

PUBLIC INTEREST STATEMENT

Clear Channel Broadcasting Licenses, Inc. (“Clear Channel”), licensee of WTSM(FM), Springfield, Vermont, hereby submits this Public Interest Statement in support of the application for construction permit to change the community of license of WTSM from Springfield, Vermont to Swanzey, New Hampshire (the “Application”). As shown below, the proposed changes serve the public interest by providing a first local service to the community of Swanzey while not removing the only local broadcast service from Springfield.¹ Hence, the proposed changes constitute a preferential arrangement under the *FM Priorities*.²

I. Technical Compliance

This Application proposes the assignment of Channel 228A from Springfield, Vermont to Swanzey, New Hampshire and the modification of authorization for WTSM(FM) to operate on Channel 228A at Swanzey. These changes will require modification of the current WTSM(FM) authorization to change the community of license for the station from Springfield to Swanzey with a relocation of the transmitter site to new reference coordinates.³ The community of Swanzey is not located within the defined boundaries of any Urbanized Area nor will the allotment or permitted sites provide a 70 dBu signal over 50% or more of any urbanized area. Accordingly, a “Tuck” showing is not required as part of this Public Interest Statement.⁴

¹ WCFR(AM), Facility Identification Number 4909 is licensed to Springfield, Vermont.

² The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, 99 FCC 2d 88 (the “*FM Priorities*”).

³ The reference coordinates for the allotment site are 42-54-53 N and 72-19-52 W. The coordinates for the permitted site are 42-54-53 N and 79-12-52 W. See Engineering Statement of Robert M. Smith, attached as Exhibit 32 to the Application.

⁴ See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (Allocations Branch, 1995) (adopting requirement that stations seeking to move from rural communities to communities near Urbanized Areas must provide a Tuck showing if the allotment would place a 70 dBu signal over 50% or more of Urbanized Area); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (delineating eight-factor analysis for determining a proposed

Applicants seeking to change the community of license for a broadcast station must propose a channel that is mutually exclusive with the existing station's channel and the new community must be preferred over the existing community pursuant to the Commission's FM allotment priorities.⁵ The proposed assignment of Channel 228A to Swanzey at either the allotment or permitted sites is mutually exclusive with the existing assignment of Channel 228A to Springfield.⁶ The proposed assignment of Channel 228A to Swanzey at the allotment site comports with the Commission's minimum distance separation requirements as stated in Section 73.207 and will provide the required community coverage requirements as specified in Section 73.315.⁷ The proposed permitted site complies with the Commission's mileage separation rules and will provide the required city grade signal over Swanzey.⁸ The Application will not create any underserved areas.⁹ The proposed assignment will provide Swanzey with its first local service while still retaining a first local service in Springfield; accordingly the proposed move will not deprive Springfield of a first local service.

II. The Proposed Changes Serve the Public Interest

The Application proposes changes to the communities of Springfield, Vermont and Swanzey, New Hampshire that represent a preferential arrangement under the *FM Priorities* and therefore serve the public interest. In accordance with the *FM Priorities*, the proposed assignment represents an enhanced allotment priority over retention of Channel 228A in Springfield because the allocation will result in the introduction of a first local service to

community's independence from a nearby Urbanized Area); *Huntington Broadcasting Co.*, 192 F.2d 33 (D.C. Cir. 1951).

⁵ See *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), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

⁶ See Engineering Statement of Robert M. Smith at 2.

⁷ See *Id.*

⁸ See *Id.*

⁹ See *Id.* at 3.

Swanzey as well as providing wide-area service¹⁰ while not depriving Springfield of a first local service. First local service constitutes priority (3) under the *FM Priorities*, while retention of the existing allotment in Springfield represents at best priority (4). Accordingly, the proposed changes specified in this Application serve the public interest.

III. Swanzey, New Hampshire

As described below, Swanzey constitutes a “community” for allotment purposes in accordance with Commission precedent. To qualify as a community for allotment purposes, the Commission has stated that a locality must have “social, economic, cultural or governmental indicia” that identify that locality as a community.¹¹ Applicants may satisfy the showing of community status by demonstrating that the locality “is commonly regarded as a distinct group,” which may be shown “by objective indications of the existence of a common perception that a locality’s populace constitutes a distinct geographical population.”¹² The Commission has held that objective indications of community status include the existence of political, commercial, social and religious organizations and services in the community where the residents function and conceive of themselves as residents of a community. Swanzey has sufficient objective indicia of community status, which are described in more detail below.

Swanzey has its own zip code (03446) and post office,¹³ each of which is indicative of an established community, with a population of 6,800 people.¹⁴ The community was incorporated in 1753 and originally called Lower Ashuelot, because the town is located on the Ashuelot River.

¹⁰ The proposed reassignment will provide service to an additional 26,631 persons within the proposed 60 dBu contour,

¹¹ See *Avon, North Carolina*, 14 FCC Rcd 3939, 3940 (1990).

¹² See *Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 934 (1990).

¹³ The Swanzey Post Office is located on 486 Old Homestead Highway, Swanzey, New Hampshire 03446-9998.

¹⁴ http://en.wikipedia.org/wiki/Swanzey,_New_Hampshire.

Swanzy was the site of several battles during the French and Indian War and later would develop into a textile manufacturing center. The town boasts four covered bridges.

The town of Swanzy is governed by a Board of Selectmen. The Board of Selectmen consists of three members, each elected to a three year term. Swanzy also has a Town Administrator, Fire Department and Police Department. The town has its own web site.¹⁵

Residents of Swanzy may worship at three churches in the community,¹⁶ borrow books at two libraries,¹⁷ and be educated at the local schools.¹⁸ They may eat at local restaurants,¹⁹ service their cars with local mechanics,²⁰ purchase gas and groceries,²¹ and receive local financial services.²² Residents may work at All-Med, Inc., Monadnock Fence Company, Baudelaire, Inc., Professional Services, Emptor Marketing, KLI Consulting, Top Quality Maintenance, and Jamaica Bearings.

In short, Swanzy includes the various indicia from education to government, churches to libraries, and local industry demonstrative of a community deserving of a first local service.

¹⁵ <http://www.town.swanzy.nh.us/>.

¹⁶ First Congregational Church of Swanzy, Christian Life Fellowship and Cornerstone Baptist Church.

¹⁷ Mt. Caesar Union Library and Stratton Free Library.

¹⁸ Monadnock Regional School District serves Swanzy. Residents may attend either Mt. Caesar School or Winchester School District.

¹⁹ Swanzy Diner, Amone's Family Fun Center and Campy Country Kettle Restaurant.

²⁰ Bob's West Swanzy Garage, Emerson's Towing and Repair and YBA Muffler & Brake.

²¹ Swanzy Neighbors, T-Bird Mini-Mart and Effendi's Mini-Mart.

²² Credit Union Services Alliance.

CONCLUSION

The Application proposes the following assignments:

<u>Channel Number</u>		
<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Springfield, Vermont	228A	----- ²³
Swanzey, New Hampshire	----	228A

This proposal will serve the public interest by providing the community of Swanzey with its own first local service well as providing wide-area service to more than 26,000 people while not depriving Springfield of first local service. For these reasons, Clear Channel Broadcast Licenses, Inc. respectfully requests that the Commission approve this Application as proposed herein to provide improved service to the local community involved, which will result in greater benefit to the public.

Clear Channel states that if the FCC grants this Application and removes Channel 228A from Springfield, substitutes Channel 228A, and assigns Channel 228A to Swanzey and modify the authorization for WTSM(FM) accordingly, Clear Channel will construct the facilities in a timely manner.

²³ WCFR(AM) will continue to provide a first local service to Springfield, Vermont.