

**Results Radio of Chico Licensee, LLC
KMJE, Gridley, CA (52516)**

**EXHIBIT 32
FCC Form 301
Section III-B, Question 18**

**SUMMARY OF PROPOSAL; PREFERENTIAL
ARRANGEMENT OF ALLOTMENTS UNDER SECTION 307(B)**

The instant application and two related contingent minor change applications are being filed, concurrently, pursuant to the recently revised provisions of Section 73.203(b) and Section 73.3573(g) of the rules and the guidelines adopted in *Revision of Procedures Governing Amendment of FM table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212 (released November 29, 2006) (“*Streamlining Order*”). The revised rules became effective on January 19, 2007 (30 days after their Federal Register publication).

RELATED APPLICATIONS

Application	Filed By	Proposal
FCC Form 301 minor change (<u>KHHZ Application</u>)	Deer Creek Broadcasting, LLC, licensee of FM radio station KHHZ, Oroville, CA	Change community of license from Oroville to Gridley, CA (without proposing new facilities)
FCC Form 301 minor change (<u>KMJE Application</u>) ¹ This Application	Results Radio of Chico Licensee, LLC, licensee of FM radio station KMJE, Gridley, CA	Change community of license from Gridley to Woodland, CA (proposing new facilities and showing suitable fully spaced allotment reference site)
FCC Form 301 minor change (<u>KXFX Application</u>)	Maverick Media of Santa Rosa License LLC, licensee of FM radio station KXFX, Santa Rosa, CA	Change reference coordinates of KXFX to support establishment of Woodland allotment reference site for KMJE and to request that FCC reestablish

¹ Pursuant to Section 73.3517(e), copies of the agreements between the participating parties to the related applications are attached as Annex A to this Exhibit.

		KXFX's licensed coordinates as the station's protected site in conjunction with action on the <u>KMJE Application</u>
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By the instant KMJE Application, Results Radio of Chico Licensee, LLC seeks consent to change the community of license of its station KMJE, Channel 268A, from Gridley to Woodland, California. The proposed change, which is contingent on the grant of the related applications listed above, is part of a package of proposals that will result in a preferential arrangement of allotments and increased service to the public.

As required by Section 73.203 and Section 73.3573, the KMJE Application demonstrates the existence of a suitable Woodland allotment reference site that complies with Section 73.207 without resort to Section 73.215. *See* Technical Exhibit 23 at 2, Figure 1A. To facilitate the creation of a suitable site for KMJE to serve Woodland, Maverick Media of Santa Rosa License LLC, licensee of KXFX, Santa Rosa, California, has filed concurrently the contingent KXFX Application, pursuant to which it agrees (*see* Annex A) to a change in the geographic reference coordinates of KXFX pursuant to the policy established in *Gunnison, et al.*, Memorandum Opinion & Order, 20 FCC Rcd 5908 (2005) (“*Gunnison*”).² The KJME Application further shows, in compliance with Section 73.315, that a full Class A facility located

² *See Gunnison*, at ¶ 9 (holding that “Section 73.208(a)(2) permits authorized stations to specify new reference coordinates in a rulemaking proceeding to establish compliance with Section 73.207....”). Where a proposal meets the criteria of the *Streamlining Order*, the reference coordinate change proffer now would be made in the Form 301 minor modification application process. As reflected in Exhibit 23 (at 2, Figure 1A) and the KXFX Application, a fully spaced KXFX reference site meeting the FCC’s requirements is available at 38 degrees 27 minutes 41 seconds North Latitude, 122 degrees 51 minutes 37 seconds West Longitude. Pursuant to the *Gunnison* policy and the procedures of the *Streamlining Order*, the contingent KXFX Application requests that the FCC reestablish KXFX’s licensed coordinates as its protected site (with Section 73.215 protection) in conjunction with action on the instant KMJE Application. *See Gunnison*, at ¶¶ 14-15 .

at the reference site would provide 70 dBu service to all of Woodland. *See* Exhibit 23 at 2, Figure 1B. Pursuant to the recently revised rules, the KMJE Application proposes to construct the actual KMJE transmitting facility at the reference site coordinates. With respect to the actual facilities, Exhibit 23 (at 2-3, Figures 2, 2A, 2B) demonstrates compliance with the City Grade coverage requirements of Section 73.315 based on a Longley-Rice terrain roughness study.³ Exhibit 23 (at 4, Figure 3) also demonstrates compliance with the requirements of Section 73.215 with respect to FM radio station KXFX.

The proposed facilities of KMJE at Woodland are mutually exclusive, as defined in Section 73.207, with the current facilities of KMJE at Gridley. *See* Exhibit 23 n. 1. Thus, the KMJE Application is properly the subject of the Form 301 minor modification procedures adopted by the *Streamlining Order* and the provision of Section 73.3573(g).⁴

The proposed change of community of license for FM radio station KMJE (Channel 268A) from Gridley to Woodland, California, will result in a preferential arrangement of allotments under Section 307(b) of the Communications Act of 1934, as amended,⁵ compared to the existing allotments.⁶ The change from Gridley to Woodland, which is contingent on grant

³ As shown in Exhibit 23, an alternative Longley-Rice showing is warranted due to the existence of exceeding flat terrain.

⁴ As shown herein, the instant proposal also meets 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 3870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) (proposed allotment is mutually exclusive with the current allotment; the current community of license will not be deprived of its only local service; and the proposed arrangement of allotments is preferred under the allotment priorities).

⁵ 47 U.S.C. § 307(b).

⁶ Woodland, as the community of license of FM radio station KSFM (Channel 273B) and an incorporated city listed in the 2000 U.S. Census, constitutes a suitable community for allotment purposes. *See* Exhibit 23 at 2. The proposed move to Woodland does not trigger the (continued...)

of the KHHZ Application for consent to change of community of license of FM radio station KHHZ (Channel 249B1) from Oroville to Gridley, California, will enable KMJE to provide a second local (transmission) service to the much more populous community of Woodland, while preserving first local (transmission) service to the small community of Gridley. Further, the proposal will result in a substantial net gain in the population served by KMJE.

The four FM allotment priorities are (1) first full-time aural (reception) service, (2) second full-time aural service, (3) first local (transmission) service, and (4) other public interest matters. Priorities 2 and 3 have equal weight, and Priority 4 includes considerations such as second local service, the total number of aural services received in the area, and the relative size of the proposed communities.⁷ Priorities 1 and 2 are not implicated here because, as shown in Exhibit 23 (at 1), Gridley would continue to receive at least five aural reception services, while Priority 3 is not implicated because Deer Creek station KHHZ will maintain Gridley's first local transmission service (*see* KHHZ Application).

The proposal creates a preferential arrangement of allotments under the Priority 4. Currently, only one radio station (KSFM) is licensed to serve Woodland. Thus, KMJE would provide the community of Woodland with its second local (transmission) service, a strong factor in favor of reallocation under Priority 4 because Woodland's population (49,151 persons) is

need for a *Tuck* analysis. Woodland is located outside the Sacramento Urbanized Area and the 70 dBu contour of the proposed facility would cover only about 2% of that area. *Id.*

⁷ See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, BC Dkt. No. 80-130, 90 FCC 2d 88 (1982) ("*FM Policies and Procedures*"); *id.* at n.8 (factors can include "the number of aural services received in the proposed service area, the number of local services, the need for or lack of public radio service and other matters such as the relative size of the proposed communities and their growth rate").

roughly nine times larger than the population of Gridley (5,382 persons).⁸ Gridley would continue to have a local transmission service (KHHZ) and an abundance of reception services. *See* Exhibit 23 at 1. Thus, the proposal would produce a superior arrangement of allotments than providing a second service to the much smaller community of Gridley. *See, e.g., Waelder et al.*, 12 FCC Rcd 21762 (1997), at ¶ 3 (under Priority 4 analysis, larger community awarded allotment since each community was well-served); *Blanchard et al.*, 10 FCC Rcd 9828 (1995), at ¶¶ 10-11 (applying Priority 4 factors to break Priority 3 tie and noting that where each community has a sufficient number of reception services, “the Commission has based its decision on a straight population comparison”); *Athens et al.*, 11 FCC Rcd 3445 (1997) at ¶ 4 (same).

Furthermore, the KMJE proposal serves the public interest because, as shown in Exhibit 23 (at 3, Figure 2C), the relocation of KMJE from Gridley to Woodland would result in a predicted gain in population of 766% (from 12,654 to 96,966 persons) within KMJE’s 70 dBu coverage and of 274% (from 134,313 to 332,039 persons) within the station’s 60 dBu coverage. As noted, the current KMJE coverage area will continue to be well served by at least five aural services. *See* Exhibit 23 at 1.

For the reasons set forth above, Results Radio of Chico Licensee, LLC respectfully submits that grant of the KMJE Application (and related applications) would serve the public interest.

⁸ 2000 US Census.