

EXHIBIT 33

KZHK(FM) obtained a minor change construction permit for the minor modification of its facilities in order to change the station's community of license from St. George, Utah, to Bunkerville, Nevada. *See* FCC File No. BPH-20050404AED. That construction permit, however, will not be built. Rather, KZHK(FM) will continue to operate with its licensed facilities at St. George, Utah, as specified in FCC File No. BLH-19970130AED. KZHK(FM) was granted a license renewal for those facilities in St. George, with a license for operations through October, 2013. *See*, FCC File No. BRH-20050531BSM. To the extent necessary, KZHK(FM) surrenders the construction permit so that it can continue to operate with its licensed facilities.

As KZHK(FM) plans to continue to operate with its current licensed facilities, the cancellation of its minor change construction permit for the change in city of license should have no impact on that underlying license.¹ However, to the extent a showing concerning the fact that KZHK(FM) will continue to operate from its licensed facilities is deemed necessary pursuant to Section 307(b) of the Communications Act of 1934, as amended,² the licensee offers the following: Given that community of license change to Bunkerville was never actually implemented, returning to the existing order of allotments – *i.e.* retaining the allocation at St. George, Utah – does not constitute a loss of service, consistent with the Commission's established precedent. *See, e.g., FM Channel Assignments (Dubach, Natchitoches, etc.)*, Report and Order, 37 CR 565, FCC 05-198, (2005) at ¶ 5 (substituting channel and modifying station's license accordingly, noting that the station had not commenced operation on the previous channel and that there would be "no loss of existing service to any population"); *Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations(Linden, White Oak, etc.)*, Report and Order, 16 FCC Rcd 10853 (AB 2001)("Here, as with Linden, we recognize that the reallocation will result in removal of the only potential local service at Mount Enterprise. However, since Station KGRI is an unbuilt facility, the residents of Mount Enterprise will experience no actual loss of existing service if the channel is reallocated to Zwolle."); and *Amendment of Section 73.202(b) (Lake Havasu City, Arizona and Laughlin, Nevada)*, Report and Order, 15 FCC Rcd 11664 (AB 2000) at ¶ 3 (granting the reallocation of a permit for an unbuilt television station from Lake Havasu City to Laughlin, Nevada based partially on the fact that there was no loss of service to the original community of license as the station had never commenced service to that community).

Out of an abundance of caution, however, by a simultaneously filed contingent application, KHIJ(FM), licensed to College Creek Media, LLC, proposes to change its city of license from Mesquite, Nevada to Bunkerville, Nevada, in order to provide Bunkerville with a local transmission service. As Mesquite is currently well served by at least five local transmission services, the removal of that community's fifth local service would not detrimentally impact Section 307(b).

¹ KZHK notes that the FM Table of Allotments for existing stations has been abolished, so that any previous change thereto is irrelevant to the current licensed facilities of that station.

² 47 U.S.C. § 307.

Therefore, retaining KZHK(FM) licensed to St. George, Utah,³ rather than relocating to Bunkerville, Nevada, is consistent with the allotment priorities under Section 307(b), as KHIJ(FM) will change its community of license to Bunkerville to provide a local transmission service to that community. Further, as service was never initiated by KZHK(FM) at Bunkerville, retaining the station at St. George does not result in any loss of service to Bunkerville. Thus, a first service to Bunkerville will be facilitated, while the existing service from KZHK(FM) will be preserved.

³ Given that KZHK(FM) is simply seeking to remain licensed to its present community of St. George, it is self-evident that the community is suitable for licensing purposes, as multiple television and radio stations, including KZHK(FM), are already licensed to that community.