

307(B) ANALYSIS

WAY-FM Media Group, Inc. ("WAY-FM"), is proposing no change in its facilities as licensed other than its community of license. There is no change in transmitter site, ERP, or any other aspect of the station's technical licensed parameters. The population coverage within the service area will remain the same, and there will be no gain or loss areas. Approval of this minor modification application will result in a preferential arrangement of allotments under Section 307(b) of the Commission's Rules by providing Spring Hill, Tennessee, an incorporated community, with its first local transmission service. Columbia, Tennessee, would not be deprived of a sole local transmission service but would continue to be served by three full time commercial AM stations and one full time commercial FM station.

Spring Hill, Tennessee, is a community for allotment purposes with a population of 7,715 according to the 2000 U.S. Census. The US Census Bureau estimated the population increased to 17,148 in 2005 making Spring Hill one of fastest growing communities in Tennessee, and the sixteenth fastest in the United States. Spring Hill is an incorporated city which is sufficient to establish its community status. *See Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88, 91-93 (1982). In addition, it has its own zip code, police and fire departments. It has its own mayor, Danny M. Leverette, City Administrator, Ken York, and eight city council members. It has its own public library, fifteen churches, and two local newspapers that provide local news to Spring Hill residents. Spring Hill has two elementary schools, Chapmans Retreat Elementary and Spring Hill Elementary; a number of community organizations, including the Spring Hill Chamber of Commerce which lists close to three-hundred members; Rotary Club; Heritage Community Recreation Association; Senior Citizens Group; Lion's Club; Friends of Spring Hill Public Library; Spring Hill Arts Center; and Little League.

A 307(b) analysis favors grant of the requested change in city of license to Spring Hill.¹ According to the Commission's assignment priorities, the reallocation of WAYM(FM) from Columbia, Tennessee, to Spring Hill satisfies the Commission's FM assignment priority three as it would provide Spring Hill with its first local transmission service. According to the Commission, provision of first local transmission service is the third highest allotment priority, behind the provision of first aural reception service and second aural reception service. (First local transmission service and second aural reception are given co-equal weight). See *M&O 5 FCC 7094* (1990); *Hart, Pentwater and Coopersville, Michigan*, 19 FCC Rcd 1886 (2004); *Columbus and Monona, Wisconsin*, 21 FCC Rcd 10012 (2006), *Eatonton and Lexington, Georgia*, 21 FCC Rcd 10032 (2006); *Southwest City, Missouri, and Gravette, Arkansas*, 21 FCC Rcd 6279 (2006). As Spring Hill is an independent community, it is deserving of its own local service. See *Memphis and Arlington, Tennessee*, 21 FCC Rcd 1144 (2006); *LaGrange, Greenville and Waverly Hall, Georgia*, 20 FCC Rcd 20007 (2006); *Athens and Doraville, Georgia*, 19 FCC Rcd 18746 (2004); *Franklin, Addis and Eunice, Louisiana*, 21 FCC Rcd 2933 (2006). There are no radio or television stations currently licensed to Spring Hill.

Reallocation of WAYM to Spring Hill would not deprive Columbia of its sole local transmission service. Columbia will continue to be served by three full time commercial AM stations, WKRM(AM), WMCP(AM), and WMRB(AM), and one other full time commercial FM

¹ This application is filed pursuant to Rule 73.203(b) adopted in MB Docket No. 05-210, R&O Released on 11/29/06. The application proposes a minor modification of facilities and specifies a change in authorized community of license and complies with the requirements of Section 73.3573(g) as follows:

- 1) Legal and technical exhibits are provided demonstrating the preferential arrangement of allotments or assignments under section 307(b) of the Rules.
- 2) The current license and proposed modified facilities are mutually exclusive as defined under section 73.207.
- 3) Applicant certifies that it will comply with the local public notice provisions of Section 73.3580 and applicable subsections with respect to notification of the proposed community of license change to both the presently authorized and proposed communities of license.
- 4) The proposed site complies fully with Sections 73.207 and 73.315 of the Rules.

station, WKOM(FM). Provision of first local service at Spring Hill results in a preferential arrangement over the retention of a fifth local service at Columbia. *See supra Columbus and Monona, Wisconsin; Eatonton and Lexington, Georgia; Southwest City, Missouri and Gravette, Arkansas; see also Dundee and Odessa, New York*, 21 FCC Rcd 5070 (2006).

Columbia will continue to receive protected aural service under the proposed reallocation. In fact, there will be no change in coverage since WAY-FM proposes no modification of its technical facilities. Columbia receives protected aural service from city-grade signals from at least twelve FM and AM stations, which far exceeds the five station threshold required to consider it well served. *See Potts Camp and Saltillo, Mississippi*, 16 FCC Rcd 16116 (2001); *Norfolk and Windsor, Virginia*, 21 FCC Rcd 6888 (2006); *Loretto, Tennessee and Killen, Alabama*, 21 FCC Rcd 5834 (2006). There are no white or gray areas.

In conclusion, Spring Hill is a burgeoning independent community, and is deserving of its first local transmission service. Columbia will continue to receive service from three other local AM stations and one other FM stations. The Commission's priorities under 307(b) will be well advanced by grant of this minor modification application.