

COMMUNITY OF LICENSE CHANGE – SECTION 307(b) SHOWING

By this Application, Galaxy Syracuse Licensee, LLC (hereinafter, “Galaxy”) seeks to make a minor change to the licensed facilities of Station WKRH(FM), Minetto, New York (Facility ID No. 56996) (“WKRH” or the “Station”) to, among other things, change the Station’s community of license from Minetto to Fair Haven, New York.

Galaxy hereby submits this showing regarding the merits under 47 U.S.C. §307(b) of licensing the Station to Fair Haven, a community to which no radio stations are currently licensed. Pursuant to 47 U.S.C. §307(b), the Commission will authorize the relocation of a facility to another community when doing so will “provide a fair, efficient and equitable distribution of radio service.” Grant of this application will achieve this goal by, among other things, providing a first local transmission service to the community of Fair Haven. Although WKRH is currently the only radio station licensed to Minetto, relocation of the Station will not deprive Minetto of its sole local transmission service, because Galaxy is simultaneously filing an application proposing the relocation of WTKV(FM) (Facility I.D. No. 24131) from Oswego, New York to Minetto.¹ In addition, Minetto will continue to receive more than 5 full-time aural reception services.

Fair Haven qualifies as a community under Section 307(b). The Commission has defined a “community” as a geographically identifiable population grouping.² It is sufficient that a proposed community of license be incorporated or listed in the U.S. Census to confer community status.³ The Village of Fair Haven is so recognized by the U.S. Census, and is therefore a census designated community. Fair Haven had 2010 U.S. Census population of 745 persons.⁴ Fair Haven also has its own residential, social and business characteristics.

Fair Haven has its own elected government, which consists of a Mayor, Vice Mayor and a Board of Trustees. Fair Haven also has a Clerk, Deputy Clerk, Planning Board, Zoning Board of Appeals, and Architectural Review and Beautification Committee. *See Attachment A.*

In addition, Fair Haven has its own Post Office and U.S. Postal Service Zip Code (13064). *See Attachment B.*

¹ Section 73.3517(e) of the FCC’s rules permits the filing of “contingently related” applications (i.e., applications where the grant of one is necessary to permit the grant of the other) by FM licensees and/or permittees.

² *Oak Grove, Florida*, 5 FCC Rd 3774 (1990).

³ *Id.*

⁴ U.S. Census Bureau, 2010 Census Interactive Population Search, New York – Fair Haven village.

Fair Haven has numerous businesses and commercial establishments within its borders, including the Fair Haven Motel, O'Connor's Main Street Pub, the Hardware Café, Bayview Wellness Center and Spa, Hair Haven, HanART Studios and Gallery, the Fly By Night Cookie Company, South Shore Artisans, Savannah Bank, Springbrook Greens Golf Course, Main Street Wine and Spirits, Screwy Louie's Sport Shop, Scott's Express Lane, Sun Harvest Realty, the Pleasant Beach Hotel, Little Sodus Inn on the Bay, Anchor Resort and Marina, and the Holiday Harbor Resort.

Fair Haven also has its own chamber of commerce (the Fair Haven Area Chamber of Commerce), *see* Attachment C, and public library (the Fair Haven Public Library), *see* Attachment D. Fair Haven is home to the Fair Haven Fire Department, Fair Haven Commemorative Park Foundation, Fair Haven Garden Club, and Fair Haven Fishing Association. The Fair Haven Community Church is located in Fair Haven. *See* Attachment E. Fair Haven Beach State Park provides numerous recreational opportunities to the residents of Fair Haven. *See* Attachment F.

There are no radio stations currently licensed to Fair Haven. As stated above, Minetto will continue to be served by full-service station WTKV(FM), when that station is relocated to Minetto pursuant to a minor modification application filed concurrently with the instant application. Relocating the Station to Fair Haven therefore will not deprive Minetto of full service local transmission service. Furthermore, as indicated in the included Technical Exhibit, Minetto will continue to be well served by more than five aural services.⁵

Given the attributes of Fair Haven as described herein, Section 307(b) plainly warrants granting that community its first transmission service under priority (3) of the FM allotment priorities applied by the Commission.⁶

Fair Haven is not located within an Urbanized Area, and the Station's proposed 70 dBu contour will not, and could not, provide service to any urbanized area. *Id.* Accordingly, an analysis of Fair Haven using the *Tuck* criteria is not required.⁷

⁵ *See e.g., Palmetto Communications Company*, 6 FCC Rcd 1527, 1529 (1991) (explaining that well-served reception areas are areas presently receiving at least five fulltime radio services).

⁶ The FM Allotment Priorities are (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). *See Revision of FM Assignment Policies and Procedures, Second Report and Order*, 90 FCC 2d 88 (1982).

⁷ *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (Mass Media Bureau 1995); *Morrow Bay and Oceano, California*, 21 FCC Rcd 5280 (Media Bureau 2006); *Allegan, Otsego and Mattawan, Michigan*, 21 FCC Rcd 5087 (Media Bureau 2006).

Conclusion

It is respectfully submitted that the provision of first local transmission service to Fair Haven, New York and the retention of licensed service at Minetto, New York, represents a preferential arrangement of allotments and fully satisfies the FCC's mandate under Section 307(b).

Attachment A



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VILLAGE OFFICIALS:

- Mayor - William McVea
- Deputy Mayor - Walter Krehling

- **Trustees:**

Holley Webster-Goolden
Matthew Osterhault
Judith Dunaway

- Village Clerk/Treasurer - Terri DiGregorio
- Village Deputy Clerk - Johanne Van Der Linden

- **Planning Board**

Jim Basile
Larry Cosser
Paul Fallon
Heidi Smalling
Darrell Uetz

- **Zoning Board of Appeals**

Richard Fernquist (Chair)
Chris Drogi
Jimmy Kavar
Edward Robinson
Susan Stanistreet

- **F.H. Architectural Review & Beautification Committee**

Lee Hanford
Pat Hanford

Karen Haas
Lonny Palmieri
Jay John Sawyer
Vivian Sciarabba
Nanda Speciale
Gus Taft
Gisela Tuccillo

- **Village Historian**

Susan K. Parsons

* PLEASE NOTE: The Village Code link will take you to the General Code Publishers web site. Site will open in a new window and may not be viewable in some older web browsers.

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**To contact us:**

P. O. Box 614
Fair Haven, NY 13064
Phone: (315) 947-5112
Fax: (315) 947-5728
Main Email: vfairhav@twcnny.rr.com

Mayor's Office
Bill McVea, Mayor

Phone: (315) 947-5112
Home: (315) 947-5910
Cell: (315) 529-0093
Email: wmcvea@frontiernet.net

Village Clerk's Office

Terri DiGregorio, Clerk-Treasurer RMC, CMFO
Johanne Van Der Linden, Deputy Clerk

Phone: (315) 947-5112
Hours: Monday - Friday 9:00 a.m. to 4:00 p.m.
Closed for Lunch Noon to 1:00 p.m.

Department of Public Works/Water Department

Roger Granatiero, Supervisor

Phone: (315) 947-5725
Hours: Monday - Thursday 6:00 a.m. to 4:00 p.m.
Friday: 7:00am to 11:00am
Closed for Lunch Noon to 1:00 p.m.

Water emergency contact number after hours:
315-591-4365

Sewer emergency contact numbers after hours:
315-746-0088

Code Enforcement Officer/Building Inspector

Stan Krawczyk, CEO

Phone: (315) 947-5112

Hours: Wednesdays 1:00 p.m. to 4:00 p.m.

Code Enforcement Email: fhceo@twcny.rr.com

Village Historian

Susan K. Parsons

Email: sparsons11@frontiernet.net

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**Next Village Board Meeting: Monday, July 8th @ 7:00pm.....Next Pla**

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Only one letter away from "heaven", Fair Haven is a delightful village surrounding Little Sodus Bay. The Village of Fair Haven has changed from a shipping port to a resort community and features some of the best fishing, swimming, boating and camping in New York State. It has been said that the Fair Haven sunset is rivaled in beauty only by those in Japan. Maybe you should come and take a look... and another.... and another...

To contact us:
P. O. Box 614
Fair Haven, NY 13064

Phone: (315) 947-5112
Fax: (315) 947-5728
Email: vfairhav@twcnny.rr.com

Water emergency contact number after hours:
315-283-7901
Sewer emergency contact number after hours:
315-746-0088

View the [2013 Tentative Roll](#)

View the Village of Fair Haven on the [Map of Cayuga County](#)

[Village of Fair Haven & Town of Sterling
Joint Comprehensive Plan](#)

Attachment B

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**14452 FANCHER AVE
FAIR HAVEN, NY 13064-9998**

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Phone 315-947-5747
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Mon-Fri 10:00am - 12:00pm
3:00pm - 4:00pm
Sat-Sun Closed

Last Collection Hours

Mon-Fri 4:30pm
Sat 11:30am
Sun Closed

PO Box Access Hours

Mon-Fri 7:30am - 5:00pm
Sat 8:00am - 12:00pm
Sun Closed

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Service hours may vary.

Retail Hours

Mon-Fri 7:45am - 12:00pm
3:00pm - 5:00pm
Sat 8:00am - 11:30am
Sun Closed

Lobby Hours

Mon-Fri 7:30am - 5:00pm
Sat 8:00am - 12:00pm
Sun Closed

Pickup Services Hours

Mon 7:45am - 12:00pm
3:00pm - 4:45pm
Tue-Fri 7:45am - 12:00pm
3:00pm - 5:00pm
Sat 8:00am - 11:30am
Sun Closed

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5640 E TAFT RD
SYRACUSE NY 13220

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MACEDON
1475 CANANDAIGUA RD
MACEDON NY 14502

[Automated Postal Center® >](#)
WEBSTER
75 BARRETT DR
WEBSTER NY 14580

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STERLING NY 13156

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15422 STATE ROUTE 104
MARTVILLE NY 13111

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RED CREEK
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RED CREEK NY 13143

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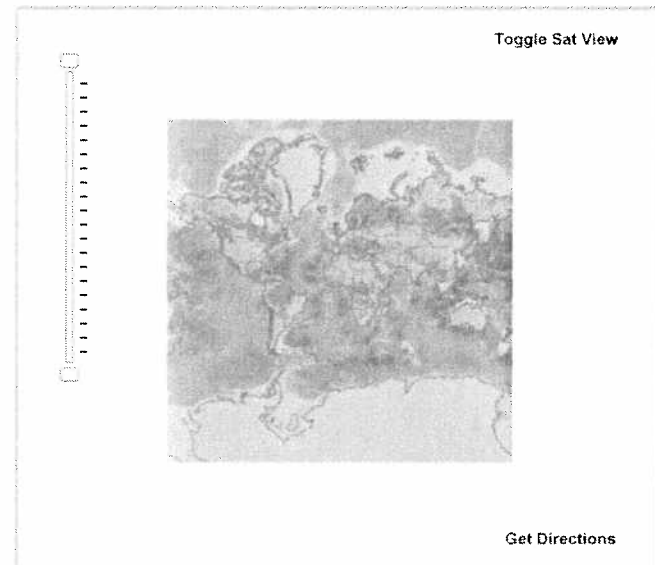
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A Place for All Seasons!

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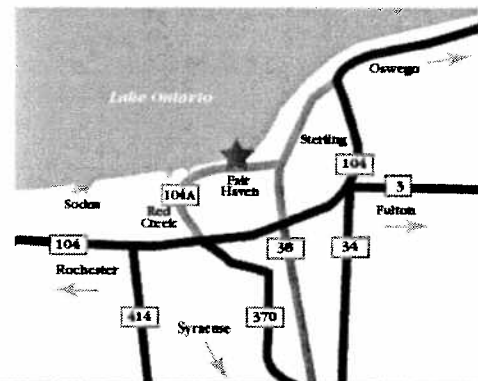
HISTORIC BLUFFS ON LAKE ONTARIO, FAIR HAVEN, NY

GET Visitor Information

Chamber Business Directory

Enjoy camping, boating, fishing, browsing through quaint shops and breathtaking sunsets.

A quiet and peaceful community along the southern shore of Lake Ontario. Fair Haven offers small town hospitality enjoyed by visitors year after year. Located on the Seaway Trail, between Rochester and Syracuse, Fair Haven has year round seasonal activities for everyone.



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Calvary Baptist Church

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Fair Haven Architectural Review & Beautification Committee

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Fair Haven Fire Dept. Auxiliary

Fair Haven Fishing Association

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Fair Haven Garden Club

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St. Jude's Chapel

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Attachment D



Fair Haven Public Library

PO Box 602, 14426 South Richmond Ave, Fair Haven, NY 13064

(315) 947-5851 email: fairhave@twcny.rr.com



HOURS

<i>Monday</i>	
Story Hour	10 AM - 11 AM
Open	2 PM - 5 PM
<i>Tuesday</i>	
	6:30 PM - 8:30 PM
<i>Wednesday</i>	
	2 PM - 5 PM
<i>1st & 3rd Wednesday's</i>	
Crafts 'n' Coffee	7 PM - 9 PM
<i>Thursday</i>	
	2 PM - 5 PM
	6:30 PM - 8:30 PM
<i>Friday</i>	
	2 PM - 5 PM
<i>Saturday</i>	
	9 AM - 12 Noon
<i>Sunday</i>	
	Closed

Closed on these dates:

January 1 - New Year's Day
 January 21 - Martin Luther King
 February 18 - Presidents Day
 May 27 - Memorial Day
 July 4-6
 September 2 - Labor Day
 October 14 - Columbus Day
 November 28 - Thanksgiving
 December 24-25 - Christmas
 December 31-January 1 - New Year's

E-Books (Electronic Books)

To see what E-Books the Fair Haven Public Library has available, click on the worm.

Have your Library ID # ready.



contact the library: fairhave@twcny.rr.com
 hosting provided by: ekahosting.com
 for comments about the website: webmaster@fairhavenlibrary.org

03186

Attachment E



Fair Haven Community Church

Richmond Avenue
Box 302
Fair Haven, New York 13064

Sunday School: 9:30 A.M.
(during the school year)

Worship Service: 11:00 A.M.
Summer hours: 10:00 A.M.

Church office phone: 315-947-6233

You are cordially invited to attend the services of the Fair Haven Community Church. Whether you live, or will be visiting the Fair Haven area, won't you join us for Bible study and worship? During the school year Sunday School is each Sunday at 9:30 AM and our worship service at 11 AM. We would be honored if you would come and join us any time. During the summer, church is at 10:00 AM.

Attachment F



NEW YORK STATE OFFICE OF Parks, Recreation & Historic Preservation

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Governor

Rose Harvey
Commissioner

Fair Haven Beach State Park

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**Fair Haven Beach
Trails - OPEN
year round**

Fair Haven Beach State Park is located in upstate New York on the eastern portion of the Lake Ontario shoreline. It has one of the finest public lakefronts in upstate New York, with towering shoreline bluffs, sandy beaches and adjoining hilly woodlands. The park features 1500 feet of beautiful sand beach including 600 feet of guarded swim area. Inland, Sterling Pond and Creek are centrally located amongst the geological transition between woods and water.



Campgrounds and cabin areas are nestled within the gently rolling woodlands. Fishing and boating opportunities are plentiful in Lake Ontario and the adjoining Little Sodus Bay. Visitors here also enjoy swimming and diving boards, biking, hiking, picnicking, and camping. Winter snowmobiling, snowshoeing, cross country skiing and ice fishing are very popular. Park facilities include two sandy beaches separated by a diving channel with two boards. Boat rentals include row boats, paddle boats, canoes and kayaks which are only for use on the inland Sterling Pond waterway.

Three separate campgrounds and a 30 unit cabin colony each contain a centralized restroom with showers. Two additional cabins and three cottages make up the self contained units available for reservation. Campgrounds consist of 46 electric sites and 138 non-electric sites. A ball field, hiking trail, camp store, concession, 5 picnic areas, 2 family picnic tent rentals and 2 shelters (one heated) are also offered as an attraction to patrons. With fantastic scenic views and an 18 hole golf course this makes for a unique and accomodating destination.

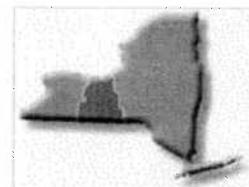
Pets

Household pets only; caged or on a leash not more than 6 feet. **Proof of rabies inoculation, accepted by certificate only, tags not accepted.** Pets are not allowed in bathing areas. For campers, if your site allows pets, there is a two-pet maximum.

Contact Information

14985 State Park Road
P.O. Box 16
Fair Haven, NY 13064

Phone: (315) 947-5205



June 2013						
Sun	Mon	Tue	Wed	Thu	Fri	Sat
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

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