

### **307(b) Exhibit**

EDB VV License LLC (“EDB”), licensee of Station KRSX-FM, Yermo, California, submits this exhibit in support of an application that proposes to delete Channel 287B1 at Yermo, California and allot Channel 287A to Twentynine Palms, California. EDB’s showings pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), are provided below, addressing the factors identified by the Commission 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, ¶ 10 (2006).

As demonstrated in the Technical Exhibit, Channel 287A can be allotted to Twentynine Palms consistent with Section 73.207 of the Commission’s Rules. A 70 dBu signal can be provided to Twentynine Palms from the proposed allotment site. The population and area within the proposed 70 dBu contour is 39,354 persons in 1,172 square kilometers, and within the proposed 60 dBu contour is 61,028 persons in 3,292 square kilometers. This proposal will not create any white or gray area. There are 10 stations providing protected service to Twentynine Palms.

EDB desires to change the community of license of KRSX-FM from Yermo to Twentynine Palms 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). 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.

These criteria are met here. First, the proposed use of Channel 287A at Twentynine Palms is mutually exclusive with the current use of Channel 287B1 at Yermo. *See* Technical Exhibit. Second, Yermo will not be deprived of its only local service because Station KRXV(FM) will remain at Yermo. Third, the provision of a first competitive service to Twentynine Palms (U.S. 2000 Census pop. 14,764), and the loss of a second local service at Yermo (2005 pop. 1,600)<sup>1</sup> both fall under Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). However, the Commission has held that, under Priority 4, the provision of service to the larger community is preferred. *See Lockport and Amherst, New York*, 14 FCC Rcd 15438 (1999); *Bay City, Texas, et al.*, 10 FCC Rcd 3337 (1995); *Faribault, Minnesota, et al.*, 7 FCC Rcd 3937 (1992). In each of these cases decided under Priority 4, the Commission held that the larger community was entitled to the allotment. Therefore, a first competitive service to Twentynine Palms, which is significantly larger (14,764 to 1,600), is preferred over a second local service to the smaller community of Yermo. The Commission has already determined that Twentynine Palms is a community for allotment purposes when allotted channels at Yermo that are now used by KRSX-FM and KRXV.<sup>2</sup>

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<sup>1</sup> Yermo is not listed in the U.S. Census. The population figure from Yermo is from the 2005 Rand McNally Road Atlas.

<sup>2</sup> Twentynine Palms is not located in any Urbanized Area and the proposed 70 dBu contour will not cover any Urbanized Area.