

SECTION 307(b) SHOWING

WMCI(FM), Neoga, Illinois to Mattoon, Illinois

The Cromwell Group, Inc. of Illinois, the licensee of WMCI(FM), Neoga, Illinois, proposes to change the WMCI community of license to Mattoon, Illinois. The proposed change will result in a net service benefit for the communities and areas involved and a preferential arrangement of allotments.

As shown below from the 2000 and 2010 U.S. Census, in the past full decade, Neoga has suffered a substantial loss of population while Mattoon is growing, therefore making Mattoon more deserving of the allotment.

- **Neoga:** Neoga is a rural community in central Illinois currently assigned two aural transmission services: WHQQ(FM) and WMCI(FM). Neoga has a declining population. In the year 2000 U.S. Census, Neoga had a population of 1,854 persons. By the year 2010 U.S. Census, the population of already tiny Neoga had declined by 11.8% to 1,636 persons. Neoga is composed of 1.43 square miles.
- **Mattoon:** Mattoon is likewise a rural community in central Illinois currently assigned two aural transmission services with one being a vacant FM allotment. Mattoon's one currently-operating authorized aural transmission service is WLKL(FM) which is a non-commercial educational station on the reserved band. Mattoon's vacant allotment is FM Channel 245B. Unlike Neoga, Mattoon is gaining population. In the year 2000 U.S. Census, Mattoon had a population of 18,291 persons. By the year 2010 U.S. Census, the population of Mattoon had increased by 1.4% to 18,555 persons. Notably, Mattoon has approximately ten times the population as does Neoga, as well as ten times the land area with 10.344 square miles being within the Mattoon city limits.

Consistent with *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, 26 FCC Rcd 2556 (2011) ("*Rural Radio*") and the FCC's allotment priorities,¹ WMCI(FM) allotted to Mattoon would be a preferential arrangement of allotments.

Under *Rural Radio*, a specific Priority (4) criteria is a "drop in population justifying the removal of transmission service at the old community" as well as is "population growth in areas surrounding the proposed new community that can best be met by a centrally located service..." to justify the addition of transmission service at a new community.² Here, there is both a substantial loss in population at Neoga, coupled with population increases in Mattoon.

¹ See e.g. *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*"). .

² *Rural Radio* at paragraph 39.

Further, in *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Order on Reconsideration, 27 FCC Rcd 12829 (2012) (“Second Order”), it is stated that vacant allotments should not be counted for Priority (4) purposes,³ but will continue to be counted for Priority (3) purposes.⁴ Thus, not counting the vacant Mattoon allotment, a move of the WMCI(FM) city of license from Neoga to Mattoon will be removing a second aural transmission service from a smaller community with declining population, and assigning it as a second aural transmission service to a community ten times its size with a growing population. Importantly, because Neoga is a community with a population well under 7,500 (Neoga has a population of 1,636 persons), the *Rural Radio* stricture strongly disfavoring the removal of a second aural transmission service from a community with a population of 7,500 or more is not implicated by this proposal.⁵

An increase in population served within the 60 dBμ contour of a radio station is a Priority (4) consideration.⁶ The proposed move from Neoga to Mattoon, Illinois will result in an additional 820 persons (2015 U.S. Census estimate), as well as an additional 58 square kilometers, receiving 60 dBμ service from WMCI(FM). In addition, as shown in the 307(b) Technical Report, the gain area includes some 5th and greater aural service.

Both Neoga and Mattoon currently receive substantial reception services. The reception services at each community will not change under this proposal. The much smaller community of Neoga will continue to receive ten reception services, while the larger community of Mattoon will continue to receive eight reception services.⁷

While the larger size of Mattoon does not necessarily require that an additional allotment be made at the larger community,⁸ here there is the consideration of the declining population in Neoga and the growing population of Mattoon, as well as an increase in the population served. In *Hallie and Ladysmith, WI*, 10 FCC Rcd 9257 (Allocations Br. 1995), a Class C3 FM station was moved under Priority (4) from the smaller community of Ladysmith (population 3,938) to the larger community of Hallie (population 4,531) as a first local FM station and first competitive aural service. It was found that, under Priority (4), having a first FM service and a first competitive service

³ *Second Order* at Paragraph 17.

⁴ *Second Order* at Footnote 69.

⁵ See *Rural Radio* at paragraph 39. In addition, there is no 50% or greater coverage of an Urbanized Area, or any potential for such coverage, or any loss of any 3rd, 4th, or 5th reception service. In fact, as shown in the 307(b) Technical Report, the proposal will result in a nominal population gain in persons covered by the proposed WMCI(FM) 60 dBμ contour.

⁶ See *Greenup, KY and Athens, OH*, 6 FCC Rcd 1493, 1495 (1991).

⁷ See 307(b) Technical Report.

⁸ See e.g. *Sumter, Orangeburg, and Columbia, SC*, 11 FCC Rcd 6376 (Allocations Branch 1996) (denial of a proposal to reallocate and to change the community of license of a Class C1 FM station from the smaller community of Orangeburg (population 13,739) to the larger community of Columbia (population 98,052) because retention of Orangeburg's sixth station outweighed providing Columbia with its fourteenth local transmission service where there would be no actual improvement in technical facilities by the rulemaking petitioner).

resulting in the second local transmission service allotted to Hallie was in the public interest, particularly since there was no disruption in reception service to the residents of Ladysmith since the station at issue was not moving its transmitter. Likewise with this proposal, WMCI(FM) will continue its existing service to the residents of Neoga as its transmitter site is not being moved.

In *Faribault and Northfield, MN*, 7 FCC Rcd 3937 (Policy and Rules Div. 1992), a new FM station was allotted to the larger community of Faribault (population 17,085) instead of Northfield (population 14,684) under Priority (4). The Commission in *Faribault and Northfield, MN* observes:

Priority (4) provides considerable flexibility in considering a variety of factors. The Commission in adopting the new priorities specifically stated that a comparison under Priority (4) "can take into account the number of aural services received in the proposed service area, the number of local services, the need for or lack of public radio service and other matters such as the relative size of the proposed community and their growth rate."

As noted above, both the relative sizes of Neoga and Mattoon, and the loss of population in Neoga and the growth rate in Mattoon, argue in favor of the allotment to Mattoon.

In addition to the relative sizes of the proposed community, the *Faribault and Northfield, MN* decision speaks to a Priority (4) factor being an analysis of aural reception services in the communities, finding that Faribault received 10 radio services while Northfield received 14, and using that as a factor allotted the channel to Faribault. In a similar manner, as shown in the 307(b) Technical Report, Neoga receives ten reception services while Mattoon receives eight, likewise arguing for the allotment to Mattoon.

In each of the two cases above, full-time service remained at the original community of license. Also, the outcomes went toward equalizing the services to each community. This proposal to allot WMCI(FM) to Mattoon in lieu of Neoga likewise equalizes the services to each community based upon each community's population. Neoga with two aural transmission services now has a population-per-station of 818 persons, while Mattoon with only one aural transmission service (vacant allotments are not counted for Priority (4) purposes) now has a population-per-station of 18,555 persons. This great disparity can be somewhat remedied by allotting WMCI(FM) to Mattoon which will give it two aural transmission services for a population-per-station of 9,278 persons while still leaving Neoga with a population-per-station of 1,636 persons.

A Priority (4) consideration may also be a first *commercial* aural transmission service.⁹ A re-allotment of WMCI(FM) to Mattoon will give Mattoon its first commercial aural transmission service while leaving the much smaller community of Neoga with an existing commercial aural transmission service.

⁹ See *Buffalo, Iola, Normangee, and Madisonville, Texas*, 24 FCC Rcd. 8192 (MB 2009) (allotment granted in part because it would provide a first commercial service to the community).

There are additional Priority (4) reasons that may be considered for a re-allotment of WMCI(FM) from Neoga to Mattoon, Illinois. WMCI(FM) has had its studios located in Mattoon since 1989 so its connections with the Mattoon community are long-standing. WMCI(FM) has been nominated as one of the top three philanthropic organizations in east-central Illinois.

As shown in the 307(b) Technical Report, the proposed WMCI(FM) re-allotment will not cover any part of an Urbanized Area. Further, the proposed re-allotment cannot be modified by a minor change application to cover any part of an Urbanized Area. In accord with the policies set forth in *Rural Radio*, the applicant hereby certifies that there are no existing towers in the area to which the station's antenna could be relocated under a minor change application to serve any portion of an Urbanized Area. Further, as shown in the 307(b) Technical Report, the re-allotment will not create any white or gray areas.

Each of Neoga and Mattoon currently has a radio station licensed to it. Therefore, each is a community for FCC licensing purposes. Therefore, this Section 307(b) showing does not include basic criteria regarding community status.¹⁰ See *Mark Goodman Productions*, 21 FCC Rcd 6947 (MB 2006) (community for licensing purposes at time station was licensed remains licensable community for purposes of considering future allocation changes).

The proposed change in city of license for WMCI(FM) from Neoga to Mattoon, Illinois will result in a preferential arrangement of allotments pursuant to the Commission's allotment priorities. The larger growing population of Mattoon will receive its second aural transmission service (in addition to the current vacant allotment) while the smaller declining population of Neoga will retain its first aural transmission service. In Priority (4), other public interest matters, as detailed in *FM Assignment Policies*, "the number of local services ... and other matters such as the relative size of the proposed communities and their growth rate" are to be considered (emphasis added). This proposal is a win for the public interest and for Section 307(b) priorities.

¹⁰ In any event, Mattoon is an incorporated city in Coles County, Illinois with a mayor, city council and wide range of city services. See <http://mattoon.illinois.gov>.