

WEHM(FM), Facility ID 52059
Application for Construction Permit
Filed January 19, 2007

SECTION 307(b) SHOWING

This application proposes a change of transmitter site and also a change of community of license from Southampton, NY, to Manorville, NY. This exhibit demonstrates that the proposals in the application will result in a preferential arrangement under Section 307(b) of the Communications Act. The 307(b) determination is based upon the FM allotment priorities established in *Revision of FM Assignment Policies and Priorities*, 90 FCC 2d 88 (1988), which are as follows:

1. First fulltime aural service
2. Second fulltime aural service

Neither priority is applicable in this case, as WEHM does not now provide a first aural service to any area or population and will not do so with the proposed facilities.

3. First local service: The proposal fulfills this priority, as the result will be:

- a. The move will not remove the sole local aural service at Southampton. Stations remaining licensed to Southampton will be commercial station WHFM(FM), Facility ID 72176 and noncommercial stations WLIU(FM), Facility ID 38340, and WRLI-FM, Facility ID 13598.

- b. There is currently no aural station licensed to Manorville. Thus WEHM will provide a first local transmission service if it becomes licensed to Manorville.

4. Other public interest factors: Three other public interest factors favor the proposed move (see Exhibit 32 for supporting documentation):

- a. The 2000 Census reported the population of Southampton Village to be 3,965 persons and the population of Manorville to be 11,131 persons. Manorville thus has 181% of the population of Southampton. This larger population is favored if not offset by negative factors which do not exist here.

- b. WEHM will provide 60 dBu service to more persons after the proposed move. The population within the 60 dBu contour is currently 145,172 persons. The population within the proposed 60 dBu contour is 227,859 persons. The increase in persons receiving primary service will be 82,867, or an increase of 57%. Absent countervailing factors, which do not exist here, service to a greater number of persons is favored.

- c. The population of the gain area is 109,589 persons. The population of the loss area is 26,902 persons. All of both the gain and loss area receive five or more aural services, so no white or gray area will be either created or eliminated to offset the benefit of the increase in total persons served.

In sum, there will be no new first or second aural service to any area, and no area will be left with fewer than five full-time aural services. Manorville will receive its first local transmission

service, and Southampton will not lose a sole aural service. Manorville has a larger population than Southampton, and a greater total number of persons will receive primary service. Thus all Section 307(b) factors either favor the proposal or are neutral, and no factors militate against grant.

Manorville is a legitimate community that is entitled to a first local transmission service. While it is not a separately incorporated political jurisdiction, but rather is considered a “hamlet” that is part of the much larger town of Brookhaven, Manorville is a Census Designated Place, which normally supports being designated as a community of license. Manorville also has its own postal ZIP Code, 11949. Its population -- more than 1,000 permanent residents -- is well above the size of many other communities which the Commission has authorized as communities of license for FM broadcast stations.

Moreover, Manorville is a separate community in the mind of its citizens. The name dates back to a land trace known as “the Manor of St. George” that was granted to the William Smith family in a royal patent in 1693. There are many businesses and organizations with “Manorville” in their name, listed below, including health care, public safety, religious, civic, postal, and commercial business organizations. The use of the name “Manorville” by so many entities establishes that those who live there do consider “Manorville” to be a separate, identifiable community.

Manorville Bagels Incorporated
460 County Road 111
Manorville, NY 11949

Manorville Chiropractic
2 Grove Ave
Manorville, NY 11949

Manorville Cleaners
276 Moriches Middle Island Rd
Manorville, NY 11949
(631) 878-6304

Manorville Community Ambulance Company
Manorville, NY 11949

Manorville Community Church
505 Eastport Manor Rd
Manorville, NY 11949

Manorville Dental
36 Gateway Ln
Manorville, NY 11949

Manorville Eastport Chiropractic
9 Golf Club Cir
Manorville, NY 11949

Manorville Mobil
Exit 70 County Road 111
Manorville, NY 11949

Manorville Fire Department
14 Silas Carter Rd
Manorville, NY 11949

Manorville Florist
328 Eastport Manor Rd
Manorville, NY 11949

Manorville Historical Society Inc
North Street
Manorville, NY 11949

Manorville Humane Society
159 Woodland Ave
Manorville, NY 11949

Manorville Ice Cream Inc
460 County Road 111 Unit 4
Manorville, NY 11949

Manorville Landscaping
41 Meeting House Ln
Southampton, NY 11968

Manorville Pet Vet
20 Ryerson Ave
Manorville, NY 11949

Manorville Plumbing & Heating
222 Mill Rd
Manorville, NY 11949

Manorville Precast Corporation
35 N Weeks Ave # A
Manorville, NY 11949

Lakes Manorville Hardware Incorporated
460 County Road 111
Manorville, NY 11949

Dance Centre of The Hamptons Manorville Studio
460 County Road 111
Manorville, NY 11949

Pine Barrens Trail Info Center At Manorville
11 Lane Rd
Manorville, NY 11949

Verizon Manorville Wireless
460 County Road 111
Manorville, NY 11949

Country Point At Manorville
1 Brookville Way
Manorville, NY 11949

Post Office - Manorville
525 Eastport Manor Road
Manorville, NY 11949

The applicant respectfully submits that Manorville not only is preferred under Section 307(b) but should be strongly preferred under the first local transmission service and greater community and service area population criteria.