

Section 307(b) Showing
The RAFTT Corporation, General Partner of
JLF Communications, LLP
KYRO 1280 kHz
Change City of License from Potosi, Missouri
To Troy, Missouri
February, 2010

The instant application, filed on behalf of The RAFTT Corporation (“RAFTT”), licensee of AM Station KYRO which holds dual city of license at Potosi, Missouri requests authority to implement a minor change to the facilities of AM Station KYRO (the “Station”), including a change in the community of license. Specifically, RAFTT seeks to change the Station’s community of license from Potosi, Missouri to Troy, Missouri. To the extent that the Media Bureau of the Federal Communications Commission (“FCC or Commission”) requires it, this exhibit demonstrates that the proposed change fully complies with Section 307(b) of the Communications Act (“Section 307(b”). Section 307(b) requires the Commission to ensure a “fair, efficient, and equitable distribution of radio service...among the several states and communities” in the United States.¹ To accomplish this mandate, the Commission has established certain allocation priorities it considers in making its Section 307(b) determinations in the following order of priority: (i) first full-time aural reception service; (ii) second full-time aural reception service; (iii) first local aural transmission service; and (iv) other public interest matters.² The proposed change in community of license for the Station meets the threshold of Section 307(b) consideration in that it will provide the second aural transmission service and first AM band service to the city of Troy, Missouri and will as well meet the Commission’s public interest criteria.

The instant proposal is preferable in that it furthers the fair and equitable distribution of radio service by providing Troy with its second aural transmission service. As proposed, one commercial FM and one non-commercial facility each will remain licensed to Potosi, Missouri while the city of Troy, Missouri will receive its second aural service and first on the AM band.

¹ See 47 U.S.C. Sec. 307(b)

² See Revision of FM Assignment Policies and Procedures, 90 FCC 2d88 (1982). The second and third priorities are weighted equally. These priorities, though first established for the FM service, have consistently been relied upon in evaluating AM station applications since *Alessandro Broadcasting Co.*, 99 FCC 2d 1 (Rev. Bd. 1984).

The allocation of service as herein proposed is as follows:

City	Before	After
Troy, MO	KFNS-FM 100.7 mHz 6 kW @ 100 m	KFNS-FM 100.7 mHz 6 kW @ 100 m KYRO-AM 1280 kHz 1.0 kW, ND-D
Potosi, MO	KYRO 1280 kHz, .500 kW, ND-D KNLP -FM 89.7 mHz, 2.3 kW KHZR-FM 97.7 mHz, 26.5 kW	----- KNLP-FM 89.7 mHz, 2.3 kW @ 80 m KHZR-FM 97.7 mHz, 26.5 kW @ 207 m

In addition, there are a number of public interest matters which support the instant application including but not limited to:

Population Comparisons

Troy is a well established community (established in 1819) located in Lincoln County, Missouri. It is currently has one locally licensed aural transmission service with the allocation of FM Channel 264A (100.7 mHz). With a 2000 population of 6,737, the population of Troy grew substantially from 1990 when compared to its 1990 census of 5,783. However, since 2000, the population growth of Troy has virtually exploded nearly doubling to an estimated 2010 census of 11,000. By comparison, Potosi's population has remained virtually unchanged over the last decade, with an estimated 2010 population of 2,850 compared to a census of 2,662 in 2000.

Population Within Service Contours

In addition to the population advantage of the instant proposal will also greatly enhance the number of persons served by the protected contours of the Station. As currently licensed, the Station provides 5.0 mV/m daytime service to 19,044 persons. As proposed in the instant application, the Station's Daytime 5.0 mV/m contour will provide service to a total of 32,156 persons.³

³ See: Engineering Exhibits

Additional population comparisons are charted below:

<u>City of License</u>	<u>5.0 mV/m Day</u>	<u>2 mV/m Day</u>	<u>0.5 mV/m Day</u>
Troy, Missouri	32,156	73,957	1,016,889
Potosi, Missouri	19,044	56,696	236,886

Because the predicted service contours of KYRO (AM) will encompass the entire St. Louis, Missouri Urbanized area, RAFTT has included an analysis as described in *Feye & Richard Tuck, Inc. KBEC*, 3FCC Rcd 5374, 5377 (1988) (“*Tuck*”). Under *Tuck*, the Commission looks at eight separate factors to examine the interdependence between a community and a larger “urbanized area.” The city of Troy, Missouri, although located within the St. Louis, Missouri Urbanized Area, is sufficiently independent of the St. Louis Urbanized Area to warrant a first local transmission service preference. In applying Section 307(b), “the Commission generally has preferred a community with no local transmission service to over one that already has a local station....” It “is the usual 307(b) presumption that every separate community needs at least one local transmission service..” Troy, Missouri is a well established community which clearly merits its own licensed broadcast facility under priority (3) above.

The *Tuck* factors are as follows:

- (1) The extend to which community residents work in the specified community rather than the larger community. The community of Troy is well within the St. Louis Urbanized area.

⁴ Source: U.S. Census Department

Research into determining the exact percentage of the community which works outside Troy is not available; however, the Economic Development Office of the City of Troy estimates that approximately 30% of the workforce living in Troy hold jobs in the St. Louis metro. It is estimated that the larger number of jobs are held in and around Troy itself.

(2) Whether the smaller community has its own newspaper or other media that covers the community's local needs and interests. Troy receives coverage from one (1) local weekly newspaper. The *Lincoln County Journal* Newspaper is a paid distribution publication with a stated circulation of 7,000 weekly copies which delivers its weekly edition to homes and businesses in Troy each Thursday. It covers local news and classified advertising and serves as an advertising outlet to locally owned businesses.

(3) Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area. The history of Troy, Missouri dates back to 1819 when the community was first established with settlers moving westward from St. Louis. It was incorporated as a recognized city in Missouri in 1819. While it is near St. Louis, (approximately 30 miles northwest) Troy and the surrounding communities identify more as being separate from the St. Louis metro area. Troy is the centerpiece of commercial activity in the area with a number of smaller communities such as Moscow Mills, MO and Elsberry, MO looking to Troy as the hub of commerce in the county..

By any measure of the question, Troy is clearly a well established city with a clear sense of self and a determination to have its own identity and structured place within the larger metropolitan community. It is home to a wide variety of churches and other religious venues.

In addition:

- Troy is home to one public library branch
- There are one each public elementary and intermediate schools in Troy
- There is one senior high school in Troy
- There are more than 2,000 households in Troy.
- Troy is home to dozens of church, non-profit and civic organizations.
- Troy is home to one 61 bed medical center with emergency and general surgery facilities.

(4) Whether the specified community has its own local government elected officials. As mentioned in paragraph 3 above, Troy operates under a home rule charter and functions under a Council-Ward form of government. The City Council is composed of a Mayor and six Ward members serving staggered two-year terms. The mayor is elected at-large while the six members of the council are elected from two member wards. The City of Troy serves its citizens in the commonly expected ways with street, sewer and parks services. The city operates a police department, emergency medical/fire department, street and sewer departments, etc. Citizens of Troy are very aware they reside in a completely different community than that of St. Louis. Troy residents enjoy many local branches of civic organizations.

The city's organization includes the following departments/divisions:

- * Police
- * Fire
- * Finance
- * Public Works
- * Planning and Inspections
- * Parks and Recreation
- * Human Resources
- * Public Relations
- * Economic Development
- * Municipal Courts
- * City Secretary
- * Legal

(5) Whether the smaller community has its own telephone book provided by the local telephone company or zip code. The U.S. Postal Service identifies one zip code for the city of Troy, Missouri: 63379. Troy is served by one U.S. Postal Service location which is located at 350 East Cherry Street which is within the corporate limits of the City of Troy.

Troy is also served by A.T. & T. Telephone Company which each year produces a local telephone book covering Troy and several rural communities nearby. It is not part of the greater St. Louis metropolitan telephone book. Several other Troy telephone books are produced and distributed in the community each year.

(6) Whether the community has its own commercial establishments, health facilities and transportation systems. As previously mentioned, Troy is a city with a well established sense of community. In 2000, the U.S. Census Bureau listed more than 975 locally owned businesses in Lincoln County. While the exact number of locally owned and/or operated businesses is not available for the City of Troy, the number has grown significantly since 2000. The city owns and maintains many miles of local streets and the Parks Department maintains all of the city's park system.

(7) The extent to which the specified community and the central city are part of the same advertising market. The successful existence of once weekly newspaper publication service in Troy (the *Lincoln County Journal*) as well as several smaller "flyer" publications indicates there is an independent advertising market in Troy apart and separate from St. Louis. In addition to providing weekly print publications, the *News* offers online display and classified advertising.

(8) The extent to which the specified community relies on the larger metropolitan area for various municipal services. Troy relies on St. Louis for no municipal services whatever. By any measure, from schools to city parks to access to medical services, fire and police protection, cultural venues, banking, religious institutions, super markets, restaurants, parks and a multitude of other services, Troy residents have access to a wide and varied array of services without ever venturing toward St. Louis.

Exhibits

Any number of exhibits exist to support the information provided in this Section 307(b) presentation; however, in light of limited file space on CDBS filings such as the instant application, those exhibits have not been attached to this exhibit. RAFTT will be pleased to provide Commission staff with any such exhibits deemed necessary.

Conclusion

The proposed change will result in a fair, efficient and equitable distribution of radio service for several reasons. First, the proposed change will provide Troy with its second local aural transmission service and first service on the AM band. Providing for a second local aural transmission service to Troy is in the public interest. The instant proposal does not remove Potosi's only fulltime aural service. In fact, Potosi, Missouri will continue to receive fulltime aural service from one Class C2 FM (KHZR) and one non-commercial FM, KNLP. For the reasons contained herein, RAFTT submits that grant of the instant application furthers Section 307(b) and is in the public interest.