

### 307(B) ANALYSIS

Big Cat Broadcasting, LLC, submits this instant application seeking to change the community of license of the allotment for a new FM station at Browning, Montana, to Lakeside, Montana.

Lakeside, Montana, is a community for allocation purposes. It is a census designated place and was listed in the 2000 U.S. Census as having a population of 1,679 people. It is, therefore, considered a community for allotment purposes. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Lakeside has its own post office and zip code (59922). Additionally, it has a number of local restaurants, stores, businesses, and community organizations such as the Bulldog Steak House, Dairy Queen, Homestead Café Bar & Casino, Lakeside Coffee Company, Spinnaker Casino Bar & Grill, Tamarack Alehouse & Grill, The Docks Restaurant Bar Pizzeria, Lakeside Family Dentistry, Lakeside Denture Studio, Glacier Presbytery Camp and Conference Center, Lakeside Baptist Church, Old Apostolic Lutheran Church, West Shore Community Library, Bayshore Resort Motel, Edgewater Motel, Sunrise Vista Inn, Deep Bay Retreat and Conference Center, Flathead Bank, Timberlake Landworks and Excavation, Kidz-In-Motion Childcare & Activity Center, Corwin Environmental Consultants, DSC Consulting, Fox Electric, The Boundry Line, Tina Jo's Designs, Blacktail Grocery, Sliters Ace Hardware, Lakeside Chiropractic Clinic, Lakeside Family Health Center, Turtle Bay/Kalispell Regional Medical Center, and Blacktail Mountain Ski Area.

The 307(b) showing favors grant of the requested change in city of license to Lakeside.<sup>1</sup> According to the Commission's assignment priorities, the reallocation of the allotment from

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<sup>1</sup> This application is filed pursuant to Rule 73.203(b) adopted in MB Docket No. 05-210, R&O Released on 11/29/06. The application proposes a minor modification of facilities and specifies a change in authorized community of license and complies with the requirements of Section 73.3573(g) as follows:

Browning to Lakeside satisfies both priority three as it would provide Lakeside with its first local transmission service and priority four as it would serve other public interest matters.

According to the Commission, provision of first local transmission service is the third highest allotment priority. *See M&O 5 FCC 7094 (1990); Hart, Pentwater and Coopersville, Michigan, 19 FCC Rcd 1886 (2004); Columbus and Monona, Wisconsin, 21 FCC Rcd 10012 (2006); Eatonton and Lexington, Georgia, 21 FCC Rcd 10032 (2006); Southwest City, Missouri, and Gravette, Arkansas, 21 FCC Rcd 6279 (2006).* As Lakeside is an independent community, it is deserving of its own local service. *See Memphis and Arlington, Tennessee, 21 FCC Rcd 1144 (2006); LaGrange, Greenville and Waverly Hall, Georgia, 20 FCC Rcd 20007 (2006); Athens and Doraville, Georgia, 19 FCC Rcd 18746 (2004); Franklin, Addis and Eunice, Louisiana, 21 FCC Rcd 2933 (2006).* No radio or television stations are licensed to Lakeside.

The change of community of license from Browning to Lakeside would not deprive Browning of a radio station upon which it has come to rely. *See Kingsley, Michigan, 21 FCC Rcd 2953 (2006).* On the contrary, the station at Browning has not been built and has never been operational. According to the Commission, removal of an unbuilt new station does not raise the same concerns as the removal of a fully operational station. *See Vernon Center and Eagle Lake, Minnesota, 2006 FCC Lexis 6633 (2006)* (removal of license for first local service permitted when station not built); *Loretto, Tennessee and Killen, Alabama, 21 FCC Rcd 5834 (2006)* (removal of license for first local service permitted when station not built). Since the new FM station has never been operational, the public has no expectation of its continued operation. As

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- 1) Legal and technical exhibits are provided demonstrating the preferential arrangement of allotments or assignments under section 307(b) of the Rules.
  - 2) The current license and proposed modified facilities are mutually exclusive as defined under section 73.207.
  - 3) Applicant certifies that it will comply with the local public notice provisions of Section 73.3580 and applicable subsections with respect to notification of the proposed community of license change to both the presently authorized and proposed communities of license.
  - 4) The proposed site complies fully with Sections 73.207 and 73.315 of the Rules.

such, the removal to Lakeside would not undermine public interest in retaining the station at Browning.

Reallotment of the new FM station to Lakeside also serves the Commission's allotment priority four, other public interest matters. According to the 2000 U.S. Census, Lakeside had a population of 1,679 individuals while Browning had a population of only 1,065. Further, in the proposed 60 dBu contour for the construction permit at Lakeside, a population of 93,793 persons would be served over 9,360 square kilometers versus the 60 dBu contour at Browning which encompasses 14,134 persons over an area of 8,229 square kilometers. In the 70 dBu contour, a population of 80,342 people would be served over 4,156 square kilometers at Lakeside compared to 8,008 people over 3,312 square kilometers at Browning. Thus, the change in community of license to Lakeside would result in a 564% increase in the population served in the 60 dBu contour and a 903% increase in the 70 dBu contour.

In conclusion, the overall public interest would be served by granting Lakeside its first local transmission service. The population receiving coverage is significantly increased if the station is reallocated to Lakeside, and the analysis of priorities three and four favors the grant of a change of community of license.