

### **307(b) Exhibit**

Alatron Corporation, Inc. (“Alatron”), licensee of Station WAOQ(FM), Brantley, Alabama; Auburn Network, Inc. (“Auburn”), licensee of Station WGZZ(FM), Waverly, Alabama; and Brantley Broadcast Associates, LLC (“Brantley”), licensee of Station WEZZ(FM), Monroeville, Alabama, hereby submit this exhibit in support of three contemporaneously filed, contingent applications. The first application (the “WAOQ Application”) proposes to delete Channel 262A at Brantley, Alabama, and allot Channel 262A to Goshen, Alabama as that community’s first local service. In order to allot Channel 262A at Goshen, Station WGZZ must change its channel from Channel 262A to Channel 232A at Waverly, Alabama (the “WGZZ Application”).<sup>1</sup> The third application (the “WEZZ Application”) proposes to change the community of license and frequency of WEZZ from 930 kHz at Monroeville, Alabama to 920 kHz at Brantley, Alabama, as a replacement service. The parties’ showings pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), are provided below. *See 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).

#### ***WAOQ Application***

As demonstrated in the Technical Exhibit attached to the WAOQ Application, Channel 262A can be allotted to Goshen consistent with Section 73.207 of the Commission’s Rules provided that a change is made for WGZZ at Waverly, Alabama. A 70 dBu signal can be provided to Goshen from the proposed allotment site. The population and area within the proposed 70 dBu contour is 21,585 persons in 813 square kilometers, and within the proposed 60 dBu contour is 37,374 persons in 2,472 square kilometers. This proposal will not create any

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<sup>1</sup> Alatron and Auburn have entered into an agreement whereby Alatron will reimburse Auburn for its expenses related to the change in channels for the WGZZ Application.

area with less than five aural services and there will be a net gain in service to 3,914 persons. Collectively the WAOQ Application, the WGZZ Application, and the WEZZ Application will result in a net gain in service to 8,672 persons. There are 26 stations providing protected service to Goshen.

Alatron desires to change the community of license of WAOQ from Brantley to Goshen under the guidelines set forth 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*”). There, 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 262A at Goshen is mutually exclusive with the current use of Channel 262A at Brantley. *See* Technical Exhibit. Second, Brantley will not be deprived of its only local service because Brantley is changing the community of license of WEZZ from Monroeville to Brantley. Third, the provision of a first local service at Goshen (2000 U.S. Census population 300) under Priority 3 will result in a preferential arrangement of allotments over the retention of a fourth local service at Monroeville (2000 U.S. Census population 6,862) under Priority 4.<sup>2</sup> *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Goshen is not located in an urbanized area and the proposed WAOQ 70 dBu contour will not cover any urbanized area.

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<sup>2</sup> The proper comparison is between Goshen and Monroeville because Monroeville is losing a local service (due to the move of WEZZ) and Goshen is gaining a local service (due to the move of WAOQ). The community of Brantley will retain the same number of local services.

Therefore, a *Tuck* showing is not required. See *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (“*Tuck*”).

Goshen qualifies as a community for FCC allotment purposes. It is identified in the 2000 U.S. Census and therefore is presumed to have the status of a community for allotment purposes. See *Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992). The U.S. Postal Service has assigned the 36035 zip code to Goshen. The Town of Goshen has its own government, elected officials, fire department, library, schools, and senior center. Goshen is home to a number of churches including Goshen Baptist Church, Goshen United Methodist Church, Henderson United Methodist Church, Henderson Baptist Church, Oak Grove United Methodist Church, Old Zion United Methodist Church, Pleasant Ridge Baptist Church, and Shady Grove United Methodist Church. There are a number of businesses in Goshen, including the Goshen Diner, Goshen Farmers Co-op, Troy Bank & Trust, Old Barn Restaurant, and Little Oak Country Store. See Exhibit 1.

### ***WGZZ Application***

In order to allot Channel 262A at Goshen, Alabama, it is necessary for WGZZ to change from Channel 262A to Channel 232A. As demonstrated in the Technical Exhibit attached to the WGZZ Application, Channel 232A can be used at the proposed WGZZ site at Waverly consistent with Section 73.207 of the Commission’s Rules. In fact, vacant Channel 232A is already allotted at Waverly, Alabama. In order to replace this vacant channel, Auburn is contemporaneously filing a Petition for Rule Making to substitute vacant Channel 262A for Channel 232A at Waverly.<sup>3</sup>

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<sup>3</sup> Pursuant to the Commission’s new allotment procedures, “changes to vacant allotments will continue to be made via notice-and-comment rule making procedures.” See *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, ¶ 15 (2006). Thus, this proposal is considered a hybrid filing. *Id.* at ¶ 17.

Low Power FM Station WACM-LP currently operates on Channel 232 at Auburn. As demonstrated in the attached channel study, this operation is short-spaced to the vacant Channel 232A at Waverly by 56.64 kilometers. *See* Exhibit 2. Thus, the use of Channel 232A at Waverly by WGZZ does not create a short-spacing to WACM-LP. Nevertheless, Channel 254 is available as a displacement channel for WACM-LP.<sup>4</sup> The parties will serve a copy of the instant application on the licensee of WACM-LP.

### ***WEZZ Application***

In order to maintain local service at Brantley, WEZZ is filing to change community of license and frequency from 930 kHz at Monroeville to 920 kHz at Brantley. As demonstrated in the Technical Exhibit attached to the WEZZ Application, WEZZ can be moved to Brantley consistent with the Commission's interference rules. A 5 mV/m signal can be provided to Brantley from the proposed site. The population and area within the proposed 2 mV/m contour is 43,566 persons in 3,769 square kilometers, and within the proposed 0.5 mV/m contour is 197,035 persons in 12,767 square kilometers. This proposal will not create any area with less than five aural services and there will be a net loss in service to 16,291 persons. There are 24 stations providing protected service to Brantley.

Brantley desires to make this change under the guidelines set forth in *Community of License Order*. First, the proposed use of 920 kHz at Brantley is mutually exclusive with the current use of 930 kHz at Monroeville. *See* Technical Exhibit. Second, Monroeville will not be deprived of its only local service because it is currently served by three other stations. Third, as

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<sup>4</sup> In order for WACM-LP to utilize Channel 254, FM translator Station W254AY, Auburn, Alabama, could change channels from Channel 254 to Channel 256. The FCC recently approved an application to assign that station from Jimmy Jarrell Communications Foundation, Inc. to Harold Sorrells. *See* BALFT-20081023ABH. If WACM-LP desires to move to Channel 254, Auburn has obtained the consent of Jimmy Jarrell Communications Foundation, Inc. (the licensee) and Harold Sorrells (the prospective assignee) to change the channel of Station W254AY. *See* Exhibit 3.

discussed above, establishment of first local service at Goshen under Priority 3 will result in a preferential arrangement of allotments over the retention of a fourth local service at Monroeville under Priority 4. As it is presently the community of license for WAOQ, the proposed community of Brantley, has already demonstrated, to the Commission's satisfaction, that it is a community deserving of local radio service.

# EXHIBIT 1



**U.S. Census Bureau**  
American FactFinder

## FACT SHEET

## Goshen town, Alabama

View a Fact Sheet for a race, ethnic, or ancestry group

## Census 2000 Demographic Profile Highlights:

**General Characteristics - show more >>**

	Number	Percent	U.S.		
Total population	300			map	brief
Male	142	47.3	49.1%	map	brief
Female	158	52.7	50.9%	map	brief
Median age (years)	43.8	(X)	35.3	map	brief
Under 5 years	15	5.0	6.8%	map	
18 years and over	230	76.7	74.3%		
65 years and over	66	22.0	12.4%	map	brief
One race	300	100.0	97.6%		
White	203	67.7	75.1%	map	brief
Black or African American	88	29.3	12.3%	map	brief
American Indian and Alaska Native	9	3.0	0.9%	map	brief
Asian	0	0.0	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	0	0.0	5.5%	map	
Two or more races	0	0.0	2.4%	map	brief
Hispanic or Latino (of any race)	0	0.0	12.5%	map	brief
Household population	300	100.0	97.2%	map	brief
Group quarters population	0	0.0	2.8%	map	
Average household size	2.17	(X)	2.59	map	brief
Average family size	2.86	(X)	3.14	map	
Total housing units	146			map	
Occupied housing units	138	94.5	91.0%		brief
Owner-occupied housing units	114	82.6	66.2%	map	
Renter-occupied housing units	24	17.4	33.8%	map	brief
Vacant housing units	8	5.5	9.0%	map	

**Social Characteristics - show more >>**

	Number	Percent	U.S.		
Population 25 years and over	208				
High school graduate or higher	122	58.7	80.4%	map	brief
Bachelor's degree or higher	24	11.5	24.4%	map	
Civilian veterans (civilian population 18 years and over)	43	19.3	12.7%	map	brief
Disability status (population 5 years and over)	55	21.0	19.3%	map	brief
Foreign born	0	0.0	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	65	57.0	56.7%		brief
Female, Now married, except separated (population 15 years and over)	74	58.3	52.1%		brief
Speak a language other than English at home (population 5 years and over)	0	0.0	17.9%	map	brief

**Economic Characteristics - show more >>**

	Number	Percent	U.S.		
In labor force (population 16 years and over)	132	56.2	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	23.0	(X)	25.5	map	brief
Median household income in 1999 (dollars)	24,219	(X)	41,994	map	
Median family income in 1999 (dollars)	28,393	(X)	50,046	map	
Per capita income in 1999 (dollars)	13,664	(X)	21,587	map	
Families below poverty level	15	17.2	9.2%	map	brief
Individuals below poverty level	68	23.7	12.4%	map	

**Housing Characteristics - show more >>**

Number	Percent	U.S.
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<b>Rock Elvy Mbc</b> (334) 670-0101 <a href="#">See reviews on Yahoo! Local</a>	Shellhorn Rd <b>Goshen, AL</b> <a href="#">Map</a>
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Address:

**[Little Oak Country Store](#)**  
**(334) 484-3257**

4846 County Road 2290  
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# EXHIBIT 2

**Engineering Statement  
In Support of an  
Application for a Construction Permit  
WGZZ(FM), Channel 262A, Waverly, Alabama**

**Channel 232A at Waverly, Alabama Allocation Study (at its current site)**

REFERENCE		DISPLAY DATES
32 42 28.0 N.	CLASS = A	DATA 12-16-08
85 29 27.0 W.	Current Spacings to 3rd Adj.	SEARCH 12-16-08
----- Channel 232 - 94.3 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin		
AL9330	VAC	232A	Waverly	AL	0.0	0.00	115.0	-115.00
WACM-LP	LIC	232L1	Auburn	AL	154.0	10.36	67.0	-56.64
WJOX	LIC-N	233C0	Birmingham	AL	303.9	151.99	152.0	-0.01
WIZB	LIC-Z	232C3	Abbeville	AL	172.3	142.00	142.0	0.00
WQSI	LIC	230C3	Union Springs	AL	201.3	46.44	42.0	4.44
WSTR	LIC	231C0	Smyrna	GA	42.3	158.77	152.0	6.77
AL5038	RSV	231C0	Smyrna	GA	42.3	158.78	152.0	6.78
WFDR-FM	LIC	233A	Woodbury	GA	79.1	82.65	72.0	10.65
WLEL	CP -N	232A	Ellaville	GA	112.8	128.76	115.0	13.76
WQZX	LIC	232A	Greenville	AL	230.1	137.18	115.0	22.18
AU7054340	VAC	233A	Woodbury	GA	76.4	97.92	72.0	25.92
WFXE	LIC	285A	Columbus	GA	121.2	52.96	10.0	42.96
AL6675	VAC	286A	Rockford	AL	287.8	59.96	10.0	49.96

# EXHIBIT 3

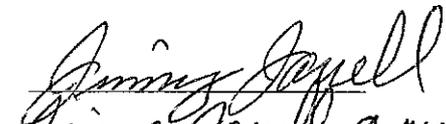
**CONSENT**

Jimmy Jarrell Communications Foundation, Inc. ("Jarrell"), licensee of Station W254AY, Auburn, Alabama (Fac. ID 138347), hereby agrees to change the channel of W254AY from Channel 254 to Channel 256 if necessary to accommodate a change in channel of low power FM Station WACM-LP, Auburn, Alabama (Fac. ID 135519). If these changes are approved by Commission, Jarrell will file an application and implement these changes consistent with the FCC's rules.

Jarrell understands that this statement may be used in a filing with the FCC and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

Jimmy Jarrell Communications Foundation, Inc.

By:   
Name: Jimmy Jarrell Communications  
Date: December 16, 2008

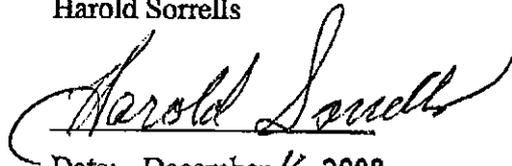
**CONSENT**

Harold Sorrells, prospective assignee of Station W254AY, Auburn, Alabama (Fac. ID 138347),<sup>1</sup> hereby agrees to change the channel of W254AY from Channel 254 to Channel 256 if necessary to accommodate a change in channel of low power FM Station WACM-LP, Auburn, Alabama (Fac. ID 135519). If these changes are approved by Commission, I will file an application and implement these changes consistent with the FCC's rules.

I understand that this statement may be used in a filing with the FCC and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

Harold Sorrells



Date: December 16, 2008

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<sup>1</sup> BALFT-20081023ABH.