

307(b) Exhibit

Ad Astra per Aspera Broadcasting, Inc. ("Ad Astra"), licensee of Stations KNZS(FM), Kingman, Kansas, submits this exhibit in support of its application for minor modification of the Station, including a change in the city of license of the Station. Ad Astra proposes to delete Channel 262C3 at Kingman, Kansas and allot Channel 262C3 to Arlington, Kansas as that community's first local service. Ad Astra's showing pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), is provided herein, addressing the factors identified by the Commission in *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, ¶ 10 (2006).

As demonstrated in the Technical Exhibit attached to the Ad Astra Application, Channel 262C3 can be allotted to Arlington consistent with Section 73.207 of the Commission's Rules. A 70 dBu signal can be provide to Arlington from the proposed allotment site. The population and area within the proposed 60 dBu contour is 66,690 persons in 4,904 square kilometers. This proposal will not create any white or gray area, as there are at least 5 stations providing protected service to both the gain and loss areas.

Ad Astra desires to change the community of license of KNZS(FM) from Kingman to Arlington under the guidelines set forth in *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), *recons. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License Order*"). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 262C3 at Arlington is mutually exclusive with the current use of Channel 262C3 at Kingman. *See* Technical Exhibit. Second, Kingman will not be deprived of its only local service because Station KCVW-FM is licensed to Kingman on Channel 232C2. A new application for a Station on Channel 203C1 at Kingman is also pending. Third, the provision of a first local service at Arlington (2000 U.S. Census population 459) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service (with a pending application for a third local service at Kingman (2000 U.S. Census population 3,387; 2006 estimated population 3110) under Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

Arlington is not located within an Urbanized Area and the proposed 70 dBu contour of KNZS(FM) will not cover more than 50% of any Urbanized Area. Therefore, this relocation does not implicate the Commission's policy regarding the migration of stations into urban areas. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

Arlington is a Census Designated Place. Arlington is identified in the 2000 U.S. Census with a population of 459 and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992).

Arlington is home to a number of businesses including, Applegates Hardware, Mothers Helper, Daves Archery, Nandos Pizza, Arlington Marketplace, Motel 61, Dowell Construction, Applegate Plumbing Inc, Arlington Trading Company, Bontrager Custom Cabinets, Mill Manor Apartments, Citizens National Bank Branch, The Village Place, Double B Bar & Grill, Dallines Family Hair Care, Just N Time Heating & Air Incorporated, E & R Mini Storage, and Eulas Beautiful Pleat Rods & Drapery.

Arlington is deserving of a first local service.