

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

SUMMARY: This application seeks to change the community of license specified in the construction permit for minor modification of radio station KLIM(AM), Facility ID No. 25185, from Limon, Colorado, to provide first local transmission service to Black Forest, Colorado. KLIM's current community of license of Limon is home to two licensed stations and the proposed community of license for a pending FM construction permit.

DISCUSSION: Limon, population 2,071¹ is now the community of license for two radio stations (the applicant, KLIM(AM), and KIIQ(FM)).² A pending construction permit application, in FCC File no. BNPED-20071017AJB, proposes an additional FM service for Limon. Given its small population, Limon is better served than many communities with even larger populations.

The instant application has identified one such larger community: Black Forest, Colorado, a Census Designated Place, with a population of 13,247.³ Black Forest currently has NO local transmission service. Through this application, the applicant proposes to bring Black Forest its first local transmission service. Under this plan, Limon will still be left with an operating licensed radio station and a pending application for a construction permit that would ultimately bring the community its second licensed station.

This proposal to change KLIM's community of license from Limon to Black Forest, Colorado, represents a preferential arrangement of assignments pursuant to Section 307(b) of the Communications Act of 1934, as amended, for the following reasons:

- (1) The proposed KLIM community change, to Black Forest, will bring that community its first local transmission service. This is a high priority (Priority 3) in assignment decision-making, weighing heavily in favor of the proposed minor change. See *FM Assignment Policies*, 90 FCC 2d 88 (1982). The

¹ Source: 2000 Census at http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=limon&_state=0400US08&_county=limon&_cityTown=limon&_zip=&_sse=on&_lang=en&pctxt=fph (visited June 13, 2008).

² KAVD(FM) is also licensed to Limon, however it has a construction permit to relocate to Parker, Colorado (in FCC File No. BPH-20070314ACY).

³ Source: 2000 Census at http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=black+forest&_state=0400US08&_county=black+forest&_cityTown=black+forest&_zip=&_sse=on&_lang=en&pctxt=fph (visited June 13, 2008).

priorities stated in *FM Assignment Policies* apply to Section 307(b) determinations when AM stations seek to change communities. *Allesandro Broadcasting Co.*, 99 FCC 2d 1 (Rev. Bd. 1984).

- (2) As a Census Designated place, Black Forest is among the geographic places normally entitled to an assignment, subject to distribution of service analysis under Section 307(b). *FM Assignment Policies*, at para. 34.
- (3) Providing Black Forest with first local transmission service better serves the public interest under Section 307(b) than maintaining two current licenses in Limon, a community with a population less than 1/6th of that found in Black Forest. By accommodating the need for local transmission service in two communities instead of multiple services in just one, the proposed KLIM community change would better allow for distribution of radio among the states and communities required by Section 307(b). By contrast, the *status quo* would leave a much larger community wholly without local transmission service by retaining multiple allotments and a pending construction permit application in a small community. As Limon would not 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) In sum, the public interest lies in reassignment to Black Forest and a concomitant modification of KLIM's authorized community.

The applicant further submits the following demographic information about Black Forest, Colorado, further demonstrating its status as a community for assignment purposes.

- Local Newspaper: Black Forest News
- Local Phone Book: Tri-Lakes / Black Forest Directory
- Local Community Services include: Black Forest Fire Rescue Protection District, and Black Forest Community Center.
- Educational Institutions include: Black Forest Charter School, Edith D Wolford Elementary School, and Pine Creek High School
- Religious Institutions Include: Black Forest Chapel, Black Forest Community Church, The Church of Jesus Christ of Latter-day Saints Black Forest Ward, First Baptist Church of Black Forest, and Our Lady of the Pines Catholic Church.
- Civic and Community Organizations include: Black Forest High Altitude Garden Club, Athletic Association of Black Forest, Black Forest Animal Sanctuary and, Black Forest Homemakers Club.
- Commercial Establishments include: Black Forest Service Center, Black Forest Salon, Black Forest Photography, Black Forest B&B Lodge & Cabins, Black Forest Express Shipping, Black Forest Store, Black Forest Veterinary Clinic, Black Forest Heating & Cooling, Black Forest Liquor Store, Black Forest Lumber Co., Black Forest Stove Shop, and Black Forest Bison.