FM SOC 1, on April 29, 2010, and, according to long-standing and often cited Commission action,<sup>35</sup> WALR-FM is currently operating its formerly licensed channel 281C0 facilities pursuant to an implied STA, and these facilities are no longer afforded protection.<sup>36</sup> Despite Cox's failure to construct the facilities authorized by the WALR-FM CP and the subsequent expiration of the WALR-FM CP, the substitution of channel 281C1 at Palmetto, Georgia, and the modification of the WALR-FM license remain in force.

In order for WALR-FM to return to protected operation for its formerly licensed channel 281C0 facilities, the facilities proposed in the WALR-FM Application must meet the same requirements as the proposed facilities in any other minor change application submitted by an existing FM station proposing a channel substitution.

First, the proposal must meet the requirements of Section 73.203(b) and the Note to Section 73.203 of the Commission's Rules.<sup>37</sup> If an applicant requesting a minor change channel substitution does not propose a fully-spaced transmitter site in its application, i.e., one that meets all of the minimum distance separation requirements of Section 73.207 of the Commission's rules<sup>38</sup> toward all existing and known pending FM assignments and allotments, the applicant must specify an allotment reference site that meets all of the minimum distance separation requirements of Section 73.207, and, assuming maximum permissible facilities for the proposed station class located at this reference site, is predicted to provide 70 dBμ or greater signal strength over 100 percent of the proposed community of license. As our studies show and Cox recognizes in the WALR-FM Application, the WALR-FM channel 281C0 transmitter site specified therein<sup>39</sup> is short-spaced to the following stations: 1) licensed WDDK(FM), channel 280A, Greensboro, Georgia;<sup>40</sup> 2) licensed

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<sup>34</sup> RTNI Opposition to Petition.

<sup>35</sup> See *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17625, 17540 n. 55 (1999)(subsequent history omitted).

<sup>36</sup> If the staff had determined that WALR-FM application BPH-20091124ABA in the contingent application group warranted treatment as a pure FM facility downgrade application, which it did not, staff would have imposed the following SOC on the WALR-FM CP in lieu of the one specified thereon:

Upon grant of a license application to cover this construction permit, the assignment will be downgraded as follows:

Community	Channel No.
Palmetto, GA	Add 281C1, Delete 281C0.

<sup>37</sup> 47 CFR § 73.203(b) and Note to § 73.203.

<sup>38</sup> 47 CFR § 73.207 (Section 73.207).

<sup>39</sup> 33° 24' 43" North Latitude, 84° 50' 03" West Longitude, referenced to 1927 North American Datum (NAD 27).

<sup>40</sup> File No. BLH-19981127KC.

WCLE-FM, channel 281A, Calhoun, Tennessee;<sup>41</sup> 3) licensed WZTR(FM), channel 282A, Dahlonega, Georgia;<sup>42</sup> and 4) authorized WVFJ-FM, channel 227C0, Greeneville, Georgia.<sup>43</sup> Therefore, to be a viable channel substitution application, Cox is required to specify an allotment reference site in the WALR-FM Application that meets all of the minimum distance separation requirements of Section 73.207 to all existing and known pending FM assignments and allotments before staff will begin to assess the merits of the application as a whole. Our studies show that the channel 281C0 allotment reference site specified in the WALR-FM Application<sup>44</sup> is short spaced to the licensed WCLE-FM, channel 281A, Calhoun, Tennessee, facilities, and the licensed WZTR(FM), channel 282A, Dahlonega, Georgia, facilities.<sup>45</sup> Thus, Cox failed to specify an acceptable channel 281C0 allotment reference site in the WALR-FM Application.

Second, an applicant proposing a minor change channel substitution using a short-spaced transmitter site must also show that the proposed short-spaced facilities meet the minimum distance separation requirements and contour protection requirements of Section 73.215 of the Commission's rules to all existing and known pending FM assignments and allotments,<sup>46</sup> as well as the principal community coverage requirements of Section 73.315. In the WALR-FM Application, Cox demonstrates that the facilities proposed therein meet the minimum distance separation and contour protection requirements of Section 73.215 with respect to WDDK(FM), WCLE-FM, and WZTR(FM). However, since the Commission did not adopt any provisions in Section 73.215 governing use of short-spaced transmitter sites for FM stations separated in frequency by 53 or 54 channels (IF channels), WALR-FM cannot resort to use of the provisions of Section 73.215 for the proposed short-spacing with the authorized WVFJ-FM facilities.<sup>47</sup> Cox recognized this in the WALR-FM Application, and sought waiver of Section 73.207 with respect to the authorized WVFJ-FM facilities, by attempting to justify the waiver based on the claim that it is simply maintaining an existing short-spacing. However, as noted above, WALR-FM is currently operating via an implied STA, and the STA facilities of are not afforded any protection.<sup>48</sup>

The channel 281C0 facilities proposed in the WALR-FM Application do not meet the Section 73.203 and Section 73.3573 requirements for an FM station proposing use of a short-spaced transmitter site in a channel substitution application, *i.e.*, the existence of a fully-spaced allotment reference site from which required principal community coverage can be achieved using maximum permissible facilities for the class of station proposed. Consequently, these rule violations render Commission consideration of the Cox request for waiver of Section 73.207 to permit the proposed short-spacing to the authorized WVFJ-FM facilities moot, and require dismissal of the WALR-FM Application. Accordingly, we will grant the RTNI Informal Objections to the WALR-FM Application, dismiss as moot the Cox request for waiver of Section 73.207, and dismiss the WALR-FM Application for violation of Sections 73.203 and 73.3573.

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<sup>41</sup> File No. BLH-20040709ACQ.

<sup>42</sup> File No. BLH-20040709ACR.

<sup>43</sup> File No. BPH-20091124ACR.

<sup>44</sup> 33° 24' 53" North Latitude, 84° 57' 35" West Longitude, referenced to NAD 27.

<sup>45</sup> Section 73.207 requires a minimum distance of 215 kilometers between Class C0 and Class A FM stations on the same channel, and a minimum distance of 152 kilometers between Class C0 and Class A FM stations on first-adjacent channels. The proposed WALR-FM allotment reference site and the licensed WCLE-FM transmitter site are only 205.7 kilometers apart. The proposed WALR-FM allotment reference site and the licensed WZTR(FM) transmitter site are only 142.0 kilometers apart.

<sup>46</sup> 47 CFR § 73.215 (Section 73.215).

<sup>47</sup> Section 73.207 requires a minimum distance of 41 kilometers between Class C0 FM stations operating on IF channels. The proposed WALR-FM and authorized WVFJ-FM transmitter sites are only 36.6 kilometers apart.

<sup>48</sup> See Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Liberman Broadcasting of Dallas, 25 FCC Rcd 4765 (2010). "[...stations operating with STAs – express or implied – are entitled to no protection from operating stations, construction permits, pending applications or subsequently filed applications.]"

As stated above, we agree with RTNI that the WALR-FM license was modified to specify operation on channel 281C1 at Palmetto, Georgia, when WALR-FM CP BPH-20091124ABA was granted; the formerly licensed WALR-FM facilities are operating pursuant to an implied STA; and WVFJ-FM is no longer required to protect the formerly licensed WALR-FM channel 281C0 facilities. Therefore, we find that there is no basis for Cox's objection to the WVFJ-FM License Application. For these reasons, we will deny the Cox Informal Objection to the WVFJ-FM License Application, grant the RTNI request for deletion of SOC 2 on WVFJ-FM CP BPH-20091124ACR, and grant the WVFJ-FM License Application.

The dismissal of the WALR-FM Application moots Cox's Informal Objection to the WCLE-FM Application arguments concerning the rights of the WALR-FM Application versus the rights of the WCLE-FM Application, and dissolves the queue containing the applications. Therefore, we will deny the Cox Informal Objection to the WCLE-FM Application, and, since our review of the WCLE-FM Application shows that it is rule-compliant, grant the WCLE-FM Application.

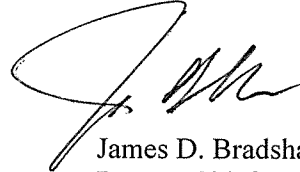
Cox seeks rescission of the grant of the WVFJ-FM CP, alleging that the authorized facilities conflict with the channel 281C0 facilities proposed in the pending WALR-FM Application that was filed before the WVFJ-FM CP application. RTNI responded, stating its belief that Commission grant of the WVFJ-FM CP was in accordance with all Commission rules and policies, rightfully questioning Cox's standing to file the petition given that Cox did not object to the application while it was pending, and stating that the short spacing upon which Cox based its petition was created by Cox when it filed the WALR-FM Application. We agree with RTNI that the WVFJ-FM short spacing with WALR-FM was created by Cox in the WALR-FM Application. We further agree with RTNI that grant of the WVFJ-FM CP was warranted and in accordance with all Commission rules. For these reasons, we will deny the Cox Petition, delete SOC 8 on the WVFJ-FM CP, and affirm grant of the WVFJ-FM CP.

*Actions.* Accordingly, IT IS ORDERED that the Informal Objections to WALR-FM construction permit application BPH-20130624ABZ submitted by Radio Training Network, Inc. ARE GRANTED, the request for waiver of Section 73.207 SUBMITTED BY Cox Radio, Inc. IS DISMISSED, and WALR-FM application BPH-20130624ABZ IS DISMISSED. IT IS FURTHER ORDERED that the Informal Objection to WVFJ-FM license application BLED-20130529ADX submitted by Cox Radio, Inc. IS DENIED, the request for deletion of Special Operating Condition 2 on WVFJ-FM CP BPH-20091124ACR submitted by RTNI IS GRANTED, and WVFJ-FM application BLED-20130529ADX IS GRANTED. IT IS FURTHER ORDERED that the Informal Objection to WCLE-FM construction permit application BPH-20130911ABJ

submitted by Cox Radio, Inc. IS DENIED, and WCLE-FM application BPH-20130911ABJ IS GRANTED. IT IS FURTHER ORDERED that the Petition for Reconsideration of grant of WVFJ-FM construction permit BPED-20140214AAS submitted by Cox Radio, Inc. IS DENIED, Special Operating Condition 8 on WVFJ-FM construction permit BPED-20140214AAS IS DELETED, and the grant of WVFJ-FM construction permit BPED-20140214AAS is affirmed.

These actions are taken pursuant to Section 0.283 of the Commission's rules.<sup>49</sup>

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradshaw', written over a horizontal line.

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: Cox Radio Inc.  
Radio Training Network, Inc.  
Hartline, LLC

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<sup>49</sup> 47 CFR § 0.283.