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### **307(b) EXHIBIT**

Cumulus Licensing LLC (“Cumulus”), permittee of Channel 244C3 at Humboldt, Nebraska (the “Station”), hereby submits this Application which proposes to delete Channel 244C3<sup>1</sup> at Humboldt, Nebraska and allot Channel 245C2 to Effingham, Kansas as that community’s first local service.

As demonstrated in the Technical Statement, Channel 245C2 can be allotted to Effingham consistent with Section 73.207 of the Commission’s Rules. *See* Exhibit A. A 70 dBu signal can be provided to Effingham from the proposed reference coordinates. *See* Exhibit A2. The relocation of the Station from Humboldt to Effingham will result in a predicted net gain in population of 291,755 persons within the Station’s proposed 60 dBu contour. *See* Exhibit A. There are 21 stations providing protected service to Effingham. *See* Exhibit A5.

Cumulus desires to change the community of license of the Station from Humboldt to Effingham 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).<sup>2</sup> 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.

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<sup>1</sup> The original allotment at Humboldt was Channel 244A. Cumulus has a construction permit for Channel 244C3. *See* BMPH-20060802BCX.

<sup>2</sup> *See also, 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 (2006).

These criteria are met here. First, the proposed use of Channel 245C2 at Effingham is mutually exclusive with the current use of Channel 244C3 at Humboldt. *See* Figure A3. Second, Humboldt will not be deprived of existing local service because the proposed station is an unbuilt facility. The Commission has held that the removal of unbuilt facilities does not present the same loss of service concerns as the removal of an operating station that the public has become reliant upon. *See, e.g., Linden, Texas, et al.*, 16 FCC Rcd 10853, 10854 (2001); *Grand Isle and Empire, Louisiana*, 15 FCC Rcd 9162, 9163 (2000); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664, 7665 (1997). Finally, the provision of a first local service to Effingham (2000 U.S. Census population 588), and the loss of a potential first local service at Humboldt (2000 U.S. Census population 941) both fall under Priority 3. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). However, as discussed below, Cumulus is proposing to allot Channel 272A at Humboldt which will insure that Humboldt retains a potential first local service.

The entire loss area will continue to receive at least 5 other aural services and will thus remain well served, except for a small area that will be left with no potential aural service.<sup>3</sup> *See* Exhibit A. In order insure that these 18 persons are not deprived of a potential service, Cumulus proposes the allotment of Channel 272C3 at Humboldt (2000 U.S. Census population 1,999), as its first local service.<sup>4</sup> Channel 272C3 can be allotted to Humboldt consistent with Section

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<sup>3</sup> *See Eldorado, Mason, Mertzon and Fort Stockton, Texas*, DA 07-61 (2007) (the provision of a first aural service to 124 persons was *de minimis*); *Freer, Hebbroville, and Orange Grove, Texas*, 19 FCC Rcd 4742 (2004) (the provision of a first aural service to 178 persons was *de minimis*); *Wallace, Idaho and Big Fork, Montana*, 19 FCC Rcd 15267 (2004) (the provision of a first aural service to 55 persons and the creation of a gray area consisting of 150 persons were *de minimis*); *Sparta and Buckhead, Georgia*, 16 FCC Rcd 2169 (2001) (the creation of gray area consisting of 124 persons was *de minimis*); *Seabrook, Texas, et al.*, 10 FCC Rcd 9360 (1995) (the provision of a second aural service to 455 persons was *de minimis*).

<sup>4</sup> Cumulus recognizes that the Media Bureau's decision in *Sells* prohibits proposals that utilize vacant allotments to cover "white area" that was previously served with an existing service. *See Amendment of Section 73.202(b) FM Table of Allotments, FM Broadcast Stations (Sells, Arizona)*, Report and Order, MB Docket No. 02-376, 19 FCC Rcd 22459 (rel. Nov. 22, 2004) ("*Sells*"), *petition for recon. pending*. However, the situation in this proceeding is

73.207 the Commission's Rules with respect to all existing and proposed domestic allotments and facilities.<sup>5</sup> See Technical Exhibit for Humboldt Application. A 70 dBu signal can be provided to Humboldt from the proposed reference coordinates. See Technical Exhibit for Humboldt Application. Should this channel be allotted to Humboldt, Cumulus hereby states that it will apply for the channel and if authorized, will construct the facility.

Effingham is not located in an urbanized area, and the proposed 70 dBu contour will not cover more than 50% of the any urbanized area. Therefore, this relocation does not implicate the Commission's *Tuck* policy regarding the migration of stations into urban areas. Effingham is listed in the 2000 U.S. Census with a population of 588 persons. Therefore, Effingham is presumed to have the status of a community for allotment purposes. See *Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992). Effingham has its own local government and officials including a mayor, five member city council, city manager, and city clerk. Effingham also has a library, city pool, tree board, landfill, and fire department, and the City sets the water and sewer rates for the City. The Atchison County Unified School District administers the schools in Effingham, which include Effingham Elementary School. The U.S. Postal Service has assigned the 66023 zip code to Effingham and operates an office in Effingham at 407 Main Street. A number of business in Effingham identify with the community by using "Effingham" in their name, including Effingham Ambulance Service, Effingham Lawn Mowers Sales, Effingham Lock It & Leave It, Effingham Market, and Effingham Mini Storage. The Effingham Professional Building is also located in Effingham and is home to a number of health care and

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distinguishable because Cumulus is not leaving an area without an existing service; it is leaving an area without potential service. In order to insure that this area continues to have potential service, Cumulus is proposing a new allotment at Humboldt.

<sup>5</sup> Cumulus is contemporaneously filing a separate petition for rule making for this channel in accordance with paragraph 17 of the Commission's decision 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 (2006).

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other professionals who work in Effingham. The City of Effingham is also home to a number of community organizations including Effingham Christian Church and Effingham Union Church.

*See Exhibit 1.*

For the foregoing reasons the Commission should (i) delete Channel 244C3 at Humboldt, Nebraska and allot Channel 245C2 at Effingham, Kansas as that community's first local service, and (ii) allot Channel 272C3 at Humboldt.



## U.S. Census Bureau

### American FactFinder

#### FACT SHEET

### Effingham city, Kansas

#### Census 2000 Demographic Profile Highlights:

##### General Characteristics - show more >>

	Number	Percent	U.S.	map	brief
Total population	588				
Male	279	47.4	49.1%	map	brief
Female	309	52.6	50.9%	map	brief
Median age (years)	37.7	(X)	35.3	map	brief
Under 5 years	35	6.0	6.8%	map	
18 years and over	425	72.3	74.3%		
65 years and over	101	17.2	12.4%	map	brief
One race	585	99.5	97.6%		
White	572	97.3	75.1%	map	brief
Black or African American	2	0.3	12.3%	map	brief
American Indian and Alaska Native	8	1.4	0.9%	map	brief
Asian	0	0.0	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	3	0.5	5.5%	map	
Two or more races	3	0.5	2.4%	map	brief
Hispanic or Latino (of any race)	3	0.5	12.5%	map	brief
Household population	588	100.0	97.2%	map	brief
Group quarters population	0	0.0	2.8%	map	
Average household size	2.49	(X)	2.59	map	brief
Average family size	3.12	(X)	3.14	map	
Total housing units	255			map	
Occupied housing units	236	92.5	91.0%		brief
Owner-occupied housing units	180	76.3	66.2%	map	
Renter-occupied housing units	56	23.7	33.8%	map	brief
Vacant housing units	19	7.5	9.0%	map	

##### Social Characteristics - show more >>

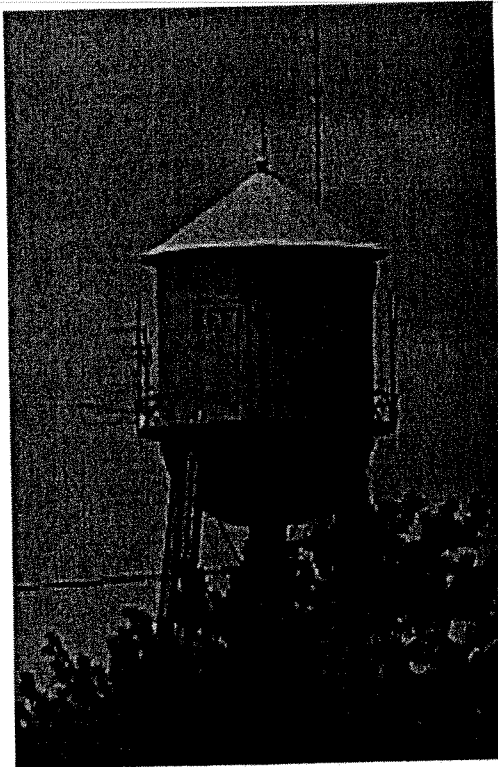
	Number	Percent	U.S.		
Population 25 years and over	345				
High school graduate or higher	290	84.1	80.4%	map	brief
Bachelor's degree or higher	31	9.0	24.4%	map	
Civilian veterans (civilian population 18 years and over)	50	13.0	12.7%	map	brief
Disability status (population 5 years and over)	104	18.9	19.3%	map	brief
Foreign born	1	0.2	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	129	70.5	56.7%		brief
Female, Now married, except separated (population 15 years and over)	130	56.3	52.1%		brief
Speak a language other than English at home (population 5 years and over)	18	3.3	17.9%	map	brief

##### Economic Characteristics - show more >>

	Number	Percent	U.S.		
In labor force (population 16 years and over)	263	65.1	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	24.2	(X)	25.5	map	brief
Median household income in 1999 (dollars)	37,656	(X)	41,994	map	
Median family income in 1999 (dollars)	47,083	(X)	50,046	map	
Per capita income in 1999 (dollars)	14,505	(X)	21,587	map	
Families below poverty level	3	2.0	9.2%	map	brief
Individuals below poverty level	26	4.5	12.4%	map	

##### Housing Characteristics - show more >>

	Number	Percent	U.S.		
Single-family owner-occupied homes	151				brief
Median value (dollars)	52,300	(X)	119,600	map	brief



# EFFINGHAM, KA

*HOME OF THE TIGERS*

## **City Contact Information:**

**City Office-414 Main St.**

**Clerk-Pat Strine, Office 913-833**

**City Manager-Gary Moore 913-833**

**Email: [effcity@carsoncomm.com](mailto:effcity@carsoncomm.com)**

**Emergencies Call 911**

**City Council**      phone      email

**James Potts-Mayor 913-833-9381 [overgoods@yahoo.com](mailto:overgoods@yahoo.com)**

**Kirk Kloepper 913-833-5421**

**Mike Gerety 913-833-2465**

**Mark Hurst 913-833-5231**

**Robert Blunt 913-833-9351**

## **City of Effingham Links & Table of Contents**

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**Minutes of City Council**

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**City Library**

**Atchison County Fair**

**City Pool**

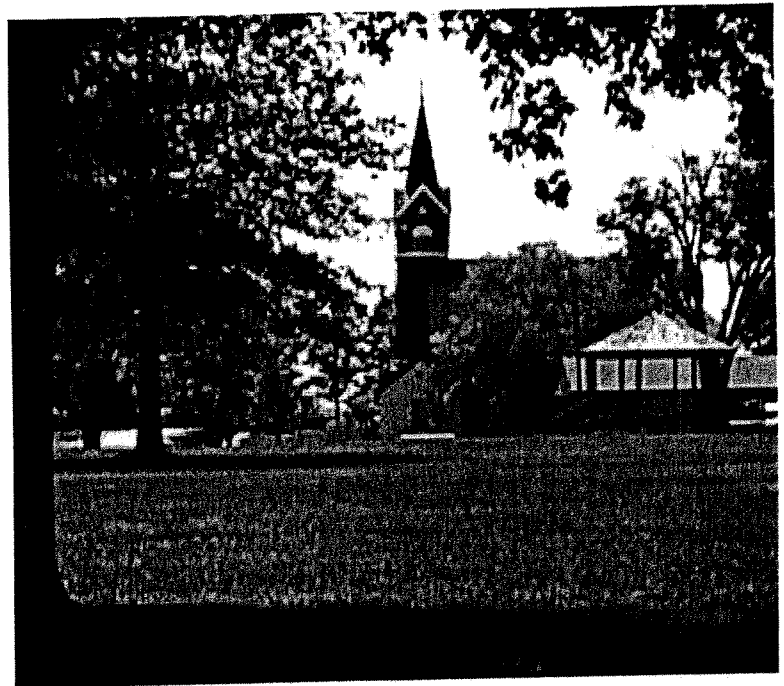
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**Water & Sewer Rates**

**Tree Board**

**Fire Department**

**History of Effingham**



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**Effingham Community Library**  
**Library Director: Rosie Falk**  
**414 Main Street Box 189**  
**Effingham, Kansas 66023**  
**913-833-5881**  
**efflibrary@yahoo.com**

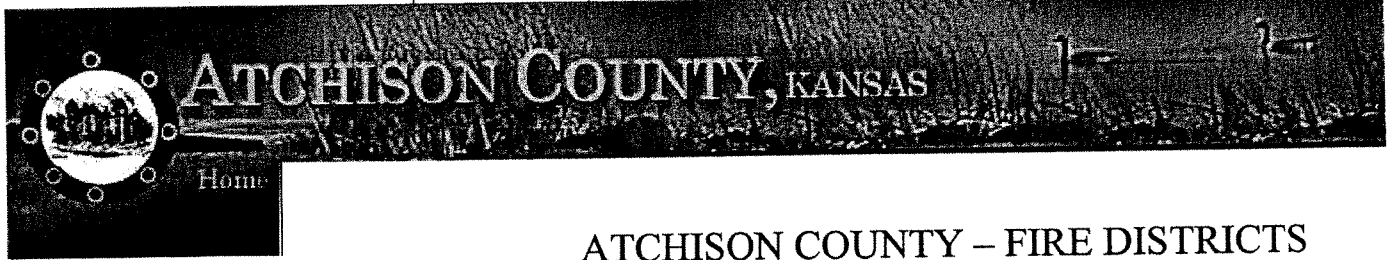
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Monday 1:00pm-5:00pm  
Wednesday 9:00am-12:00pm, 1:00pm-5:00pm  
Thursday 1:00pm-5:00pm  
Saturday 9:00am-12:00pm

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Adult Fiction  
Juvenile Fiction  
Kansas Section  
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**County Elected Officials**

Commissioners

Clerk

Register Of Deeds

Treasurer

Judicial

County Attorney

District Court

Community Corrections

County Counselor

Public Safety

Sheriff

Joint Communication

Emergency  
Preparedness

Public Works

Road &amp; Bridge

Transfer Station

Noxious Weed

Recycling Center

Public Health

Atchison Senior Village

Health Department

HIPPA Privacy Act

Other Departments

County Appraiser

County Lake

Drivers License

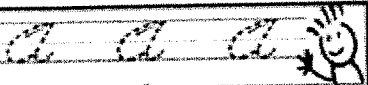
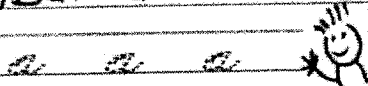

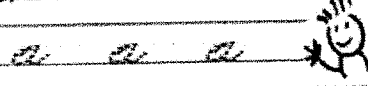
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DISTRICT	NAME	ADDRESS	CITY	ST	ZIP
FIRE DISTRICT #1	Scott Aversman	16968 286 <sup>th</sup> Rd	Atchison	Ks	66002
FIRE DISTRICT #2	Eric Noll	5348 Dickinson Road	Effingham	Ks	66023
FIRE DISTRICT #3	Lois Servaes	4914 Sherman Road	Atchison	Ks	66002
FIRE DISTRICT #4	Charles Cline	6301 Phillips Road	Atchison	Ks	66002
FIRE DISTRICT #5	Dwight Scholz	9345 286 <sup>th</sup> Road	Lancaster	Ks	66041
FIRE DISTRICT #12	Ron Davis	505 Locust	Nortonville	Ks	66060

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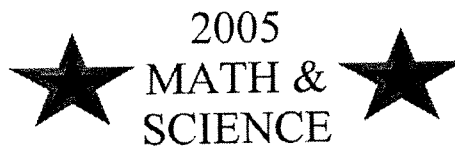



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Effingham
oLancaster

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oParents As Teachers
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oStudent Handbook

Tiger Tracks
oEmail Webmaster

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306 Main Street  
Effingham, KS 66023

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Faculty  
Second Grade News  
Third Grade News

Mailing Address: 506 6th  
Street, P O Box 289  
Effingham, KS 66023-0289

Phone: 913-833-2200  
Fax: 913-833-5411  
Toll Free: 1-877-854-4589

ECSE Preschool: 913-833-  
4547

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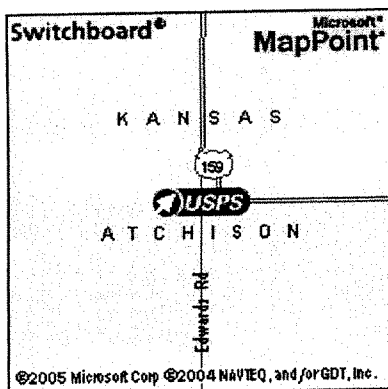
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TU 08:00-11:30AM 01:00-04:00PM  
WE 08:00-11:30AM 01:00-04:00PM  
TH 08:00-11:30AM 01:00-04:00PM  
FR 08:00-11:30AM 01:00-04:00PM  
SA 08:00-10:00AM

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<b><a href="#">Effingham Lock It &amp; Leave It</a></b> (913) 833-9381	315 9th St <b>Effingham, KS</b> <a href="#">Map</a>
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**Effingham Union Church**  
(913) 833-4481

515 Seabury St  
**Effingham, KS** [Map](#)


**Gonzales, Joyce - Effingham Professional Bldg**  
(913) 833-9741

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Effingham, KS 66023

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