

**Section 307(b) Showing**  
**ADD: 286C2 South Park, WY**  
**DELETE: 286C3 Thayne, WY**

The Applicant hereby proposes to change KRFD(FM)'s community of license from Thayne, WY, to the currently unserved community of South Park, WY, and change from Channel 286C3 to mutually exclusive Channel 286C2.

This Showing, together with the Comprehensive Technical Exhibit to the Application, demonstrates 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)). Furthermore, as set forth in the Comprehensive Technical Exhibit to this Application, the facility specified is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, with the current assignment. As confirmed in the Comprehensive Technical Exhibit to the application, there is an assignment or allotment site for the facility at the 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 change shall qualify for submission as minor modification applications pursuant to Section 73.3573(g) of the Commission's Rules.

In determining whether a proposed community of license change constitutes a preferential arrangement of allotments under Section 307(b) of the Act, the Commission considers whether the proposal would serve one or more of the Commission's four priorities.<sup>1</sup> Here, grant of the Application would satisfy the third priority by authorizing first local aural transmission service at the community of South Park, WY. The Application constitutes a preferential arrangement of allotments under Section 307(b) as compared to the existing allotment/assignment. South Park is a Census-Designated Place with a population (2000 Census) of 864 persons. Commission precedent holds that a community that is a Census-Designated Place presumptively qualifies as a community for allotment purposes and thereby merits its own local transmission service.<sup>2</sup> Furthermore, a grant of the Application would not result in a loss of sole local aural transmission service at Thayne since Thayne will retain the fulltime aural transmission service of KTYN(FM) (FCC Facility ID #93901) on Channel 220A.

Attachment 1, attached hereto, is a Gain/Loss study demonstrating that when Channel 286C3 is deleted from Thayne and mutually exclusive Channel 286C2 is added to South Park for KRFD(FM)'s use, a gain area and loss area is created resulting in a net gain in population served of 19,188 persons across 3,758 sq km of net-gain geographic area.

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<sup>1</sup> 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).

<sup>2</sup> See e.g., *Cleveland and Ebenezer, Mississippi R&O*, 10 FCC Rcd 8807, 8808 [¶ 6] (Allocations Br. 1995) (“The Commission’s long standing policy is to allot channels to communities composed of geographically identifiable population groupings. This requirement is generally satisfied if the community is either incorporated or listed in the U.S. Census.”). See also *Reydon, Oklahoma R&O*, 18FCC Rcd 3222, 3222 [¶ 2] (Ass’t Chief, Audio Div., released Mar. 4, 2003); *Randsburg, California*, 21 FCC Rcd 367 (Ass’t Chief, Audio Div. 2006).

Attachment 2, attached hereto, is a Thayne, Wyoming, Remaining Services Study showing that all of the Loss Area, with the exception of a small area in its southwest portion, will retain the services of at least two fulltime aural reception services. As can be seen in the Remaining Services Study, a small amount of white area containing only 6 persons will be created as a result of the community change. Consistent with *Silverton and Bayfield, Colorado*, a loss of first aural reception service to 6 persons would be considered *de minimis* and is easily outweighed by the creation of a first local transmission service for South Park's 856 residents and an additional service to a net 19,188 persons.<sup>3</sup> Attachment 3, attached hereto, is a South Park, Wyoming, Existing Services Study showing that no white area or gray area will be eliminated by the proposal.

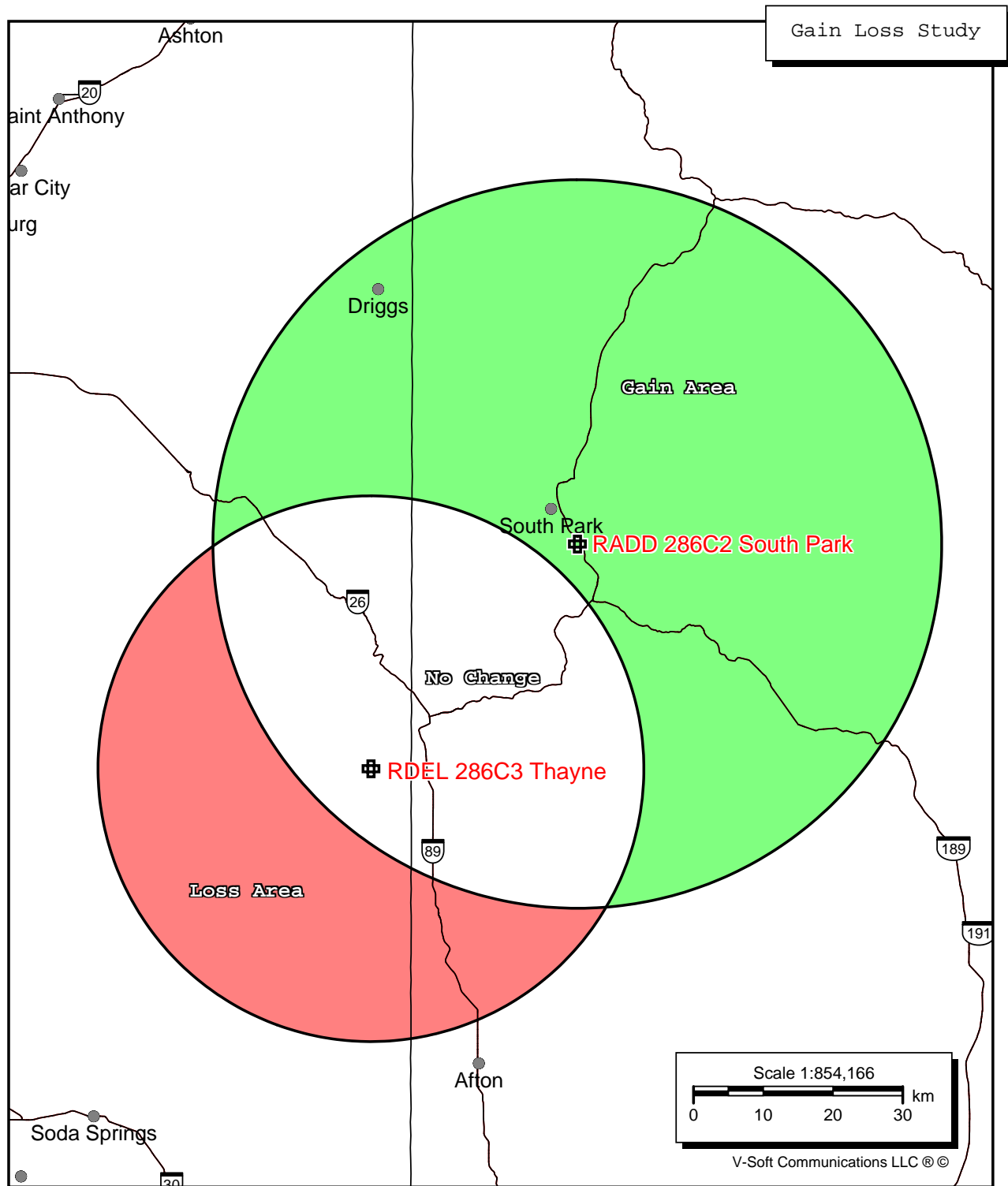
The proposed KRFD(FM) 70 dBu contour at South Park will not encompass any Urbanized Area. Therefore, the proposal does not represent a migration of service from a rural area to an urban area.

Since the proposal triggers Priority Three and provides first local transmission service to the 856 residents of South Park, WY, an additional reception service to a net 19,188 persons, and clearly furthers the Commission's Allotment Priorities.

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<sup>3</sup> See *Silverton and Bayfield, Colorado*, Report and Order, 14 FCC Rcd 21502 (MMB 1999).

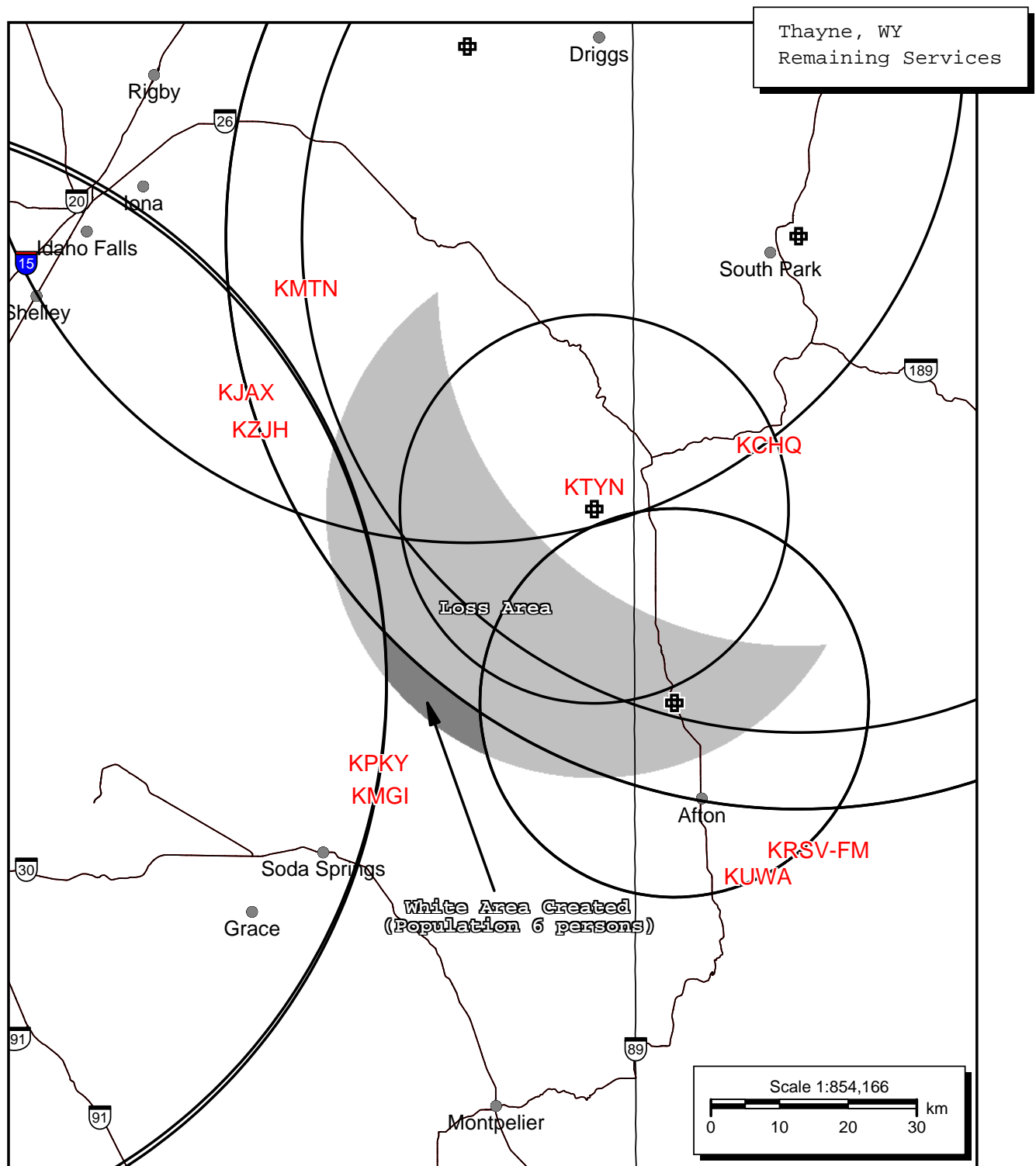
**Attachment 1**  
**Gain / Loss Study**



Population in Gain Area:	22,449 persons
Population in Loss Area:	2,904 persons
Net Population Gain:	19,188 persons

Size of Gain Area:	5,914 sq km
Size of Loss Area:	2,156 sq km
Net Geographic Gain:	3,758 sq km

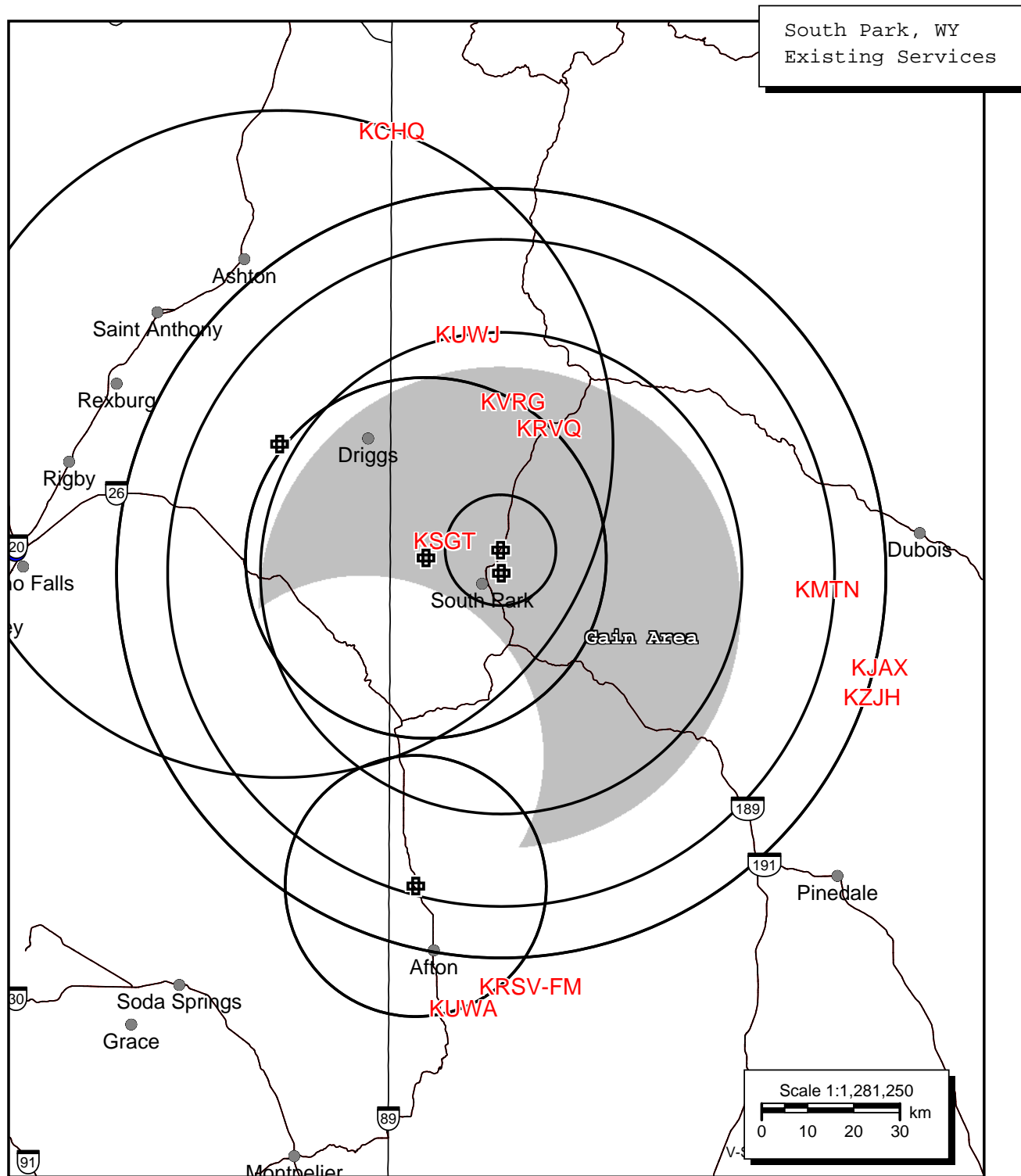
**Attachment 2**  
**Thayne, WY**  
**Remaining Services**



- Small White Area created containing 6 persons
- No Gray Area is created.

**Attachment 3**  
**South Park, WY**  
**Existing Services**





No White Area Eliminated  
No Gray Area Eliminated

New First Local Service: South Park, WY