

Section 307(b) Statement

Citicasters Licenses, Inc., as debtor in possession, the licensee of WSOL-FM, FCC Facility ID No. 23830 (“WSOL-FM” or the “Station”), is requesting a construction permit for the minor modification of the Station to specify a change in community of license from Brunswick, Georgia, to Yulee, Florida (the “Application”). No changes in the technical facilities of WSOL-FM are being requested. The proposed change of community of license to a community within the Jacksonville, Florida Urbanized Area (“UA”) will promote the public interest by improving the ratio of radio stations providing significant service to or located within the Jacksonville, Florida UA, thereby furthering Priority (4) of the Commission’s FM Allotment priorities. Moreover, the proposed change of the Station’s community of license will set the foundation for WSOL-FM to provide greater service to the Jacksonville, Florida Urbanized Area with the option to encompass more than 50% of the Jacksonville, Florida Urbanized Area with a 70 dBu contour from an existing tower location. In addition, the change of community of license to a Jacksonville, Florida UA community is more consistent with WSOL-FM’s current -- and long-standing (since at least July 2003) -- listing as a “home” station to the Nielsen Jacksonville, Florida Metro Market. ^{1/}

This exhibit together with the other exhibits to the Application demonstrate that the proposed modification of the Station 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)). As set forth in the Technical Exhibit/Change of Principal Community filed with this Application (the “Technical Exhibit”), the facility specified in the Application is mutually

^{1/} See Multiple Ownership Study submitted with this Application.

exclusive, as defined in Section 73.207 of the Commission's Rules, with the current assignment of the Station. 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 the applicant 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.

As confirmed in the Technical Exhibit, there is an assignment/allotment site for the facility that fully complies with Sections 73.207 and 73.315 of the Commission's Rules without resort to Sections 73.213 or 73.215 of the Commission's Rules. No service would be lost in any underserved area and no new underserved areas would be created as a result of this proposal. To the extent relevant to a community within an Urbanized Area, the current community of license of the Station (Brunswick, Georgia) will *not* be deprived of its only local service. 2/

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. 3/

Pursuant to Commission policy set forth in its *Rural Radio Order*, 4/ because the

2/ Brunswick, Georgia, would continue to be the community of license of three AM stations (WBGA, WGIG and WSNF), and four FM stations (WAYR-FM, WMUV, WRJY, and WWIO-FM).

3/ See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*"). The four priorities are: (i) one full-time aural reception service to a community; (ii) a second full-time aural reception service to a community; (iii) one local transmission service to a community; or (iv) other public interest factors. The second and third criteria have equal priority. *Id.* at 91.

4/ See *Policies to Promote Rural Radio Service and to Streamline Allotment an Assignment Procedures*, Second Report and Order, First Order On Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556 (2011) ("*Rural Radio Order*"), subsequent history omitted.

current and proposed community of license of the Station are each located within an urbanized area (Brunswick, Georgia, and Jacksonville, Florida, respectively), given the presumption of service to the urbanized area, the Commission will evaluate this proposal under Priority (4) – other public interest matters. ^{5/} Likewise, as is the case here, where the proposed modification in community of license would, or could, allow the station to serve at least 50 percent of an urbanized area, the Commission also finds that the presumption applies, thus, unless rebutted, the proposal is treated as one to serve the urbanized area rather than the named community of license. ^{6/}

The proposed community of license change here to a community within the Jacksonville, Florida UA satisfies FM allotment Priority (4), “other public interest factors,” by allowing more radio stations to serve the greater population of the Jacksonville, Florida UA, which is comparatively underserved, thereby improving the ratio of persons served per station in the Jacksonville UA, while still leaving the population of the Brunswick, Georgia UA

^{5/} See *Rural Radio Order*, 26 FCC Rcd at 2567 [¶ 20] (Commission establishes “a rebuttable presumption that, when the community proposed is located in an urbanized area or could, through a minor modification application, cover more than 50 percent of an urbanized area, we will treat the application, for Section 307(b) purposes, as proposing service to the entire urbanized area rather than the named community of license.”). It is noted that no *Tuck* showing was required pre-*Rural Radio Order*, or is required post-*Rural Radio Order*, when the current and proposed communities are both located in an Urbanized Area. See *Radio One Licenses, LLC*, 26 FCC Rcd 14325, 14327 (Chief, Audio Div., Med. Bur. 2011) (“As both [the licensed and proposed communities] are located in the Baltimore Urbanized Area, [the applicant] correctly notes that it is not required to provide a showing of community independence under *Faye and Richard Tuck*.”). That policy applies also to inter-UA community of license changes. See *Goleta and Santa Barbara, CA*, 26 FCC Rcd 12496, 12498 (Chief, Audio Div., Media Bureau 2011) (“same policy [for intra-urbanized moves] should apply to moves from one urbanized area to another urbanized area”).

^{6/} See *Rural Radio Order*, 26 FCC Rcd at 2567 [¶ 20] (a station “could, through a minor modification application, cover more than 50 percent of an urbanized area”). As noted in the Technical Exhibit, with a designated community of Yulee, Florida, WSOL-FM could be modified so that its 70 dBu contour would encompass more than 50% of the Jacksonville, Florida UA.

comparatively well served.

The Brunswick, Georgia UA has a (2010 Census) population of 51,024 persons, in contrast to the (2010 Census) population of 1,065,219 persons for the Jacksonville, Florida UA. ^{7/} As documented in the Technical Exhibit, the Brunswick, Georgia UA currently is served by 4 AM and 12 FM full power radio stations (counting radio stations that either encompass 50% or more of the Urbanized Area with a 70 dBu contour and/or whose community of license is geographically located within the Urbanized Area). Consequently, for the Brunswick, Georgia UA, currently, there is one radio station for every 3,189 persons (that is, total Urbanized Area population of 51,024 persons divided by 16 stations).

The Technical Exhibit also establishes that Jacksonville, Florida UA currently is served by 15 AM and 18 FM full power radio stations (counting stations that either encompass 50% or more of the Urbanized Area with a 70 dBu contour and/or whose community of license is geographically located within the Urbanized Area). Consequently, for the Jacksonville, Florida UA, currently, there is one radio station for every 32,279 persons (that is, total Urbanized Area population of 1,065,219 persons divided by 33 stations).

With the change proposed here, the ratio of radio stations per Urbanized Area population would go from 3,189 persons per station to 3,402 persons per station in the Brunswick, Georgia UA, altering the ratio of persons served per station to add 213 persons to be served per station. In contrast, with this proposed change, the ratio of radio stations per Urbanized Area population would go from 32,279 persons per station to 31,330 persons per station in the Jacksonville, Florida UA, an improvement in the ratio of persons served per station of 949 persons. Thus, the ratio of persons served per station is far more improved for the

^{7/} See Technical Exhibit.

Jacksonville, Florida UA than it is diminished for the Brunswick, Georgia UA.

In sum this proposed community of license change satisfies the Commission's FM allotment Priority (4), other public interest factors, by allowing more radio stations to serve the greater population of the Jacksonville, Florida UA, thereby improving the ratio of persons served per station, while still leaving the smaller population of the Brunswick, Georgia UA comparatively well served.

It is noted that, to the extent it is still relevant post-*Rural Radio Order* for an intra-Urbanized Area community, Yulee, Florida is a community suitable for allotment/assignment purposes. Commission precedent holds that a community that is a Census Designated Place *or* that is incorporated presumptively qualifies as a community for allotment purposes and thereby merits its own local transmission service. ^{8/} Yulee, Florida is a Census Designated Place in the U. S. Census with a 2010 population of 11,491 persons. ^{9/} Moreover, Yulee, Florida is home to educational, ^{10/} government, ^{11/} and business services ^{12/} as well as

^{8/} See, e.g., *Cleveland and Ebenezer, Mississippi R&O*, 10 FCC Rcd 8807, 8808 [¶ 6] (MMB 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 incorporated or listed in the U.S. Census."); see also *Reydon, Oklahoma R&O*, 18 FCC Rcd 3222, 3222 [¶ 2] (MB 2003).

^{9/} See U.S. Census Bureau, American FactFinder, Yulee CDP, Florida, Census 2010 Total Population, at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

^{10/} Public schools include Yulee Primary, Yulee Elementary, Yulee Middle and Yulee High Schools. See <https://www.nassau.k12.fl.us/Domain/15>; <https://www.nassau.k12.fl.us/Domain/14>; <https://www.nassau.k12.fl.us/Domain/13>; <https://www.nassau.k12.fl.us/Domain/12>.

^{11/} For example, Nassau County Fire Rescue maintains a facility at Yulee, see <https://www.nassaucountyfl.com/122/Fire-Rescue>; the Robert M. Foster Justice Center is located in Yulee, see <http://www.nassaucountyfl.com/Facilities/Facility/Details/24>; and the Nassau County Sheriff's Office is located in Yulee, FL, see <http://nassauso.com/>.

^{12/} See <https://www.yellowpages.com/yulee-fl/business>.

recreational facilities. 13/

The public will be better served under the proposal set forth in the Application than the current Station allocation, promoting FM Allotment Priority (4). The record here establishes that grant of the Application would further the public interest in the fair, efficient, and equitable distribution of radio services.

13/ See White Oak Conservation Foundation, at <https://www.whiteoakwildlife.org/wop/white-oak-conservation-foundation/>