

Exhibit 32  
307(b) Analysis  
Duck, North Carolina  
FCC Form 301 Amendment

On November 29, 2006, the Commission released new rules allowing community of license changes by minor change applications.<sup>1</sup> According to these new rules, an application seeking to change to a facility's community of license must include a showing under 307(b) of the Act. The instant application seeks to modify the community of license for WGTI(FM) from Windsor, North Carolina, to Duck, North Carolina.

Duck, North Carolina is a community for allocation purposes. It was incorporated on May 1, 2002, and is, therefore, considered a community for allotment purposes. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Duck has its own police department, volunteer fire department, and surf rescue as well as over twenty restaurants, stores, and businesses<sup>2</sup> and at least one church.<sup>3</sup> It also has its own town government consisting of an elected town council and mayor and numerous civic groups such as the Community & Business Alliance, Town Planning Board, 4<sup>th</sup> of July Parade Planning Committee, Duck Civic

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<sup>1</sup> This application is filed pursuant to Rule 73.203(b) adopted in MB Docket No. 05-210, R&O Released on 11/29/06. The application proposes a minor modification of facilities and specifies a change in authorized community of license and complies with the requirements of Section 73.3573(g) as follows:

- 1) Legal and technical exhibits are provided demonstrating the preferential arrangement of allotments or assignments under section 307(b) of the Rules.
- 2) The current license and proposed modified facilities are mutually exclusive as defined under section 73.207.
- 3) Applicant certifies that it will comply with the local public notice provisions of Section 73.3580 and applicable subsections with respect to notification of the proposed community of license change to both the presently authorized and proposed communities of license.
- 4) The proposed site complies fully with Sections 73.207 and 73.315 of the Rules.

<sup>2</sup> Birthday Suits, The Cottage Shop, Discount T-Shirt Outlet, Dockside Seafood Market, Duck Seafood Market, Duck Village Outfitters, Elizabeth's Cafe and Winery, Exotic Cargo, Farmer Dave's Markets, Fishbones Raw Bar and Restaurant, Just for the Beach, Kitty Hawk Kites, Life's a Beach, Ocean Annies, Pigman's Bar-B-Que, Pizzazz Pizza Company, Stone Oven Pizza, Surfside Casuals & Suits Galore, Tar Heel Trading Co., Tommy's Gourmet Market & Wine Emporium, The Wine Gallery at Elizabeth's Cafe, and Yesterday's Jewels

<sup>3</sup> Duck United Methodist Church

Organization, Community Improvement Committee, and Municipal Property Master Plan Advisory Committee. A town newsletter, Duck Tales, and website are published to apprise Duck citizens of town news and events.

A 307(b) analysis favors grant of the requested change in city of license to Duck according to the Commission's allotment priorities. The allotment priorities are as follows: (1) provision of first local service to a community; (2) provision of second aural reception service to a community; (3) provision of first local transmission service to a community; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). *See Revision of FM Assignment Policies and Procedures, supra.*

The proposed move from Windsor to Duck satisfies priority three as it would provide Duck with its first local transmission service. Since Duck is an independent community, it is deserving of its own local service. *See Memphis and Arlington, Tennessee*, 21 FCC Rcd 1144 (2006); *La Grange, Greenville and Waverly Hall, Georgia*, 20 FCC Rcd 20007 (2006); *Athens and Doraville, Georgia*, 19 FCC Rcd 18746 (2004); *Franklin, Addis and Eunice, Louisiana*, 21 FCC Rcd 2933 (2006). There are no radio or television stations currently licensed to Duck.

Reallotment of WGTI(FM) from Windsor to Duck also serves the Commission's allotment priority four, other public interest matters. In considering the public's interest, the Commission will look at such factors as the size of the relative communities, the size of the audience and areas served, and the number of aural transmissions each area receives. *See Faribault, Blooming Prairie, Northfield and New Prague, Minnesota*, 7 FCC Rcd 3937, 3939 (1992); *Cowden and Tower Hill, Illinois*, 10 FCC Rcd 10511 (1995). As a popular travel destination, it is difficult to estimate Duck's population since many residents live there for different periods of the year. As of 2004, there were 517 permanent residents in Duck, but Outer

Banks Visitor Bureau research indicates that hundreds of thousands live in Duck temporarily throughout the year. The proposed new technical facilities would increase the population and coverage areas within the 60 dBu contour from an area of 1,709 square kilometers with 21,487 persons to an area of 8,551 square kilometers with 371,766 persons. Within the 70 dBu contour, the population and area would increase from 6,993 persons within an area of 526 square kilometers to 55,335 persons within an area of 3,355 square kilometers. This represents a population increase of 1,630% within the 60 dBu contour and 691% within the 70 dBu contour.

Windsor will continue to receive protected aural service under the proposed reallocation. It has one full time commercial AM station, WBTE, licensed to it and receives service from ten stations in other communities. It is considered well served. *See Potts Camp and Saltillo, Mississippi*, 16 FCC Rcd 16116 (2001); *Norfolk and Windsor, Virginia*, 21 FCC Rcd 6888 (2006); *Loretto, Tennessee and Killen, Alabama*, 21 FCC Rcd 5834 (2006). Provision of first local service in Duck results in a preferential arrangement over the retention of a second local service at Windsor. *See, Supra, Columbus and Monona, Wisconsin; Eatonton and Lexington, Georgia; Southwest City, Missouri and Gravette, Arkansas; see Dundee and Odessa, New York*, 21 FCC Rcd 5070 (2006).

In conclusion, Duck is an independent community, and is deserving of its first local transmission service according to allotment priority three. Allotment priority four also favors the grant of this change as the audience reached by this signal will be dramatically increased by 1,630% within the 60 dBu contour and 691% within the 70 dBu contour. Windsor already has a station licensed to it and will continue to receive primary service from ten other signals. These factors demonstrate that the change of city of license from Windsor to Duck is in the public's interest.