

Composite Section 307(b) Showing

ADD: 269C1 Highwood, MT

DELETE: 269C1 Belt, MT

ADD: 279C3 Vaughn, MT

DELETE: 279C1 Fairfield, MT

ADD: 274C1 Fairfield, MT

DELETE: 272C1 Choteau, MT

The instant application is being contemporaneously and contingently filed with 301 Applications submitted by the following stations which are all currently assigned to College Creek Media, LLC (“CCM”):

- KZUS(FM) 269C1 Belt, MT
- KUUS(FM) 279C1 Fairfield, MT
- KEAU(FM) 272C1 Choteau, MT

In its application, KUUS(FM) proposes to change its community of license and channel from Channel 279C1 at Fairfield, MT, to mutually exclusive Channel 279C3 at the currently unserved community of Vaughn, MT, at a new allotment reference site. In its application, KZUS(FM) proposes to change its community of license from Belt, MT, to the currently unserved community of Highwood, MT, modify its allotment reference site coordinates, and remain on mutually exclusive Channel 269C1. KZUS(FM) and KUUS(FM) are both contingent on the contemporaneously proposed change proposed by KEAU(FM). KZUS(FM) is contingent on KEAU(FM) as Channel 269C1 only becomes available at Highwood, MT, for KZUS(FM)’s

use if KEAU(FM)'s vacates Channel 272C1 at Choteau and moves to Channel 274C1 at Fairfield. Similarly, KUUS(FM)'s proposal is also contingent on the KEAU(FM)'s proposal as KEAU(FM) will provide "backfill" service at KUUS(FM)'s current community – Fairfield, MT.

Since KEAU(FM) is providing a "backfill" service at Fairfield upon KUUS(FM)'s move to Belt, only Choteau and Belt, Montana, will lose *potential* local transmission service in order for Highwood and Vaughn to each gain a first local transmission service as allowed for in the contingent applications. However, these community changes will not deprive Choteau or Belt of a radio station upon which their residents have come to rely since KEAU(FM) has not been built and has never been operational at Choteau and KZUS(FM) has not been built and has never been operational at Belt. According to the Commission, removal of a station that has never operated at a community does not raise the same concerns as would the removal of a fully operational station. Since KEAU and KZUS have never been operational, the public has no expectation of their continued operation. As such, the net removal of KEAU(FM) from Choteau and KZUS(FM) from Belt in favor of adding new first local transmission services to Highwood and Vaughn would not undermine public interest.

Highwood, Montana, is a community deserving of a first local transmission service. The U.S. Census recognizes Highwood as a Census Designated Place with a 2005 population of 189 persons. Of its workforce, according to the Census, 36% of Highwood's workers work in the community. This percentage is significant and compares favorably with other independent communities. Highwood has its own US Post Office within its boundaries which first opened its doors in 1881. Highwood has been assigned the ZIP Code of 59450, exclusively for its use.

Highwood has commercial establishments including Susie's Highwood Bar, the Highwood Service Center, and Kernaghans Service. Residents of the community gather at the Highwood Community Hall and attend religious services at Faith Community Church or the Highwood Community Methodist Church. Children from Highwood and its environs attend school at the Highwood Elementary School, Highwood Middle School, and Highwood High School.

Vaughn, Montana, is also a community deserving of a first local transmission service. The U.S. Census recognizes Vaughn as a Census Designated Place with a 2005 population of 701 persons. Of its workforce, according to the Census, 14.8% of Vaughn's workers work in the community. This percentage is significant and compares favorably with other independent communities. Vaughn has its own US Post Office within its boundaries and has been assigned the ZIP Code of 59487 exclusively for its use. Vaughn has several commercial establishments including Vaughn Meat Packing Incorporated, Glacier Gateway Exxon, the Stone School Inn, Valley Country Store, Darryl's Tire and Service Center, the Silver Dollar Casino, the Silver Spur Restaurant, Cardtronics, 3-D Archery Supply, the Roof Doctor, Country Haven Veterinary Clinic, and the Lazy D Arena. Residents of the community gather for religious services at Vaughn Community Bible Church. Public services are provided by the Vaughn Rural Fire Department and Vaughn Cascade Water and Sewer. Children from Vaughn and its environs attend classes at the Vaughn School.

This exhibit, together with the Comprehensive Technical Exhibits to these Applications, demonstrates that the proposed community of license changes constitute a preferential arrangement of allotments or assignments under Section 307(b) of the Communications Act of

1934, as amended (47 U.S.C. Section 307(b)). Furthermore, as set forth in the Comprehensive Technical Exhibit to each Application, the facilities specified are mutually exclusive, as defined in Section 73.207 of the Commission's Rules, with the current assignments. As confirmed in the Comprehensive Technical Exhibit to each application, there is an assignment or allotment site for all three facilities at each proposed community of license that fully complies with Sections 73.207 and 73.315 of the Commission's Rules without resort to Sections 73.213 or 73.215. The applicant will comply with the local public notice provisions of Sections 73.3580(c)(3), 73.3580(d)(3), and 73.3580(f) of the Commission's Rules, and understands that the exception contained in Section 73.3580(e) of the Commission's Rules does not apply to an application proposing to change the community of license of an FM station. Consequently, the proposed community of license changes shall qualify for submission as minor modification applications pursuant to Section 73.3573(g) of the Commission's Rules.

In determining whether a set of proposed community of license changes constitutes a preferential arrangement of allotments under Section 307(b) of the Act, the Commission considers whether the proposal as a whole would serve one or more of the Commission's four priorities.¹ Here, grant of the contingent set of applications would satisfy the first, second, and third priorities. The overall proposal eliminates white area and authorizes a first fulltime aural reception service to 1,175 persons in northern Montana under priority one, eliminates gray area and authorizes a second fulltime aural reception service to 1,839 persons in northern Montana

¹ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("FM Assignment Policies"). The four priorities are: (i) first full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) first local transmission service to a community; and (iv) other public interest factors. The second and third criteria have equal priority. *Id.* at 91. See also *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, at ¶ 10 (2006) (Section 307(b) priorities and policies used by Commission since 1982 continue to apply under new application procedures).

under priority two, and provides a first local aural transmission service at Highwood, MT, population 189, and Vaughn, MT, population 701, under priority three. Therefore, the proposal constitutes a preferential arrangement of allotments under Section 307(b) as compared to the existing allotments/assignments.

As can be seen in Exhibit 1, attached hereto, is a Gain/Loss study demonstrating that when Channel 269C1 is deleted from Belt and mutually exclusive Channel 269C1 is added to Highwood for KZUS(FM)'s use, a net gain in population of 3,560 persons will result. Exhibit 2 is a Belt, Montana, Remaining Services Study demonstrating that when KZUS 269C1 is deleted from Belt no white or gray area will be created by the proposed community change. Exhibit 3 is a Highwood, Montana, Existing Services Study showing that when Channel 269C1 is added at Highwood, white area will be eliminated to 1,172 persons and gray area is eliminated to 271 persons in the gain area.

Exhibit 4 is a Gain/Loss study demonstrating that when Channel 279C1 is deleted from Fairfield, MT, and mutually exclusive Channel 279C3 is added to Vaughn, MT, a net loss in population of 12,374 persons will result. Exhibit 5 is a Fairfield, MT, Remaining Services Study demonstrating that no white or gray area will be created as a result of the community change. Exhibit 6 is a Vaughn, Montana, Existing Services Study showing that when Channel 279C3 is added at Vaughn, no white or gray area will be eliminated.

Exhibit 7 is a Gain/Loss study demonstrating that when Channel 272C1 is deleted from Choteau, MT, and mutually exclusive Channel 274C1 is added to Fairfield, MT, a net loss in

population of 67,788 persons will result under Priority Four. Exhibit 8 is a Choteau, MT, Remaining Services Study demonstrating that no white or gray area will be created as a result of the community change. Exhibit 9 is a Fairfield, Montana, Existing Services Study showing that when Channel 274C1 is added at Fairfield, white area will be eliminated to 3 persons and gray area will be eliminated to 1,568 persons.

The 70 dBu contour for the existing allotment of Channel 269C1 at Belt covers all of the Great Falls, Montana, Urbanized Area. However, the proposed 70 dBu contour for Channel 269C1 at Highwood does not cover any of that Urbanized Area. Therefore, the deletion of Channel 269C1 at Belt and subsequent addition of Channel 269C1 at Highwood does not represent a migration of service from rural to urban areas and is, therefore, not subject to a *Tuck* analysis of Highwood, MT.

Similarly, the 70 dBu contour for the existing allotment of Channel 279C1 at Fairfield covers all of the Great Falls, Montana, Urbanized Area. However, the proposed 70 dBu contour for Channel 279C3 at Vaughn covers less than 50% of the Urbanized Area. Therefore, the deletion of Channel 279C1 at Fairfield and subsequent addition of Channel 279C3 at Vaughn also does not represent a migration of service from rural to urban areas and is, therefore, also not subject to a *Tuck* analysis.

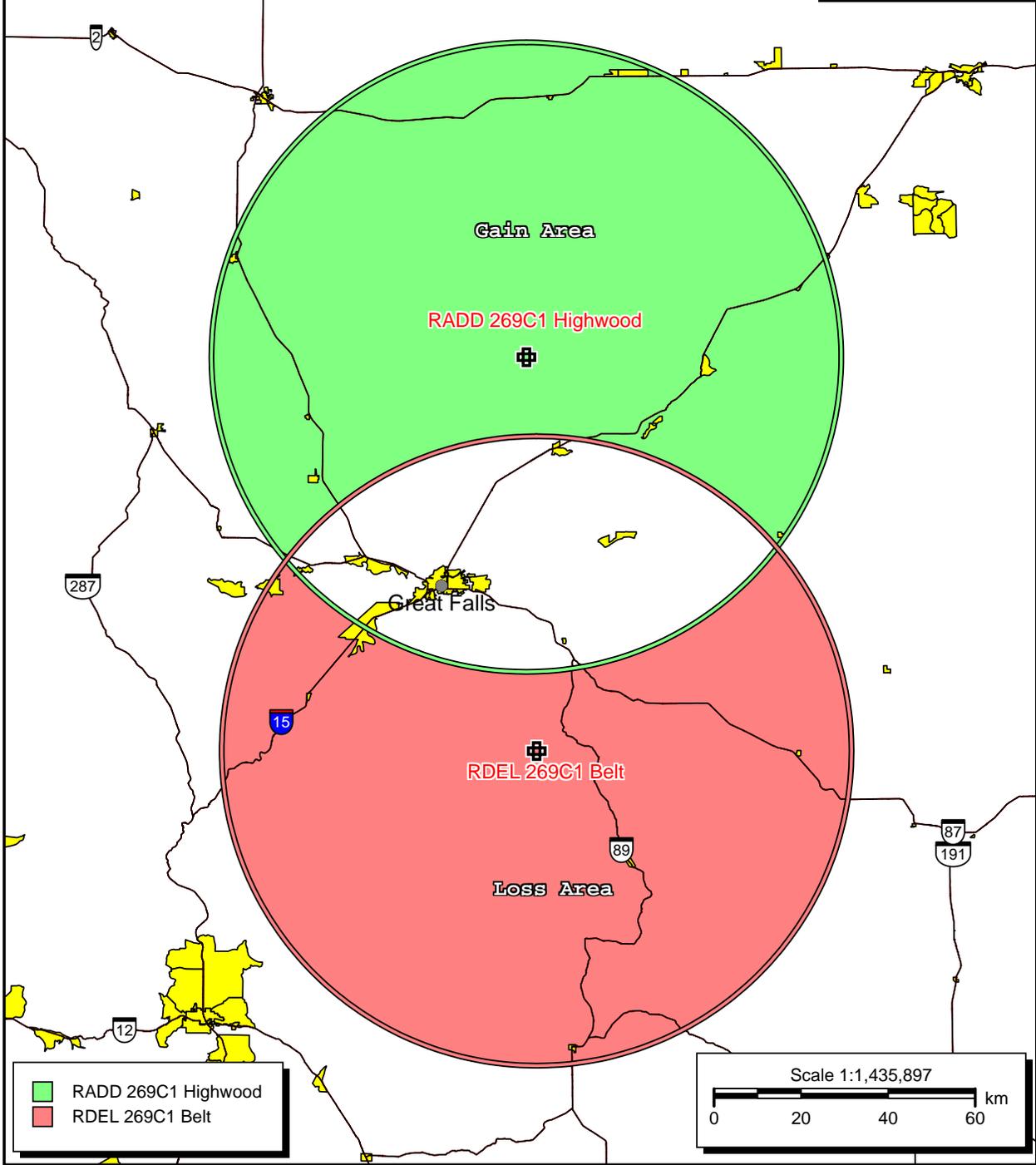
Finally, the 70 dBu contour for the existing allotment of Channel 272C1 at Choteau covers all of the Great Falls, Montana, Urbanized Area. However, the proposed 70 dBu contour for Channel 274C1 at Fairfield does not cover any of that Urbanized Area. Therefore, the

deletion of Channel 272C1 at Choteau and subsequent addition of Channel 274C1 at Fairfield does not represent a migration of service from rural to urban areas. KEAU(FM), on Channel 274C1, merely provides replacement service at Fairfield – a community which the Commission has previously found to be deserving of an aural transmission service.

As demonstrated by this exhibit, the Commission's first, second, and third Allotment Priorities are advanced under the contingent set of applications and such advancements far outweigh any reduction in service encountered under priority four. The overall proposal eliminates white area and authorizes a first fulltime aural reception service to 1,175 persons in northern Montana under priority one, eliminates gray area and authorizes a second fulltime aural reception service to 1,839 persons in northern Montana under priority two, and provides a first local aural transmission service at Highwood, MT, population 189, and Vaughn, MT, population 701, under priority three. Clearly, the proposal furthers the Commission's Allotment Priorities.

Exhibit 1
KZUS(FM) 269C1 Gain/Loss Study

KZUS (FM)
Gain/Loss Area

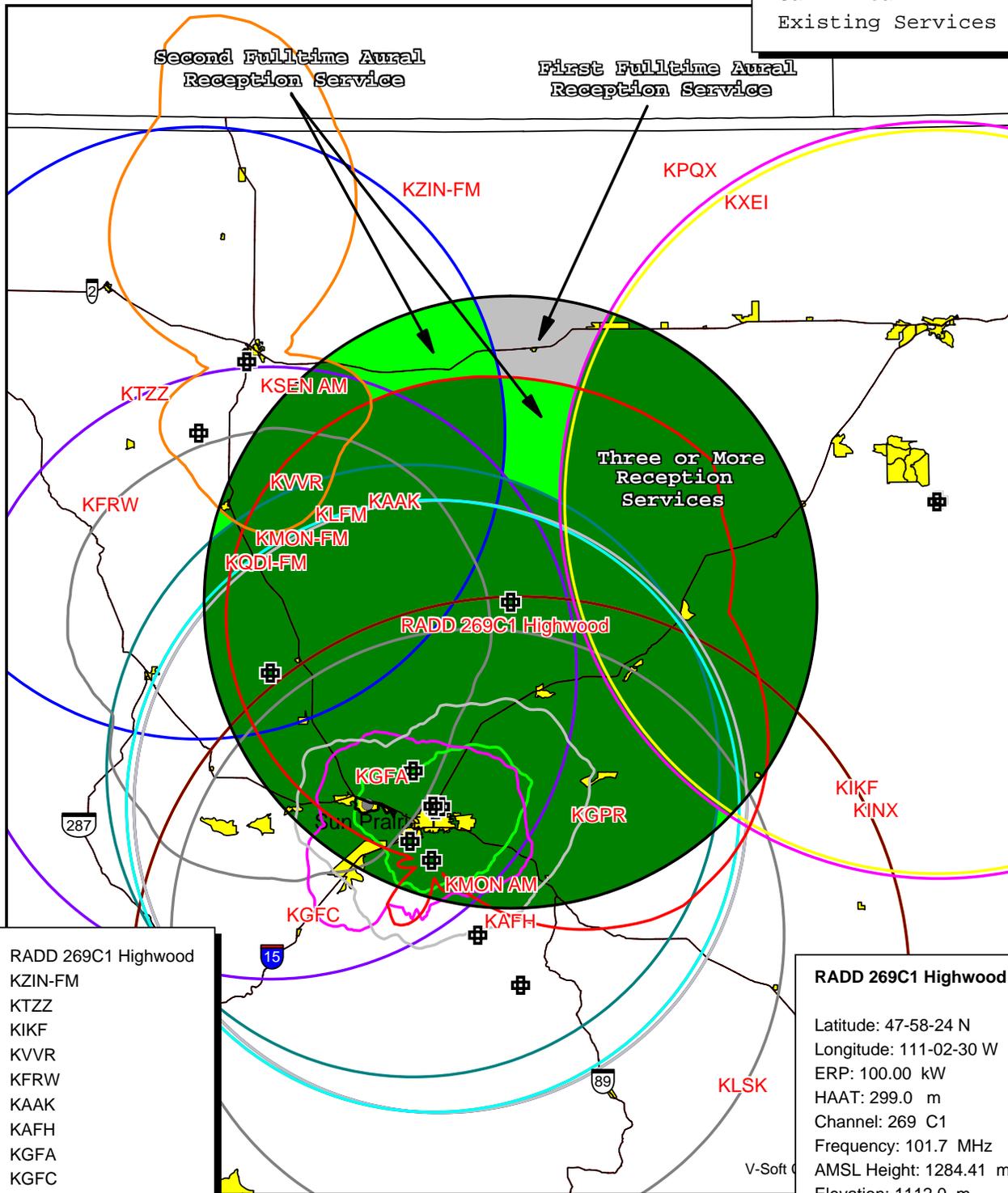


Gain/Loss Results:
Total Population Within Loss Area: 6,981
Total Population Within Gain Area: 10,541

Exhibit 2
Belt, Montana, Remaining Services

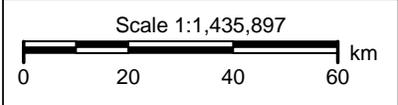
Exhibit 3
Highwood, Montana, Existing Services

Highwood, MT
Gain Area
Existing Services



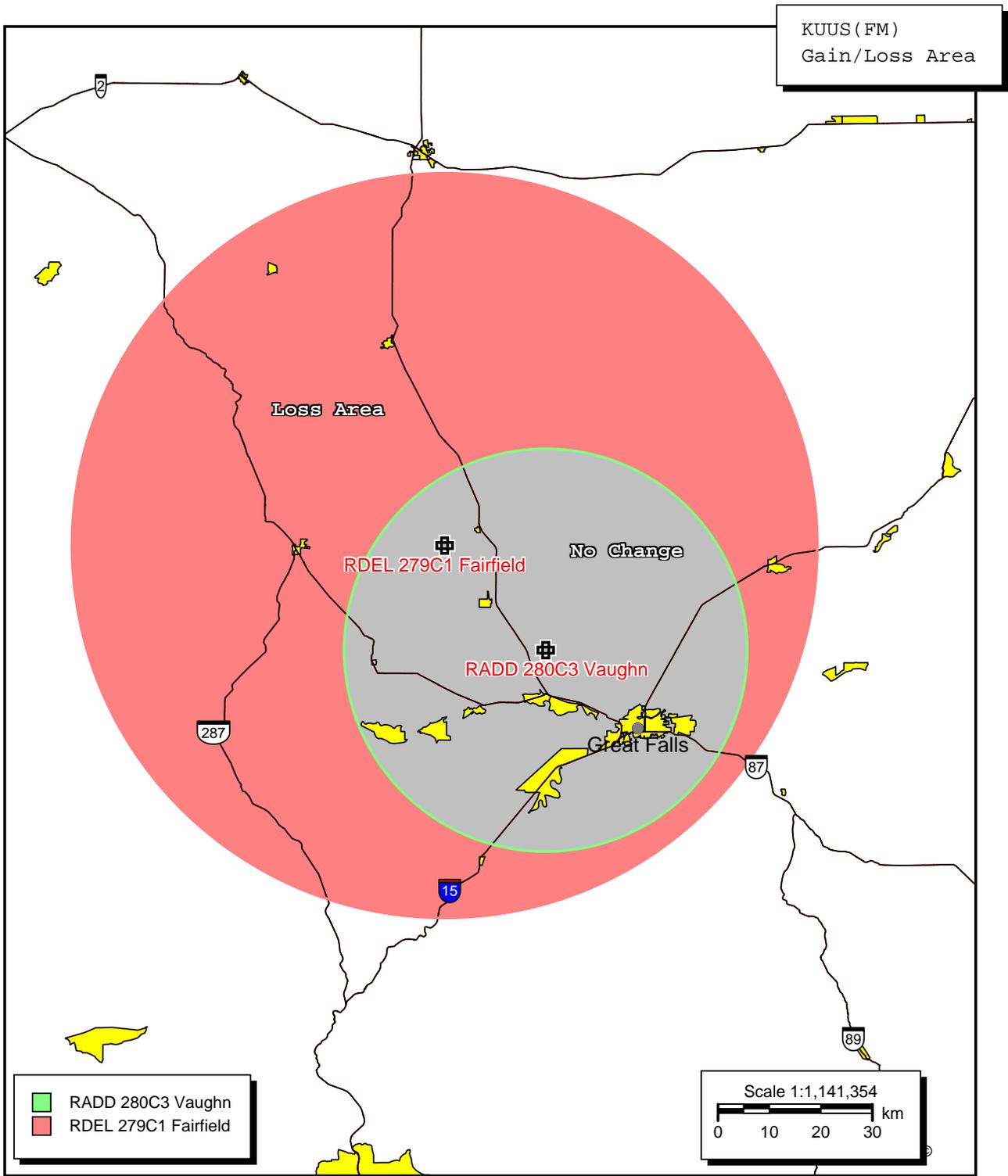
- RADD 269C1 Highwood
- KZIN-FM
- KTZZ
- KIKF
- KVVV
- KFRW
- KAAK
- KAFH
- KGFA
- KGFC
- KGPR
- KINX
- KLFM
- KLSK
- KMON-FM
- KQDI-FM
- KPQX
- KXEI
- KMON AM
- KSENI AM

RADD 269C1 Highwood
 Latitude: 47-58-24 N
 Longitude: 111-02-30 W
 ERP: 100.00 kW
 HAAT: 299.0 m
 Channel: 269 C1
 Frequency: 101.7 MHz
 AMSL Height: 1284.41 m
 Elevation: 1112.0 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: None



	Service Pop
1st Service	1,172
2nd Service	271
3rd Service (or >)	85,572

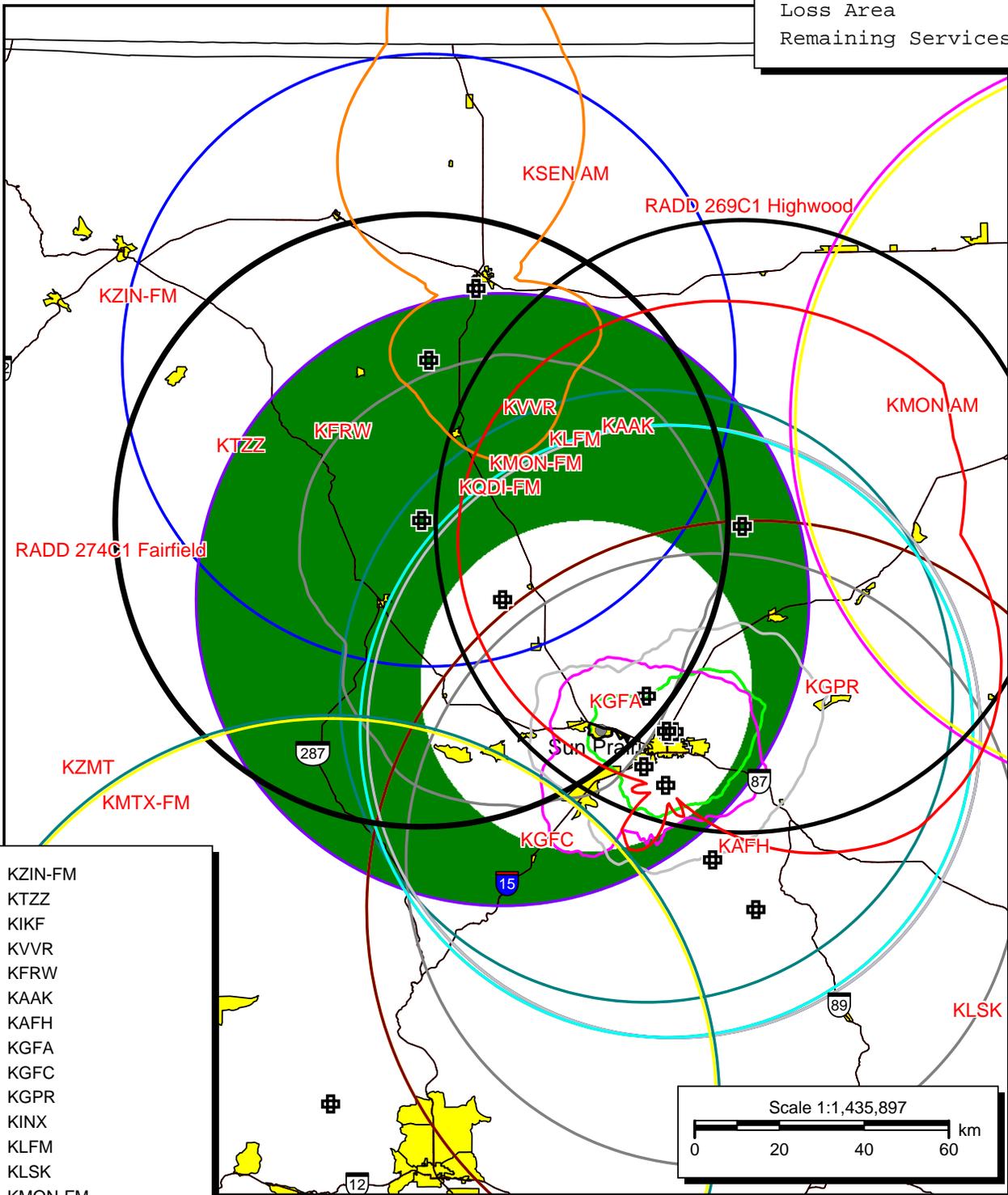
Exhibit 4
KUUS(FM) 279C3 Gain/Loss Study



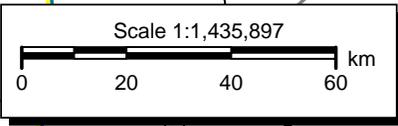
Gain/Loss Results:
 Total Population Within Loss Area: 12,374

Exhibit 5
Fairfield, Montana, Remaining Services

Fairfield, MT
 Loss Area
 Remaining Services



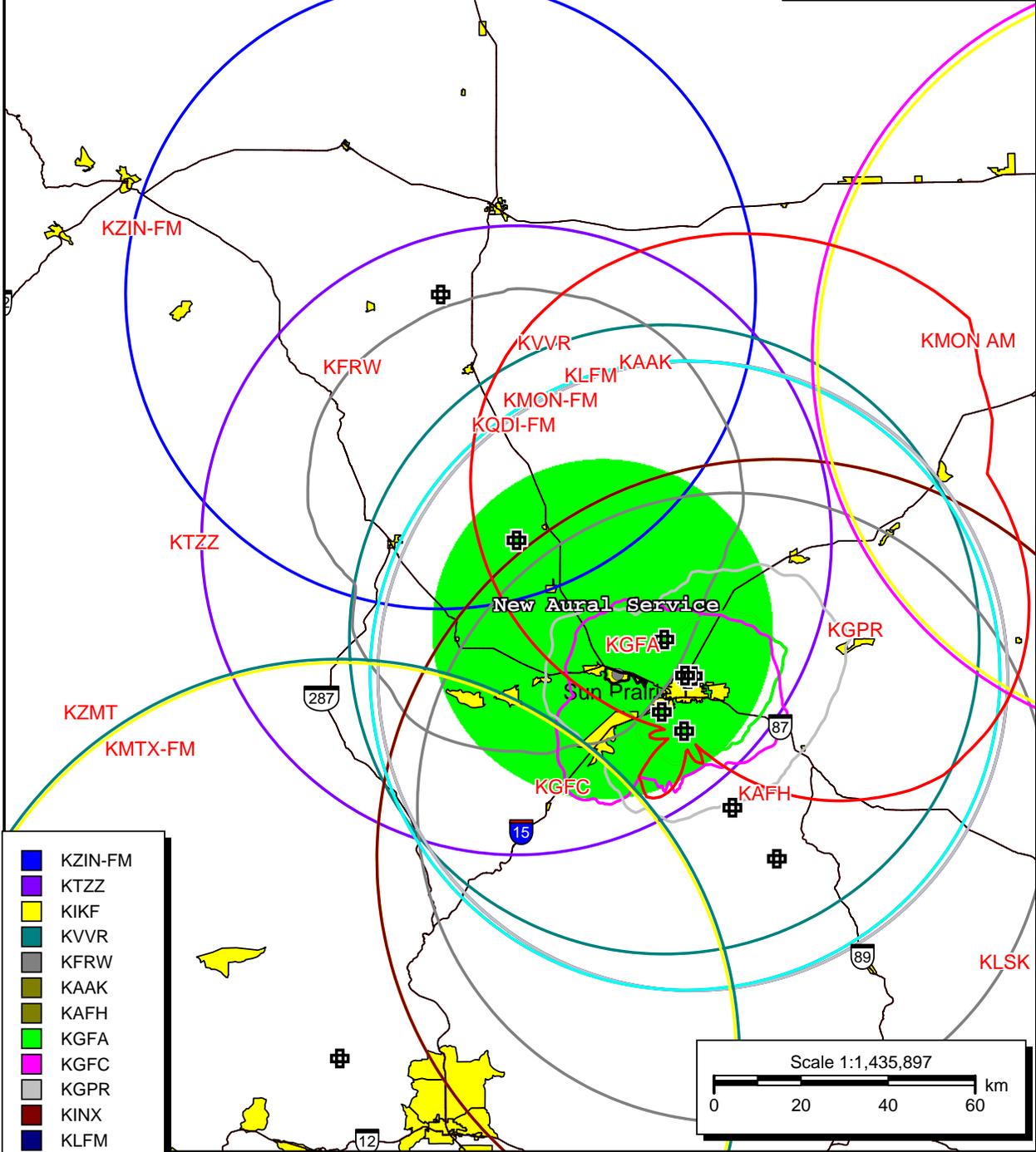
- KZIN-FM
- KTZZ
- KIKF
- KVVR
- KFRW
- KAAK
- KAFH
- KGFA
- KGFC
- KGPR
- KINX
- KLFM
- KLSK
- KMON-FM
- KQDI-FM
- KPQX
- KXEI
- RADD 274C1 Fairfield
- KMTX-FM
- KZMT
- RADD 269C1 Highwood
- KSEN AM
- KMON AM



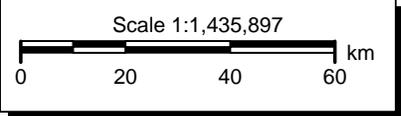
No White or Gray Area Created.

Exhibit 7
Vaughn, Montana, Existing Services

Vaughn, MT
Gain Area
Existing Services

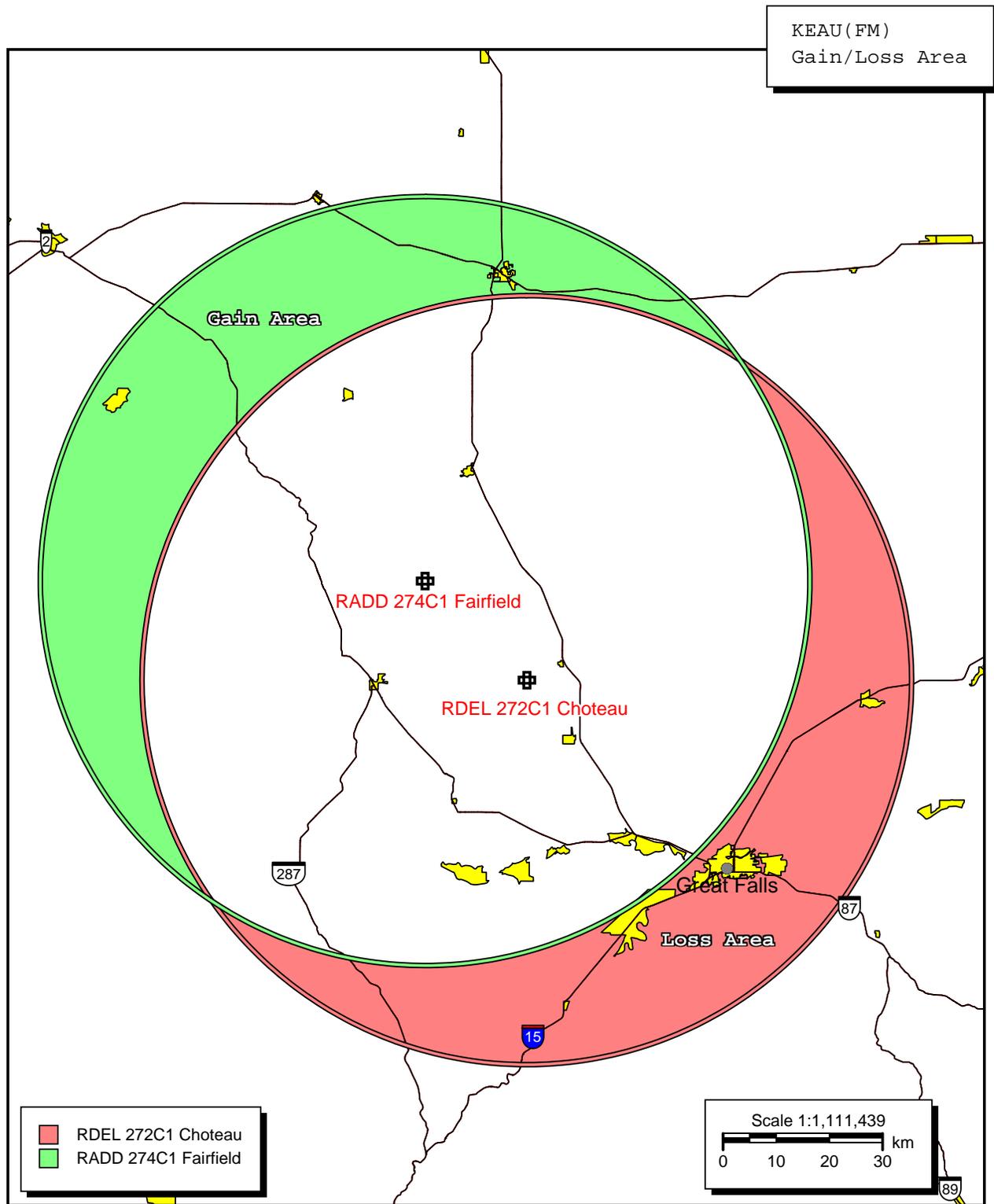


- KZIN-FM
- KTZZ
- KIKF
- KVVR
- KFRW
- KAAK
- KAFH
- KGFA
- KGFC
- KGPR
- KINX
- KLFM
- KLSK
- KMON-FM
- KQDI-FM
- KPQX
- KXEI
- KMTX-FM
- KZMT
- KMON AM



No White or Gray Area Eliminated.

Exhibit 7
KEAU(FM) 274C1 Gain/Loss Study



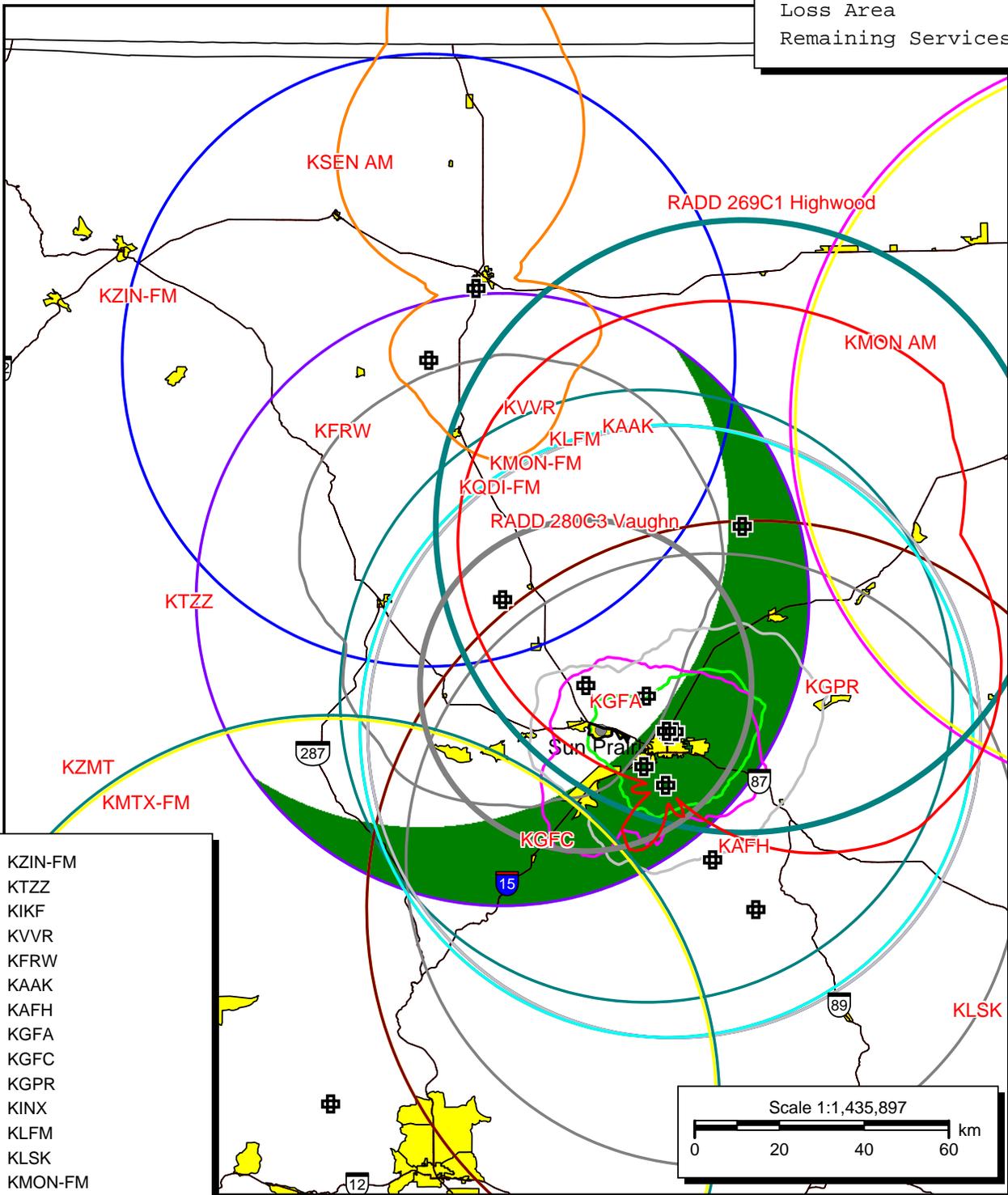
Gain/Loss Results:

Total Population Within Loss Area: 72,745

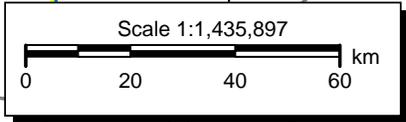
Total Population Within Gain Area: 4,957

Exhibit 8
Choteau, Montana, Remaining Services

Choteau, MT
 Loss Area
 Remaining Services



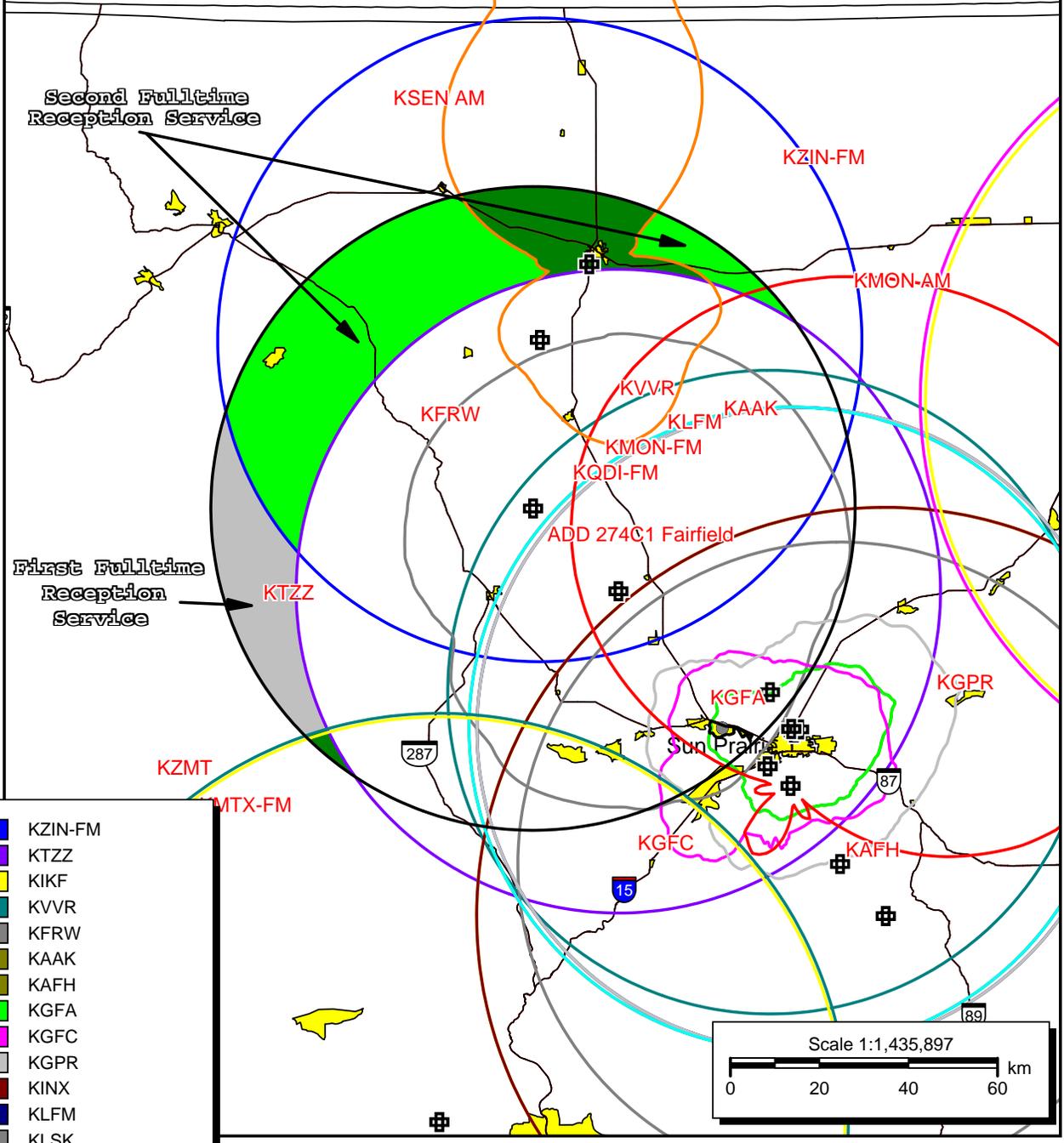
- KZIN-FM
- KTZZ
- KIKF
- KVVR
- KFRW
- KAAK
- KAFH
- KGFA
- KGFC
- KGPR
- KINX
- KLFM
- KLSK
- KMON-FM
- KQDI-FM
- KPQX
- KXEI
- KMTX-FM
- KZMT
- RADD 269C1 Highwood
- RADD 280C3 Vaughn
- KSEN AM
- KMON AM
- KOJM AM



No White or Gray Area Created.

Exhibit 9
Fairfield, Montana, Existing Services

Fairfield, MT
Gain Area
Existing Services



- KZIN-FM
- KTZZ
- KIKF
- KVVV
- KFRW
- KAAK
- KAFH
- KGFV
- KGFH
- KGRPR
- KINX
- KLFM
- KLSK
- KMON-FM
- KQDI-FM
- KPQX
- KXEI
- KMTX-FM
- KZMT
- KMON AM
- KZEN AM
- ADD 274C1 Fairfield



Population Database: 2000 US Census (SF1)

	Service Pop
1st Service Provided	3
2nd Service Provided	1568

White and Gray Area Eliminated.