

Section VII, Question 19, Exhibit 25  
Proposal Meets All Requirements in Furtherance of 47 U.S.C. Section 307(b)

Applicant proposes to change its the station's community of license from Cortez, CO, to Towaoc, CO. No change in technical or engineering facilities is proposed. With this change the station will continue to provide primary service coverage (60 dBu) to Towaoc and, for that matter, will continue to provide such level of good coverage to Cortez.

All elements of first and second reception service are unchanged and unaffected.

As stated in Section 73.3573 of the Rules and Regulations:

(g) Applications proposing to change the community of license of an FM station or assignment are considered to be minor modifications under paragraphs (a)(2), (e)(1), and (f)(1) of this section, and are subject to the following requirements:

(1) The applicant must attach an exhibit to its application containing information demonstrating that the proposed community of license change constitutes 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));

(2) The facilities specified by the applicant at the proposed community of license must be mutually exclusive, as defined in Section 73.207 or 73.509 of this part, with the applicant's current facilities or its current assignment, in the case of a winning auction bidder or tentative selectee; and

(3) Notwithstanding the provisions of Section 73.3580(a) of this part, the applicant must comply with the local public notice provisions of Sections 73.3580(c)(3), 73.3580(d)(3), and 73.3580(f) of this part. The exception contained in Section 73.3580(e) of this part shall not apply to an application proposing to change the community of license of an FM station.

(4) \*\*\* [non-reserved band – does not apply]

(g)(1) Preferential arrangement of allotments or assignments.

**(a) The proposal satisfies a preferential arrangement of allotments.** Withdrawal of Cortez as community of license would not deprive the community of its only licensed transmission facility. The following facilities licensed to Cortez will remain:

KISZ-FM 54005 FM Winton Road Broadcasting Co., LLC  
KRTZ 16435 FM Winton Road Broadcasting Co., LLC  
KSJD 58851 FM Community Radio Project, Inc.

Addition of Towaoc would create the first transmission service for that community. This is a net gain of service under established 307(b) criteria:

- first priority to provision of first full-time aural reception service,
- next priority to provision of second full-time aural reception service or first local transmission service
- and last priority to “other public interest matters.”

*Revision of FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982)

Those revised priorities have been used, and continue to be used in all rule making proceedings to amend the Table since the early 1980s, and for resolving conflicts among mutually exclusive proposals to amend the Table. This proposal furthers the second priority, with a new first local transmission service. Reception services, and the priorities among them, are unaffected.

**(b) The proposed community has sufficient independent attributes to be accorded community of license status.** Towaoc, Colorado is the seat of government for the Ute Mountain Ute Tribe. Towaoc is a census-designated place (CDP) on the Ute Mountain Ute Tribe Reservation in Montezuma County, Colorado, United States. The population was 1,087 at the 2010 census. The Towaoc Post Office has the ZIP Code 81334. Towaoc houses the Ute Mountain Governmental center, recreation center, library, social services, fire department, correctional facility, Bureau of Indian Affairs Offices, Ute Mountain. The Zip Code of Towaoc is 81334.

The Ute Mountain Ute Tribe is one of the largest employers in Montezuma County, Colorado: in addition to the tribal government, its enterprises include Weeminuche Construction and the Ute Mountain Ute Casino. The Ute Mountain Ute Tribe is one of the 564 federally recognized sovereign Indian Nations and operates under a constitution and a federal corporate charter consistent with the Indian Reorganization Act of June 18, 1934.

The Ute Mountain Ute Tribal Lands (UMUTL), located in the extreme Southwest corner of Colorado with small portions extending into Northwestern New Mexico and isolated in Southeastern Utah are the homeland for the Weeminuche band of the [Ute Indians](#). UMUTL encompasses 597,288 acres of trust land, and 27,354 acres of fee land. The UMUTL also are parts of the [Montezuma](#) and [La Plata](#) counties in Colorado, [San Juan County](#) in New Mexico and [San Juan County](#) in Utah. The largest portion in Montezuma County borders [Mesa Verde National Park](#) to the northeast, the [Southern Ute Indian Tribe](#) to the east, the [Navajo Nation](#) to the south and west, and a mix of U.S. Bureau of Land Management (BLM) public lands and private lands, including the [City of Cortez](#), to the north.

The community of [White Mesa](#) is isolated from the largest portion of the UMUTL and consists of 8,456 acres of trust land and 4,359 acres of fee lands. White Mesa is 12 miles south of [Blanding, Utah](#) on U.S. highway 191. White Mesa is in San Juan County, Utah, and the surrounding property is a mixture of BLM land and state ownership.

In addition, the proposed community of license further an important public policy objective of according high priority to new and enhanced service to underserved tribal communities. To be clear, we are not applying for nor claiming a Tribal Priority for this proposal. But the proposal allows enhanced attention to the needs and interests within the tribal area, a concern that was recognized when the tribal priority was adopted, *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Third Report and Order, FCC 11-190 released on December 29, 2011.

(g)(2) Must be mutually exclusive with the existing facilities.

Because no changes are proposed to the radio engineering of the station, the proposed facility by definition is mutually exclusive with the existing facility.

(g)(3) applicant must comply with public notice requirements.

Immediately upon submission of the application, the station will publish the required notices.