

SECTION 307(B) ANALYSIS

This is a case involving a minor change under the Commission's new rules for change of community of license for Station WNGA(FM) from Helen, Georgia, to Clermont, Georgia.

Under Section 307(b) (47 U.S.C. § 307(b)) of the Communications Act of 1934, the Commission is directed as follows:

In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

The requested minor change of community of license satisfies and advances this criterion.

Information concerning (1) the number of stations licensed to each community; (3) the population according to 2000 U.S. Census data, within each community; and (4) a description of the civic, cultural, religious, social, and commercial attributes of the proposed community of license, is presented below.

The Commission has established allotment criteria which were set forth initially in Revision of *FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982) ("*1982 FM Policy Revisions*") that establishes the following allotment priorities:

- (1) first full-time aural service
- (2) second full-time aural service
- (3) first local service
- (4) other public interest matters

Co-equal weight is given to factors (2) and (3).

Although Clermont does not currently have first local service, even after this application is granted and implemented Station WTFH(FM) will remain licensed to the small community of Helen, Georgia. Therefore, this allotment will result in a new first aural service for Clermont, which is "Priority (3)" under the Commission's allotment priorities. In contrast, the allotment satisfies only Priority (4) with respect to Helen.

Clermont is a *bona fide* community that is fully entitled to its own allotment. Clermont is an incorporated community with a 1990 population of 402 persons, and an estimated current population of 765 persons. Attachment 1. Thus, since Helen (which has a Year 2000 population of only 430 persons) currently has two local licensed services, and Clermont, has no local aural services licensed to it, Clermont has a greater need for its own local, licensed service. Moreover,

since one full-time FM service will remain licensed to Helen following reallocation, the proposed reallocation is consistent with the policies adopted for changes of FM communities of license, where the Commission does not “allow any broadcaster to take advantage of this ... procedure if the effect would be to deprive a community of an existing service representing its only local transmission service.” *Amendment of the Commission’s Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870, ¶ 28 (1989); *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, ¶ 32 (“[w]e... continue our policy disfavoring removal of sole transmission service...”). Additionally, insofar as seen in Attachment 2, Helen will continue to be served by a total of 18 stations, the community of Helen will continue to be well-served by protected services, even following the proposed reallocation.¹

Clermont is not within an Urbanized Area, and will not provide service to more than 50% of any Urbanized Area. Therefore, no *Tuck* analysis² is necessary.

In light of all of the forgoing, it should be concluded that community of Clermont has a greater need for additional service under Section 307(b) of the Communications Act than the small community of Helen, Georgia, and that allocation of the service to Clermont will result in the most “fair, efficient, and equitable distribution of radio service.” Moreover, Clermont undeniably is a licensable community. Accordingly, it should be determined that grant of this application will result in a preferential arrangement of allotment, and accordingly, this application should be granted.

¹ The Commission has considered five or more services to be “abundant.” See *LaGrange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995). See also *Family Broadcasting Group*, 53 .RR.2d 662 (Rev. Bd. 1983), *rev. denied*, FCC 83-559 (1983).

² *Faye & Richard Tuck, Inc.*, 3 FCC Rcd 5374 (1988).

Attachment 1



U.S. Census Bureau

American FactFinder

POPULATION FINDER

United States | Georgia | **Clermont town**

Clermont town, Georgia
town, Georgia is **782**.

The 2008 population
estimate for **Clermont**

city/ town, county, or zip

clermont

state

Georgia



search by address »

Note: Information about challenges to population estimates data can be found on the Population Estimates Challenges page.

View population trends...

	2008	2000	1990
Population	782	419	402

Source: U.S. Census Bureau, 2008 Population Estimates, Census 2000, 1990 Census

View more results...

Population for all cities and towns in Georgia, 2000-2008:

alphabetic | ranked

Map of Persons per Square Mile, City/Town by Census Tract:

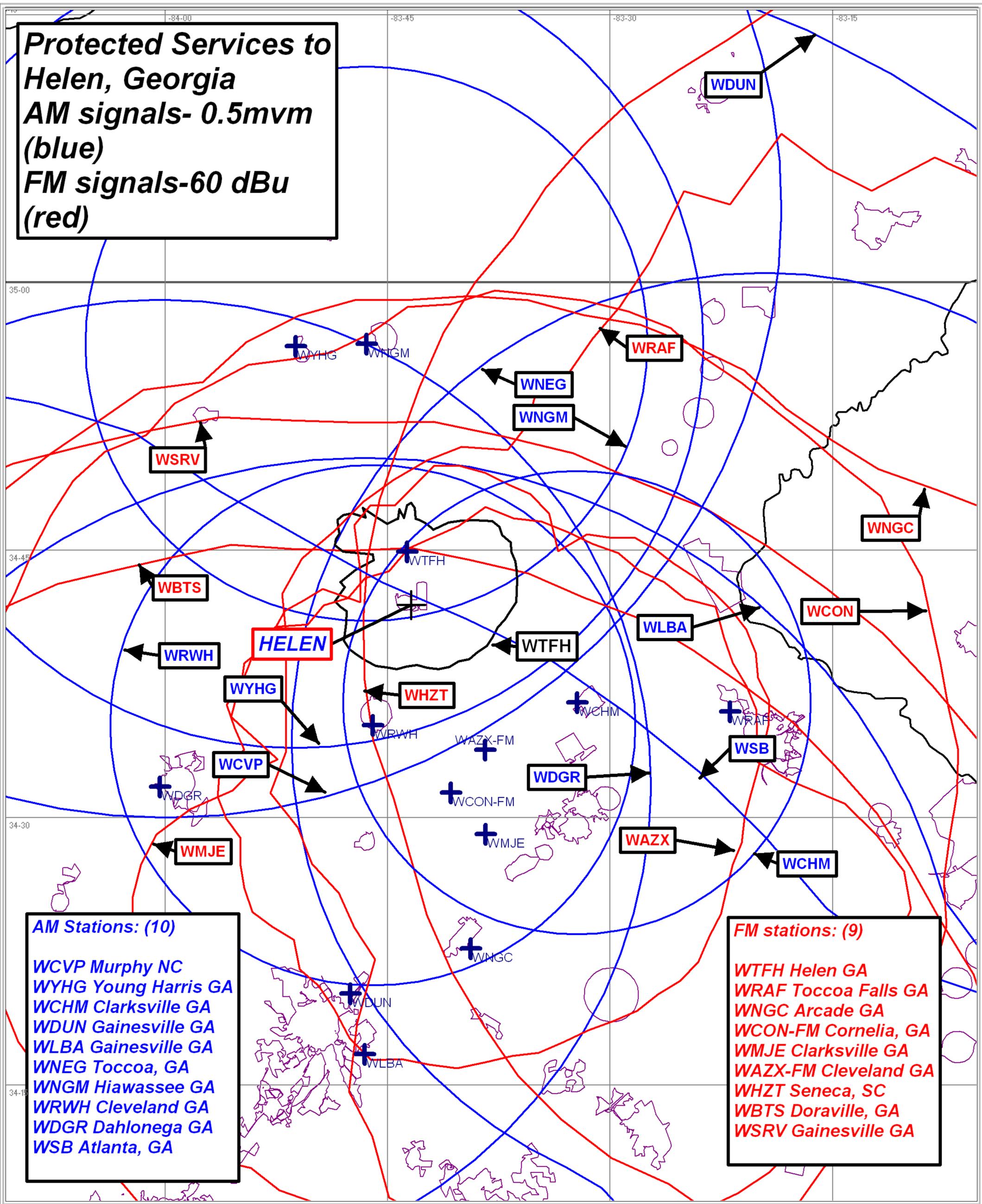
2000 | 1990

See more data for Clermont town, Georgia on the Fact Sheet.

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for **free** from the Adobe web site.

Attachment 2

**Protected Services to
Helen, Georgia**
AM signals- 0.5mvm
(blue)
FM signals-60 dBu
(red)



AM Stations: (10)

- WCVP Murphy NC
- WYHG Young Harris GA
- WCHM Clarksville GA
- WDUN Gainesville GA
- WLBA Gainesville GA
- WNEG Toccoa, GA
- WNGM Hiawassee GA
- WRWH Cleveland GA
- WDGR Dahlonega GA
- WSB Atlanta, GA

FM stations: (9)

- WTFH Helen GA
- WRAF Toccoa Falls GA
- WNGC Arcade GA
- WCON-FM Cornelia, GA
- WMJE Clarksville GA
- WAZX-FM Cleveland GA
- WHZT Seneca, SC
- WBTS Doraville, GA
- WSRV Gainesville GA