

# FEDERAL COMMUNICATIONS COMMISSION

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May 16, 2009

Mr. Matthew Wesolowski  
c/o SSR Communications, Inc. / WYAB  
740 Highway 49, Suite R  
Flora, MS 39071

In re: WYAB (FM); Flora, MS  
SSR Communications, Inc.  
Facility ID No. 77646  
CP application BPH-20090420ACQ

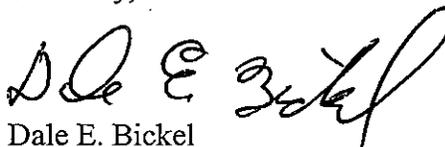
Dear Mr. Wesolowski:

This letter is in reference to your application for WYAB (FM), Flora, MS, which proposes to upgrade that station from Class A to Class C3 on Channel 280. To meet the spacing requirements of Section 73.207, your application proposes the involuntary modification of WCLD-FM, Cleveland, MS from Channel 280C3 to Channel 225C3. You allege that WDTL-FM, which presently occupies Channel 225C3, has been silent for more than a year and so has forfeited its license, as a matter of law under 47 U.S.C. Section 312(g). According to the reasoning in your application, this makes the spectrum available for WCLD-FM.

Radio Cleveland, Inc., licensee of WCLD-FM, filed an informal objection against your application on May 12, 2009. In its objection, Radio Cleveland points out that the Commission has not issued any ruling on the status of WDTL-FM's licensed operation, and so Channel 225C3 cannot be considered vacant. Thus, according to Radio Cleveland, the application is fatally flawed and must be dismissed.

We agree with Radio Cleveland on the gravamen of its objection. Nor does your minor change application raise any direct challenge against the status of WDTL-FM's license, and so it cannot be addressed in that context. Finally, even were WDTL-FM's license to be declared forfeited this minute, still the vacant allotment would remain. Typically, this vacant allotment would be made available for new station applications in a future auction. Removal of the existing Channel 225C3 allotment (to make it available for WCLD-FM) could only be accomplished via a petition for rulemaking seeking to delete the channel. This has not been filed. Consequently, your application is unacceptable for filing and IS DISMISSED.

Sincerely,



Dale E. Bickel  
Senior Engineer  
Audio Division  
Media Bureau

cc: Fletcher, Heald and Hildreth, P.L.C.