



Federal Communications Commission
Washington, D.C. 20554

March 1, 2013

In Reply Refer to:
1800B3-RFS

Christopher D. Imlay, Esq.
Booth, Freret, Imlay & Tepper, P.C.
14356 Cape May Road
Silver Spring, MD 20904-6011

Re: WMGG(AM), Dunedin, Florida
Facility ID Number: 67135
File No: BP-20120808ABK

Dear Mr. Imlay:

This letter refers to the minor change application (the "Application") of Genesis Communications of Tampa Bay, Inc. ("Genesis Communications"), licensee of Station WMGG(AM), 1470 kHz, Dunedin, Florida. The Application proposes the city of license modification for Station WMGG(AM) from Dunedin, Florida, to Egypt Lake, Florida,¹ as the community's second local service. For the reasons discussed below, we direct Genesis Communications to amend the Application.

Background. The Application was filed pursuant to Section 73.3571(j) of the Commission's Rules,² which set forth the requirements for modification of an AM Station license to specify a new community of license without providing an opportunity for competing expressions of interest. Among other requirements, an application for such a minor modification must demonstrate that the proposed change of community constitutes preferential arrangement of allotments.³ We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.⁴

Genesis Communications claims that the proposed city of license modification for Station WMGG(AM) results in a preferential arrangement of allotments under Priority (4).⁵ It states that the communities of Dunedin and Egypt Lake are both located within the Tampa-St. Petersburg-Clearwater, Florida Urbanized Area ("Tampa UA"), and their populations are comparable. Genesis Communications contends that both communities are considered well-served with five or more aural reception services and no white or gray areas would be created by the proposed relocation of Station WMGG(AM). It argues

¹ Egypt Lake, Florida is referred to as Egypt Lake-Leto, Florida. According to the U.S. Census, the community is considered a census designated place ("CDP").

² 47 C.F.R. § 73.3571(j).

³ See *Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

⁴ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

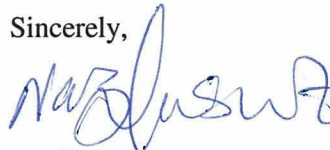
⁵ *Id.*

that the proposed relocation to Egypt Lake, Florida would overcome severe interference to Station WMGG(AM) from its existing daytime and nighttime facilities.

Discussion. We find that the proposed reallocation from Dunedin, Florida (2010 U.S. Census population of 35,321 persons), to Egypt Lake, Florida (2010 U.S. Census population of 35,282 persons) would create un-served and underserved areas in Station WMGG(AM)'s loss area. Specifically, a staff engineering analysis determined that the proposed Station WMGG(AM) relocation to Egypt Lake would result in a net loss of 195,870 persons; and create a white area of 54.6 km² (no aural reception service) containing 95 persons and a gray area of 54.6 km² (one aural reception service) containing 170 persons. Additionally, the relocation would leave 29 persons in 15 km² with two aural reception services, 44 persons in 89 km² with three aural reception services, and 1,492 persons in 151 km² with four aural reception services.⁶ In the *Second R&O*, the Commission imposed an absolute bar to any facility modification that would create white or gray area.⁷ Moreover, Station WMGG(AM) provides a second local service to Dunedin, a community with a 2010 U.S. Census population of 35,321 persons. The Commission stated in the *Second R&O* that it strongly disfavors the removal of a second local service to a community larger than 7500 persons.⁸ Based on the foregoing, we find that the retention of Station WMGG(AM) at Dunedin, Florida triggers a higher allotment priority, Priority (1) of the four allotment priorities because it would provide a first fulltime aural reception service to 95 persons, whereas the relocation of Station WMGG(AM) to Egypt Lake, Florida only triggers Priority (4).⁹ Therefore, we conclude that the proposed city of license modification would not be in the public interest.

Conclusion. Accordingly, for the reason discussed above, further action on the subject application will be withheld for thirty (30) days from the date of this letter in order to provide an opportunity to file a curative electronic amendment. Failure to respond or file an amendment within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the Rules.

Sincerely,



Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

cc: Ralph Ray Barnes, Engineering Consultant

⁶ The gain and loss population calculations are based upon the new criteria set forth in the *Second Order on Reconsideration*. See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Policies*, Second Order on Reconsideration, FCC 12-127 ¶¶ 14-17 (rel. Oct. 12, 2012) (“*Second Order on Reconsideration*”).

⁷ *Second R&O* at 2577 ¶ 39.

⁸ *Second R&O* at 2578 ¶ 39.

⁹ *Id.* note 4.