

SECTION 307(b) ANALYSIS

By this Form 301 application, Gold Coast Broadcasting, LLC (“Gold Coast”), the licensee of KFYV(FM), seeks to change KFYV(FM)’s community of license from Ojai, California to Carpinteria, California. In addition, the application seeks to modify KFYV(FM)’s transmitter site. By a simultaneously filed application, commonly owned station KSBL(FM), licensed to Rincon Broadcasting LS LLC, is seeking a contingent modification to change KSBL(FM)’s community of license from Carpinteria, California to Ojai, California, change its operating frequency from Channel 269A to 268B, and relocate the station’s transmitter site. In this way, the two stations will swap their respective communities of license. As detailed below and in the attached engineering exhibit, this community of license swap and the relocation of each station’s transmitter site will result in a preferential arrangement of allotments and complies with the Commission’s policies governing community of license changes.

Section 307(b) of the Communications Act of 1934, as amended, states that the Commission must distribute broadcast licenses to states and communities so “as to provide a fair, efficient, and equitable distribution of radio service.” 47 U.S.C. § 307. Pursuant to the rules promulgated as a result of Section 307(b), the Commission’s allotment priorities are as follows: (1) first full-time aural reception service; (2) second full-time aural reception service; (3) first local aural transmission service; and (4) other public interest factors. Co-equal weight is given to priorities (2) and (3). *Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 2d 88 (1982). In this case, KSBL(FM) is presently the sole radio station licensed to the community of Carpinteria, whereas KFYV(FM) is one of two stations licensed to Ojai. The contingent

modification applications contemplate a swap in the stations' respective community of license, leaving the distribution of stations to communities unchanged. Thus, priorities 1, 2, and 3 are not involved in this case, and the benefit of the proposed modification falls under the fourth category – other public interest factors.

The public interest factors in favor of the proposed swap of communities and resulting modification of KSBL(FM) and KFYV(FM) is the ability for the stations to improve their coverage area and to use the spectrum more efficiently. Specifically, as a result of these contingent modifications, KSBL(FM) will be able to relocate its transmitter site and expand its service area.

The attached engineering exhibit provides further details regarding the proposed modifications, as does the FCC Form 301 that is being simultaneously filed for KSBL(FM).

Consistent with the instructions to the FCC form 301, the following information is provided:

- 1) If new technical facilities are proposed, the area and population within the proposed 70 dbu and 60 dbu contours of the station: 70 dBu – 62,727 persons covering 364 square kilometers; 60 dBu 435,496 persons covering 1,158 square kilometers.
- 2) The number of stations licensed to the proposed new community of license: Currently, there is one station – KSBL(FM) – licensed to Carpinteria, California. Following the proposed swap of communities and modification of each station, there will continue to be one station – KFYV(FM) – licensed to the community of Carpinteria. Similarly, the community of Ojai, California will continue to have two stations licensed to it, including the relocated KSBL(FM).
- 3) The number of stations providing protected service to the proposed community of license: As shown in the attached engineering exhibit, Carpinteria presently receives full time protected service from 22 stations.

KFYV(FM), Ojai, California
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- 4) The population, according to the latest Census Data, of the proposed community of license: The community of Carpinteria, California, is 14,194 persons according to the 2000 U.S. Census data.

- 5) Where relevant to establish the precondition of a licensable community, a description of the civic, cultural, religious, social and commercial attributes of the proposed community of license: Carpinteria, California is an established, and licensable community, as shown by the fact that KSBL(FM) is presently licensed to that community today. The city was listed in the 2000 Census as having a population of 14,194 persons. The city is an established community with its own schools, city council, businesses, chamber of commerce, houses of worship, U.S. post office, et cetera.

- 6) Any other information deemed relevant: As detailed in the attached engineering exhibit and related Form 301 being filed for KSBL(FM), the public interest benefits achieved by the change of communities of license is the ability to relocate and improve each station's transmitter site and resulting service to the public.