

**AIREN BROADCASTING COMPANY  
KZCC(FM)  
FCC Form 301**

**Preferential Arrangement of Allotments Pursuant to 47 U.S.C. Sec. 307(b)**

This application seeks to change the community specified for construction of radio station KZCC(FM), Facility ID No. 164090, from McCloud, California<sup>1</sup>, which currently has two unbuilt allotments, to provide first transmission service, instead, to Trinidad, California.<sup>2</sup>

Although the KZCC construction permit was the first authorization to construct at McCloud, the Commission has since ordered its staff to approve a second construction permit at McCloud for a new FM station (Facility ID No. 61355), subject to a thirty day filing window that has now passed without objection. *Comparative Consideration of 76 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, FCC 07-40 (rel. Mar. 27, 2007). Upon completion of processing pursuant to the Commission's order, McCloud will then have two issued construction permits and, eventually, two transmission services to serve its small population.<sup>3</sup>

KZCC proposes, therefore, to change its specified community to Trinidad, an incorporated municipality in Humboldt County, California. As noted, Trinidad has no local transmission service. KZCC proposes to bring Trinidad its first local transmission

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<sup>1</sup> Population 1,343 (2000 Census) Source:  
[http://factfinder.census.gov/servlet/SAFFFacts?\\_event=Search&geo\\_id=&\\_geoContext=&\\_street=&\\_county=mccloud&\\_cityTown=mccloud&\\_state=04000US06&\\_zip=&\\_lang=en&\\_sse=on&pctxt=fph&pgsl=010&show\\_2003\\_tab=&redirect=Y](http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo_id=&_geoContext=&_street=&_county=mccloud&_cityTown=mccloud&_state=04000US06&_zip=&_lang=en&_sse=on&pctxt=fph&pgsl=010&show_2003_tab=&redirect=Y)

<sup>2</sup> Population 311 (2000 Census) Source:  
[http://factfinder.census.gov/servlet/SAFFFacts?\\_event=Search&geo\\_id=&\\_geoContext=&\\_street=&\\_county=trinidad&\\_cityTown=trinidad&\\_state=04000US06&\\_zip=&\\_lang=en&\\_sse=on&pctxt=fph&pgsl=010&show\\_2003\\_tab=&redirect=Y](http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo_id=&_geoContext=&_street=&_county=trinidad&_cityTown=trinidad&_state=04000US06&_zip=&_lang=en&_sse=on&pctxt=fph&pgsl=010&show_2003_tab=&redirect=Y)

<sup>3</sup> To the extent required, the applicant hereby requests any needed waivers to allow this application to go forward. Due to severe mountaintop winter weather in the area and the time constraint of a construction permit that expires in February 2008, KZCC has but a short fair weather window in which to install the facilities required to implement this proposal. It, therefore, requests expedited Commission processing without waiting for ultimate grant of the other McCloud permit. Insofar as the Commission has ordered the grant, and it is only a matter of time until that order is carried out, no interest will be harmed by grant of KZCC's community change. Indeed, given the weather-related construction hindrances typical of this region's winter, the public interest in rapid commencement of service militates for expedited processing and grant of KZCC's community change request.

service. Under this plan, McCloud will maintain an allotment and a pending application for a construction permit for that allotment.

The proposed relocation of KZCC from its current community of McCloud, California to the proposed community of Trinidad, California represents a preferential arrangement of allotments pursuant to Section 307(b) of the Communications Act of 1934, as amended, for the following reasons:

- (1) The proposed re-allocation of KZCC to Trinidad will bring that community its first local transmission service. This is a high priority (Priority 3) in allocation decision-making weighing heavily in favor of the proposed minor change. *See FM Assignment Policies*, 90 FCC 2d 88 (1982).
- (2) As an incorporated municipality listed in the U.S. Census, Trinidad is among the geographic places normally entitled to an allocation, subject to distribution of service analysis under Section 307(b). *Id.* at para. 34.
- (3) Providing Trinidad with an allotment for first local transmission service better serves the public interest under Section 307(b) than maintaining two allotments in McCloud. The proposed community change invokes a higher priority than would the maintenance of a second allotment in McCloud. Pursuant to the proposed KZCC community change to Trinidad, two communities would each benefit from an allotment.<sup>4</sup> By contrast, the *status quo* would leave one community wholly without local transmission service to retain two allotments in another community. As no community, under this proposal, would be left without an allotment, the proposal clearly comports with the mandates of Section 307(b). *See Arapaho, Edmond, Oklahoma City, Ponca City, Stillwater, The Village and Woodward, Oklahoma*, DA-07-2092 (Rel. May 18, 2007) (holding a smaller community's gain of first transmission service has priority over maintenance of that allotment in a community with multiple services).
- (4) The community change is acceptable under the Commission's policy against removing the only locally-licensed transmission service from a community, as no licensed and operating station exists in McCloud. Under long-standing Commission policy, no expectation of continued service arises from an unbuilt construction permit.

In sum, the public interest lies in reallocation to Trinidad and a concomitant modification of KZCC's authorized community.

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<sup>4</sup> Cities similar in size to Trinidad are clearly qualified for, and deserving of, allotments. *See e.g.*, Christine, Texas, DA 07-1854, RM-11366 (rel. Apr. 27, 2007).

The application further submits the following demographic information about Trinidad further demonstrating its status as a community for allotment purposes.<sup>5</sup>

- Zip Code: Trinidad, CA 95570
- Local Government: 5 member city council (one member of the council serves as Mayor). City was incorporated in 1870.
- Government Services include: Trinidad Police Dept., Trinidad Volunteer Fire Dept., Trinidad Water Dept., Trinidad Public Works Dept., and Trinidad Public Cemetery.
- Education: Trinidad Union School District
- Civic and Community Organizations include: Greater Trinidad Chamber of Commerce, Trinidad Civic Club, and Trinidad Lions Club.
- Commercial Establishments include: Trinidad Art, Trinidad Bay Bed & Breakfast, Trinidad Bay Charters, Trinidad Bay Eatery & Gallery, Trinidad Bay Trailer Court, Trinidad Clothing and Gifts, Trinidad Electric, Trinidad Farmers and Artists Market, Trinidad Inn, Trinidad Retreats, Trinidad Self Storage and Trinidad Trading Company.
- Cultural Institutions: Trinidad Museum Society and Westhaven Center for the Arts.

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<sup>5</sup> Sources: [http://www.trinidad.ca.gov/geninfo/community\\_gov\\_links.cfm](http://www.trinidad.ca.gov/geninfo/community_gov_links.cfm) (City Government Web Site); <http://www.trinidadcalif.com/> (Trinidad Chamber of Commerce Web Site).