

Community of License Change - Section 307(b) KWTO-FM Channel 267C – Buffalo, Missouri

This comprehensive Section 307(b) showing is presented on behalf of Zimmer Midwest Communications, Inc. ("ZMCI"), licensee of KWTO-FM Channel 267C (101.3 MHz), Facility ID No. 63339, licensed to Springfield, Missouri. This minor modification application proposes a community of license change for KWTO-FM to operate on Channel 267C, licensed to Buffalo, Missouri. It should be noted that this KWTO-FM minor modification application is being filed contingent with one other application. ZMCI is also the licensee of KBFL-FM, Channel 260C3, Facility ID No. 33654, licensed to Buffalo, Missouri. Contingent with the KWTO-FM application, ZMCI is filing a minor modification application for KBFL-FM proposing a community of license change from Buffalo, Missouri to Fair Grove, Missouri. This KWTO-FM minor modification application upon approval would continue to provide a first local transmission service to Buffalo, MO. The KBFL-FM and KWTO-FM applications are being filed as contingently related applications pursuant to Section 73.3517(e) of the Commission's rules. The comprehensive Section 307(b) analysis combines the Section 307(b) indicia for both KWTO-FM and KBFL-FM and demonstrates that the two proposed changes of community of license would serve the public interest, as required by Section 307(b) of the Communications Act of 1934, under Priority 3 and Priority 4 of *Revision of FM Assignment Policies and Procedures, Second Report and Order*, 90 FCC 2d 88 (1982).

In *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990) as modified by the *Rural Radio* decision, the Commission stated that a station may change its community of license without subjecting the license to other

expressions of interest if: (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed KWTO-FM modification is mutually exclusive with the licensed KWTO-FM facility. Springfield, Missouri will continue to be well served with 13 full power radio stations. There will be seven full power commercial and non-commercial FM stations and six full power AM stations remaining should the KWTO-FM city of license change be approved. At present, the 307(b) balancing required is simply whether the modification would serve the public interest and outweigh making no modification at all. Springfield, MO is included in the Springfield, MO Urbanized Area and KWTO-FM places an FCC F(50,50) 70 dBu contour over 100 percent of the corporate boundaries of Springfield, MO. Therefore, this is an Intra- Urbanized Area city of license change¹. Finally, the proposal satisfies Priority 3 based on the creation of a first local transmission service for KBFL-FM licensed to Fair Grove, Missouri and Priority 4 Other public service matters, persons receiving an additional reception service for KBFL-FM. In conclusion, the proposed KWTO-FM change in community of license will benefit the public interest.

White/Gray Population Study

This KWTO-FM minor modification application makes no change in its technical facilities. Therefore there is no any white or gray area or population created. Therefore, No White/Gray exhibit is included.

¹ See Gearhart, Oregon, Report and Order, 26 FCC Rcd 10259 (MB 2011) ("Gearhart"), and Goleta, California, Letter from Peter H. Doyle to Mark N. Lipp, 26 FCC Rcd 12496 (MB 2011) ("Goleta").

Gain - Loss Studies

There is no gain or loss associated with the KWTO-FM minor modification application. Therefore, no gain or loss study is included. There is no change in the KWTO-FM technical facilities, therefore no underserved areas or population will be created as a result of the proposed KWTO-FM modification.

Buffalo, Missouri

Buffalo is a city in southwest Missouri and is the county sea city of Dallas County, Missouri. The population was 3,084 at the 2010 census. According to The City of Buffalo web site, Buffalo was named for the prairie on which it is situated. The land originally was owned by Martin Randleman and William E. Williams. It was surveyed about 1841, although the first buildings were erected about 1838 by Mr. Williams and Joseph F. Miles. Other early inhabitants were brothers Samuel and Caswell Williams, William L. and I.N. Morrow, Alf Moore, Mr. Florence, William M. Lovan and sons Marshall G. and James R. Founded in 1839 as a pioneer village on the edge of the prairie and the Niangua River hills and woodlands, Buffalo today is a growing county seat in a rural county of nearly 16,637 people. A post office called Buffalo has been in operation since 1846.

Buffalo, Missouri was determined to qualify as a community for allotment purposes back in 1965 when a construction permit with the call sign of KBFL-FM was granted by the FCC to the Dallas County School District No. 1 for a 10 watt non-commercial FM station operating on 91.3 MHz. Therefore, the evidence in support of Buffalo, MO as a community eligible for allotment will be brief.

According to the Missouri Official Manual, Buffalo is a Fourth class city. The Buffalo city government has a mayor and six aldermen. Buffalo provides municipal water and sewer and contracts for refuse service. Buffalo is the home to the Dallas County R-I School District. The school district includes a service area that includes students from western Laclede, southern Dallas, and eastern Polk counties. The school district includes an elementary school in Buffalo (Dillard A. Mallory Elementary). Buffalo Prairie Middle School, Buffalo High School, and the Dallas County Technical Center (at Louisburg) are all part of the school district. The school district currently has an enrollment of approximately 1,800 students grades K-12. Buffalo has two large city parks. The city also features an extensive network of trails and sidewalks connecting Buffalo Prairie Middle School to the south across town to the new city park to the north. Buffalo features numerous opportunities within the city for recreation including Buffalo Bowl, numerous restaurants, live music at the Maple & Main, and various street festivals throughout the year. Dallas County Public Library is located at 219 W Main St. in Buffalo. The Buffalo Police Department is located at 311 Poplar St. in and Buffalo and has a total of nine officers. The Buffalo City Fire & Rescue provides fire suppression, emergency medical care, hazmat cleanup, and all other services to the City of Buffalo and is located at 211 W. Benton St. The Buffalo, Missouri Post Office is located at 215 N Pine St, in Buffalo. The zip code for Buffalo is 65622.

Summary

Because no white or gray areas are being served, Priorities One and Two cannot be credited to either the KBFL-FM or the KWTO-FM application. Priority Three is being requested for KBFL-FM for a local first transmission service to Fair Grove, Missouri. An additional 1,393

persons would receive a first local transmission service. Also under Priority 4 Other public service matters, another 6,472 persons will receive an additional reception from KBFL-FM. Therefore, it is believed the proposed KWTO-FM modification meets the requirements of Section 307(b) under Priority 3 and Priority 4.