

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET SW**  
**WASHINGTON DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio](http://www.fcc.gov/mb/audio)

**JAN 18 2013**

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**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Three Notch Communications, LLC  
P.O. Box 987  
Andalusia, AL 36420

In re: WAAO-FM, Andalusia, AL  
Facility ID No.: 13502  
Three Notch Communications, LLC  
BMLH-19900212KF

WJRL-FM, Fort Rucker, AL  
Facility ID No.: 63945  
Southeast Alabama Broadcasters, LLC  
BPH-20121119ANF

Dear Applicant:

In accordance with procedures adopted by the Commission,<sup>1</sup> this letter constitutes notification to Three Notch Communications, LLC ("Three Notch") of the filing of the above captioned minor change construction permit application (BPH-20121119ANF) by Southeast Alabama Broadcasters, LLC ("Southeast"), licensee of station WJRL-FM, Fort Rucker, AL. Southeast's application requests the substitution of Channel 229A for Channel 279A at Andalusia, Alabama and modification of the FM Station WAAO license accordingly.<sup>2</sup>

Section 316(a) of the Communications Act of 1934, as amended,<sup>3</sup> permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.<sup>4</sup> We find that the

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<sup>1</sup> See *Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket No. 05-210, FCC 06-163 (rel. Nov. 29, 2006).

<sup>2</sup> The license of FM Station WAAO-FM at Andalusia, Alabama can be modified to specify operation on Channel 229A in lieu of Channel 279A at the station's current authorized transmitter site (BMLH-19900212KF). The licensed coordinates for FM Station WAAO at Andalusia, AL are 31-20-27 NL and 86-28-02 WL.

<sup>3</sup> 47 U.S.C. § 316(a) (the "Act").

<sup>4</sup> See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

Southeast application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, with regard to the channel substitution, Southeast states that it would reimburse Three Notch for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.<sup>5</sup>

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, Three Notch, SHALL SHOW CAUSE why its permit SHOULD NOT BE MODIFIED to specify Channel 229A in lieu of Channel 279A. Three Notch, not later than 30 days from the date of this letter, file a written statement showing with particularity why their respective permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the respective licensee will be deemed to have consented to the respective modification as proposed in this *Order to Show Cause* and its assignment will be modified to specify the new channel.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: John Neely, Esq.

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<sup>5</sup> See *Circleville, Ohio*, 8 FCC 2d 159 (1967).