

307(b) Showing

Radio7Media LLC, licensee of Station WLXA(FM), Loretto, Tennessee, submits this statement in support of its application to change the city of license from Loretto, Tennessee to Florence, Alabama. Radio7Media LLC will demonstrate, pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, ¶ 10 (2006) and *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, 26 FCC Rcd 2556 (2011), *recon.* 27 FCC Rcd 12829 (2012) (“*Rural Radio*”) that the proposed city of license change is in the public interest.

As demonstrated in Exhibit 30, Channel 252C3 can be allotted to Florence consistent with Section 73.207 of the Commission’s Rules.¹ In addition, a 70 dBu signal can be provided to Florence from the proposed allotment and application sites. See Exhibit 28. From the proposed application site, there will be a net gain in population within the proposed 70 dBu contour to 25,455 persons. There are at least 25 stations currently providing service to the loss area. No portion of the loss area will be left with fewer than 5 aural services. See Engineering Statement.

Radio7Media LLC is not claiming a first local service preference because the existing WLXA facility already provides a 70 dBu signal to more than 50% of the Florence, Alabama Urbanized Area. See Exhibit 36. Of course, the new community of license, Florence, Alabama, is the central community in this Urbanized Area. Thus, the proposal is for an intra-urbanized area change in community of license. In the case of *Gearhart, Madras, Manzanita and Seaside, Oregon* (“*Gearhart*”), 26 FCC Rcd 10259 (MB 2011), the Media Bureau found that the *Rural*

¹ The spacing study shows that a current short spacing to Station WKEA-FM, Scottsboro, Alabama will be eliminated by the proposed move. As such, Station WKEA-FM could benefit by adding a potential area of improvement. See Engineering Statement in Exhibit 34.

Radio policies do not present an obstacle to the change of community of license where the 70 dBu contours for both the existing and proposed communities of license cover more than 50% of the same urbanized area. In *Gearhart*, the Bureau stated where a “first local service preference is not being used to enter the market,”² the stricter standards are not to be applied. Instead, the determination is based on the Priority 4 public interest factors. Here, the application satisfies Priority 4 by providing a net gain in population, by eliminating a short spacing and by being able to better serve the Florence, Alabama Urbanized Area.³ In this regard, the proposed change will cover 100% of the Florence, Alabama Urbanized Area instead of the current 53% coverage with a 70 dBu signal. See coverage map in Exhibit 36.

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) (“*Community of License Order*”) 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 use of Channel 252C3 at Florence is mutually exclusive with the current use of Channel 252C3 at Loretto. See Channel Study in Exhibit 30.

² Citing *East Los Angeles, Long Beach and Frazier Park, California*, 10 FCC Rcd. 3864, 3869 (MMB 1995); *Rural Radio* at ¶ 10.

³ See *Rural Radio* at 10263. See also Station KYOK(AM), Conroe, Texas (BP-20110407ABH). Letter dated April 16, 2013 at p.2.

Second, under the *Rural Radio* policies, the loss of local service is not recognized for Section 307(b) comparisons because the current 70 dBu contour covers more than 50% of the Urbanized Area. See *Rural Radio* at ¶¶ 30, 38 (a station that places a “principal community signal over 50 percent or more of an urbanized area . . . will be presumed to . . . serve the urbanized area rather than the proposed community”).

Finally, as stated, the proposal satisfies Priority 4 based on the net gain population, the increased coverage over the Florence, Alabama Urbanized Area and the elimination of a short spacing to Station WKEA-FM. See Engineering Statement and *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).⁴

In conclusion, Radio7Media LLC’s proposed change in community of license will benefit the public interest.

⁴ The FCC’s FM allotment priorities are as follows: (1) first full-time aural service, (2) second full-time aural service, (3) first local service, and (4) other public interest matters.