

Section 307(b) Showing

ADD: 260C3 Klein, MT
DELETE: 260C1 Stanford, MT

The instant application is being filed by The Montana Radio Company, LLC (“TMRC”), Licensee of KZMO(FM) Stanford, MT (FCC ID #183371).

TMRC proposes that channel 260C1 at Stanford, MT, be deleted and mutually exclusive Channel 260C3 be added at Klein, MT, at a modified allotment reference site for KZMO(FM)’s use.

This exhibit, together with the Comprehensive Technical Exhibits to the Applications, 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)) and the instant application complies with the *Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rulemaking* in MB Docket 09-52, RM-11528, adopted and released March 3, 2011 (“*Rural Radio*”).

As set forth in the Comprehensive Technical Exhibit to this Application, the facilities specified are 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 facilities 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.¹ Here, grant of the Application will satisfy Priorities 1 and 2 by eliminating populated White and Gray Area within the Gain Area around Klein, MT, while not creating any White or Gray Area in the Loss Area near Stanford, MT. The proposal also satisfies Priority 3 by adding a first local transmission service to Klein, MT.

Klein, Montana, constitutes a community suitable for allotment purposes. Commission precedent holds that a community that a U.S. Census Designated Place presumptively qualifies

¹ 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).

as a community for allotment purposes and thereby merits its own local transmission service.²

Klein meets this qualification: it is listed in the 2010 Census as a CDP with a population of 168 persons.

Upon the deletion of Channel 260C1 from Stanford when KZMO(FM) changes community, Stanford will continue being served by the local transmission service of KYPF(FM). Stanford has a population of 401 persons. This is far less than the 7,500 person threshold for two services outlined in *Rural Radio*.

Exhibit 1, attached hereto, is a Gain/Loss study outlining the population and geographical coverage changes that will occur when Channel 260C1 is deleted from Stanford and mutually exclusive Channel 260C3 is added to Klein for KZMO(FM)'s use.

Exhibit 2 is a Klein, Montana, Existing Services Study depicting the full-time aural reception services that are available in the Gain Area. Since there are no Class A designated AM stations in region, there are no full time aural AM stations serving the Gain Area. As such, only FM stations in the region provide full-time aural reception service. Exhibit 2 demonstrates that 54 persons in the Gain Area that currently receive no full time reception service will receive their first as a result of this proposal. In addition, 2,707 persons that currently only receive the full-time aural reception service of KLMB Roundup, MT, will, as a result of the instant proposal, receive a second full-time aural reception service.

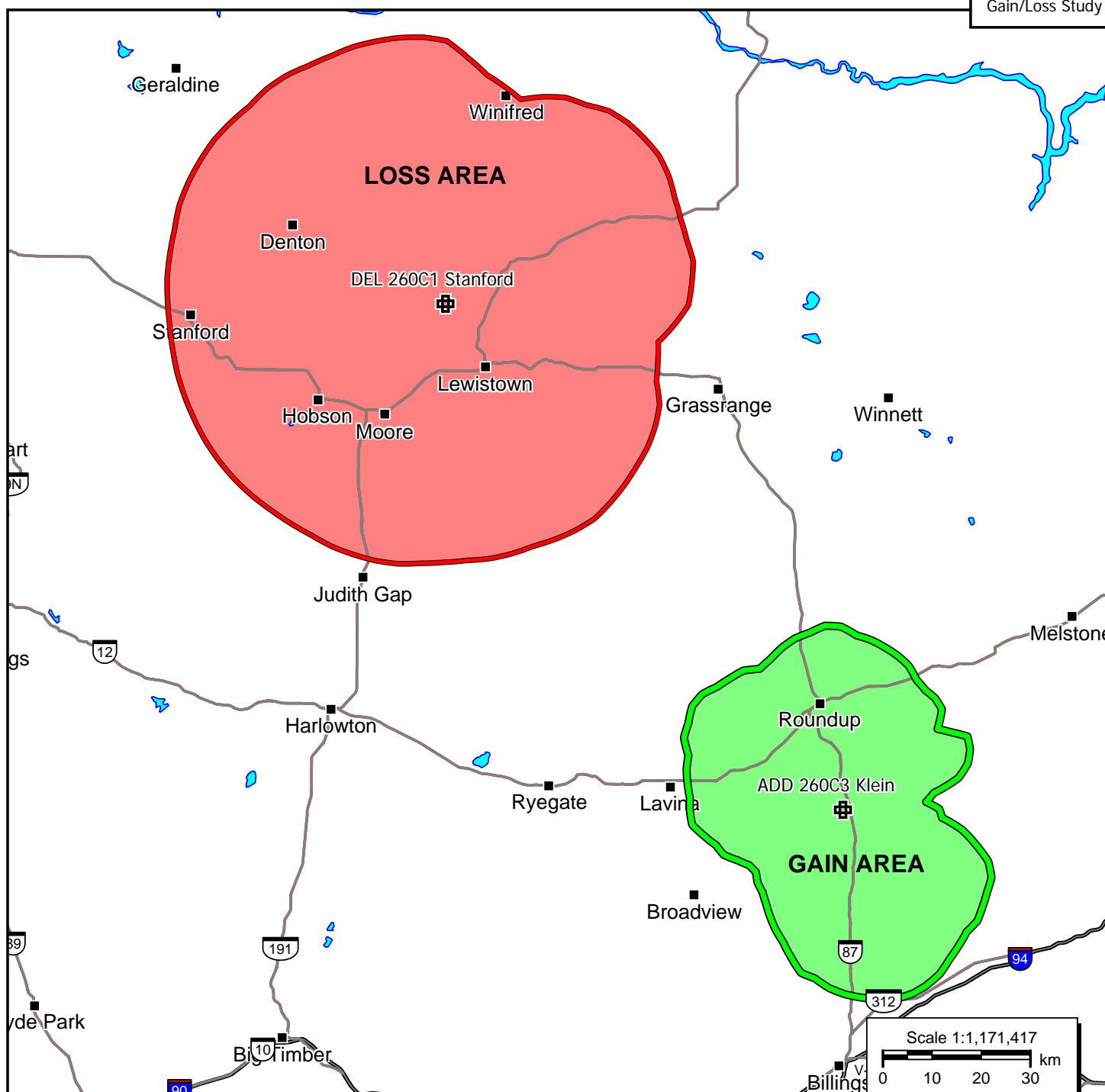
² See e.g., *Cleveland and Ebenezer, Mississippi R&O*, 10 FCC Rcd 8807, 8808 [¶ 6] (Allocations Br. 1995) ("The Commission's long standing policy is to allot channels to communities composed of geographically identifiable population groupings. This requirement is generally satisfied if the community is either *See also* 2 *Reydon, Oklahoma R&O*, 18 FCC 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).

Exhibit 3 is a Stanford, Montana, Remaining Services Study demonstrating that when KZMO(FM) 260C1 is deleted from Stanford, no White Area or Gray Area will be created by the proposed community change. All areas within the Loss Area will receive the FM full-time aural services of KYPH(FM) Stanford and KLEU(FM) Lewistown. It is also worth noting that since KZMO(FM) has not yet commenced operations at Stanford, none of the population in any of the reception area has become reliant on this service.

In conclusion, the instant proposal furthers the Commission's allotment priorities in Section 307(b) by favorably triggering Priorities 1, 2, and 3 by eliminating populated White containing 54 persons, eliminated populated Gray Area containing 2,707 persons, and providing a first local transmission service to the community of Klein, Montana.

Exhibit 1

KZMO(FM) Gain/Loss Study



ADD 260C3 Klein

Channel: 260C3
Frequency: 99.9 MHz
Latitude: 46-15-02.70 N
Longitude: 108-29-00.20 W
COR AGL Height: 92.0 m
COR AMSL Height: 1311.0 m
Base Elevation: 1219.0 m
COR HAAT: 140.69 m
ERP: 5.00 kW
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

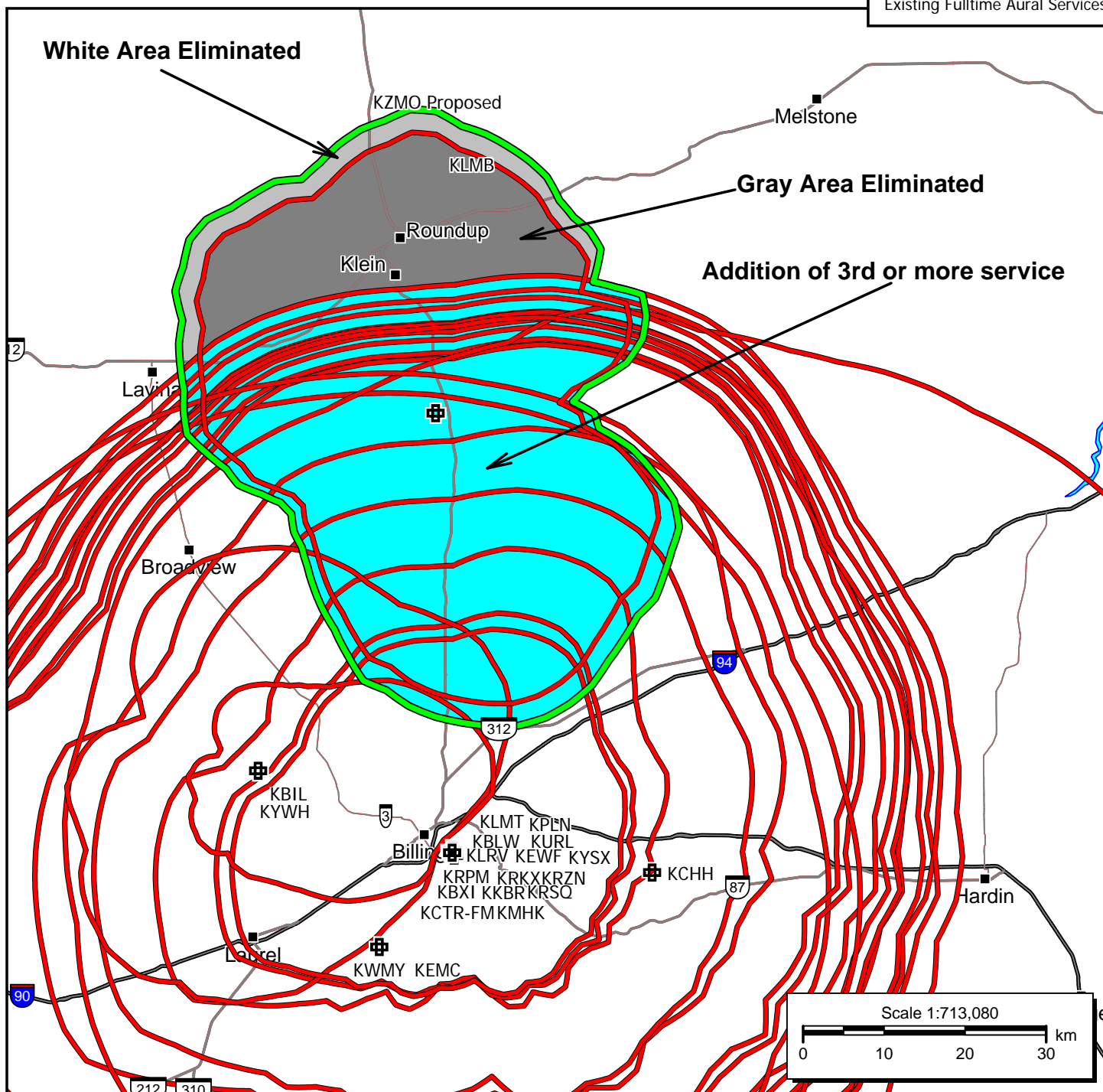
DEL 260C1 Stanford

BMPH20150209AAB
Channel: 260C1
Frequency: 99.9 MHz
Latitude: 47-10-39 N
Longitude: 109-32-06 W
COR AGL Height: 14.0 m
COR AMSL Height: 1777.0 m
Base Elevation: 1763.0 m
COR HAAT: 574.0 m
ERP: 2.80 kW
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

*Note: The listening public located in the Loss Area will not notice the removal of service from the Stanford area since this authorization for KZMO(FM) is only an unbuilt construction permit.

Exhibit 2

Klein, MT, Existing Services Study



KZMO Proposed

Proposed
Channel: 260C3
Frequency: 99.9 MHz
Latitude: 46-15-02.70 N
Longitude: 108-29-00.20 W
COR AGL Height: 32.0 m
COR AMSL Height: 1311.0 m
Base Elevation: 1279.0 m
COR HAAT: 140.69 m
ERP: 5.00 kW
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

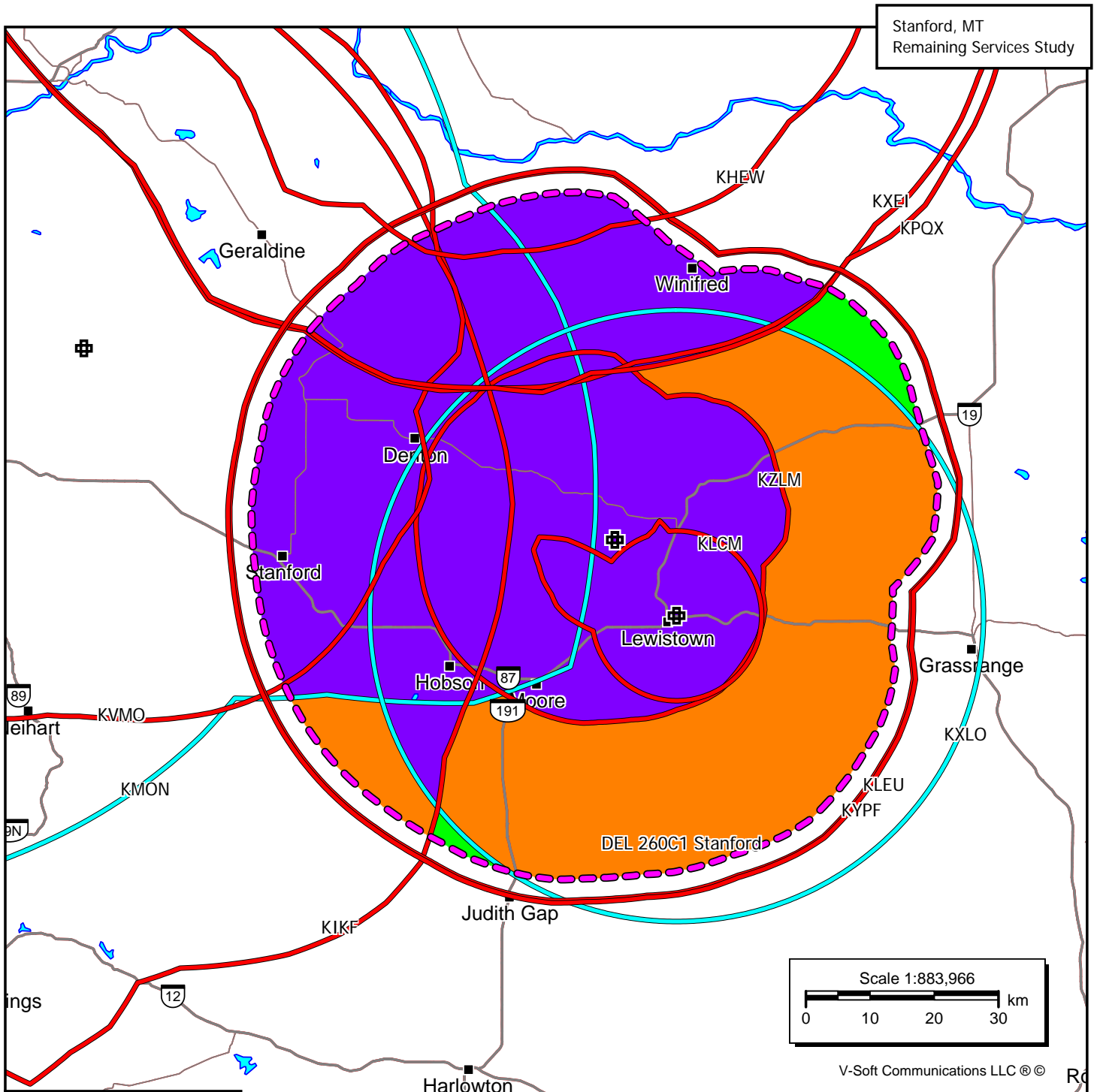
Service Count Population Report

Population Database: 2014 US Census Estimate

	Service Pop	Running Total	%
White Area Eliminated	54	54	0.7
Gray Area Eliminated	2,707	2,761	34.0
Addition of 3rd or More Service	5,367	8,128	100.0

Exhibit 3

Stanford, MT, Remaining Services Study



DEL 260C1 Stanford

BMPH20150209AAB
Channel: 260C1
Frequency: 99.9 MHz
Latitude: 47-10-39 N
Longitude: 109-32-06 W
COR AGL Height: 14.0 m
COR AMSL Height: 1777.0 m
Base Elevation: 1763.0 m
COR HAAT: 574.0 m
ERP: 2.80 kW
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

Service Count Population Report

Population Database: 2014 US Census Estimate

	Service Pop	Running Total	%
Removal of 3rd Service (Green)	28	28	0.2
Removal of 4th Service (Orange)	1,029	1,057	8.6
Removal of 5th or > Service (Purple)	11,197	12,254	100.0