

July 2019
KVVA-FM Channel 296C3
Sun Lakes, AZ
Section 307(b) Analysis Engineering

By the instant minor change application, it is requested that the Commission modify the license for KVVA-FM (currently licensed on Channel 296C3 at Apache Junction, AZ) to specify operation on Channel 296C3 at Sun Lakes, AZ. Unless otherwise noted, all population numbers are from the 2010 Census.

Sun Lakes

The attached contour map demonstrates that the proposed allotment site will provide 70 dBu service to 100% of Sun Lakes, a Census Designated Place (“CDP”) located in Maricopa County. The FCC considers a town or city to be a community for allotment purposes when it is either incorporated or listed in the US Census. The proposed operation will provide the first service licensed to Sun Lakes, which has a 2010 Census population of 13,918 persons. By comparison, Apache Junction will retain local transmission service from three stations: AM stations KBSZ 1260 kHz and KIKO 1340 kHz, as well as FM station KVIS Channel 214A.

It should be noted that it is not strictly necessary for Apache Junction to retain any licensed service. Nor is it relevant that the population of Apache Junction exceeds 7,500 persons. Since Apache Junction is a part of the Phoenix-Mesa Urbanized Area, that community is credited with every AM and FM station which provides service to the Phoenix-Mesa Urbanized Area.

FM Allotment Priorities

The fact that Sun Lakes will gain its first licensed service is a Priority 4 public interest matter favoring the grant of this proposal. Likewise it is a public interest matter that the proposed Sun Lakes facility will improve 60 dBu service to the Phoenix-Mesa UA by 475,640 persons and 107 square kilometers. And as detailed below, the modification will result in a net increase of total 60 dBu service provided to 657,385 persons.

Intra-Urbanized Area Move

The Second Order on Reconsideration in MB Docket No. 09-52, *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures* (“Rural Radio Second Order on

Recon”), addresses the evaluation of community of license change proposals where both communities are located within the same urbanized area, or where the licensed and proposed facilities cover more than 50% of the same urbanized area with a 70 dBu signal:

We clarify that applicants will not be required to submit Tuck showings where both the current and proposed communities are located in the same urbanized area, or the current facilities cover, and the proposed facilities would or could be modified to cover, more than 50 percent of the same urbanized area with a daytime principal community signal. However, in such community of license change cases, the UASP presumption would apply to the new community, i.e., would presumptively prohibit treating the service at the new community as a first local transmission service under Priority (3). Thus an applicant proposing such an intra-urbanized area move may not claim a Priority (3) preference, unless it also makes a showing to rebut the UASP. Absent such a showing, **the applicant must claim a preference under Priority (4), other public interest matters, by demonstrating from which of the two communities the station would provide service to a greater area and population within the urbanized area.**

Both the licensed community of license, Apache Junction, and the proposed community of license, Sun Lakes, are part of the Phoenix-Mesa Urbanized Area as defined by the 2010 Census. Thus, this proposal is categorized as an intra-Urbanized Area move. As was explained in *Gearhart*¹, the concerns expressed in *Rural Radio* addressing the move from a rural area to an urbanized area do not exist with respect to intra-Urbanized Area moves because “a first local service preference is not being used as a basis to enter the market.”² The proposal is therefore evaluated under Priority 4, “other public interest matters”.

¹ See *Gearhart, Madras, Manzanita, and Seaside, Oregon*, Report and Order, 26 FCC Rcd 10259 (MB 2011). In *Gearhart*, the authorized KNRQ (now KLVP) facility was reallocated from Tualatin to Aloha.

See also BPH-20150717AAV, which approved a change in community for KPND from Sandpoint, Idaho, to Deer Park, Washington, with no change in the station’s technical facility, which provided 60 dBu service to 95% of the Spokane Urbanized Area and 100% of the Coeur d’Alene Urbanized Area.

² See *East Los Angeles, Long Beach, and Frazier Park, California*, Report and Order, 10 FCC Rcd 2864, 2868 (MMB 1995).

Urbanized Area Service Gain

Attached is a map exhibit which depicts the licensed and proposed KVVA-FM 60 dBu contours in relation to the Phoenix-Mesa Urbanized Area. The two tables below compare the 60 dBu service provided to the UA by the licensed and proposed facilities, and demonstrate that there will be an increase in both area and population served within the UA. Therefore the change of community of license from Apache Junction to Sun Lakes is a preferred arrangement of allotments.³

	UA Population	Percentage of UA Population
Phoenix-Mesa UA	3,622,991	- -
KVVA-FM Apache Junction Licensed 60 dBu	2,478,563	68.4%
KVVA-FM Sun Lakes Proposed 60 dBu	2,954,203	81.5%
Increase in UA Population	475,640	13.1%

	UA Area	Percentage of UA Area
Phoenix-Mesa UA	2,982 sq km	- -
KVVA-FM Apache Junction Licensed 60 dBu	2,001 sq km	67.1%
KVVA-FM Sun Lakes Proposed 60 dBu	2,108 sq km	70.7%
Increase in UA Area	107 sq km	4.6%

Gain and Loss Areas

There is some overlap of the Sun Lakes gain area and the Apache Junction loss area. The gain area directly associated with the reallocation of KVVA-FM encompasses an area of 2,398 sq km and a population of 1,035,520 persons. The loss area directly associated with the reallocation of KVVA-FM encompasses an area of 2,829 sq km and a population of 378,135 persons.

³ See the Media Bureau's decision letter in *WAXY-FM, West Palm Beach, FL*, BPH-20120529AKO, DA 13-552 (March 26, 2013), and also *Gearhart, Madras, Manzanita, and Seaside, Oregon*, Report and Order in MB Docket No. 10-118 (July 19, 2011).

There will be a net increase of service provided to 657,385 persons.

Loss Area Remaining Services Analysis

The proposed reallocation of KVVA-FM will not result in the creation of any white, gray, or underserved areas. The entire loss area is considered to be well-served, with in excess of five remaining services.⁴ Indeed, the following 14 stations each provide service to 100% of the loss area:

KJZZ	218C	Phoenix
KTAR-FM	222C	Glendale
KDKB	227C	Mesa
KOOL-FM	233C	Phoenix
KYOT-FM	238C	Phoenix
KMXP	245C	Phoenix
KUPD	250C	Tempe
KMVP-FM	254C	Phoenix
KESZ	260C	Phoenix
KSLX-FM	264C	Scottsdale
KALV-FM	268C	Phoenix
KNIX-FM	273C	Phoenix
KZZP	284C	Mesa
KMLE	300C	Chandler

Numerous additional stations also provide service to all or part of the loss area. A list of those stations can be provided should the Commission so require.

Gain Area Existing Services Analysis

The entire gain area is considered to be well-served, with in excess of five existing services. the following 14 stations each provide service to 100% of the gain area:

⁴ In determining reception service provided by non-reserved band FM stations, the service contour used is that which is set forth for the class of station in §73.215(a)(1) of the Rules. The service contour has been calculated based on the facility's authorized effective radiated power and height above average terrain, taking into account actual terrain. Vacant FM allotments have not been counted. In determining reception service provided by reserved band FM stations, the service contour used is the 60 dBu contour.

In determining reception service provided by AM stations, the service contour used is the daytime 2.0 mV/m ground wave contour, calculated from the current transmitter coordinates using authorized facilities.

In the case of stations with granted, but unbuilt construction permits for modifications to their currently licensed or permitted facilities, the authorized but unbuilt modified facilities have been used.

Rural Radio 2nd Order on Recon at paragraphs 15-17, including Footnote 65.

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