

Section 307(b) Showing

The change in the community of license proposed in the instant long form Auction 94 FCC 301 minor modification application will result in a preferential arrangement of FM channel allotments/assignments and is consistent with Section 307(b) of the Communications act of 1934, as amended (47 U.S.C. 307(b)). In the instant application, Connoisseur Media of Erie, LLC (“Applicant”), the winning bidder in Auction 94 for a new FM construction permit on Channel 240A at Erie, Pennsylvania (FIN 191524) (“Station”), proposes the reallocation of Channel 240A from Erie, Pennsylvania to Mina (Town), New York, among other things, and the modification of the facilities of the new Station to specify operation on Channel 240A at Mina (Town), New York (“Mina Application”).¹

As will be demonstrated below, the reallocation of Channel 240A to Mina, New York will provide Mina with its first local service (FM Allotment Priority No. (3)).² Moreover, the reallocation will not result in the loss of sole service for Erie, Pennsylvania as there are 12 other radio stations licensed to that community. Accordingly, the Applicant requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Erie, Pennsylvania	240A	
Mina (Town), New York		240A

¹ It is noted that Mina (Town), New York contains the hamlet of Mina and the hamlet of Findley Lake, which are completely contained within the borders of Mina (Town), New York. As the lake is a prominent tourist attraction, the hamlet of Findley Lake is the home to many of the businesses and civic associations for the town of Mina.

² *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

Mina (Town), New York is a Community for Allotment Purposes.

1. Mina, New York is a community for allotment purposes. Mina is an unincorporated town established in 1824 in Chautauqua County, New York. Mina is a geographically identifiable population grouping deserving of community status for allotment purposes.³ Mina has a population of 1,106 as of the 2010 U.S. Census.⁴ Mina also has its own government including a town supervisor, deputy supervisor, and three councilmen, as well as a town clerk and tax collector, town justice, highway supervisor, town solicitor, and assessor. Mina also has a volunteer fire department.

2. There are many businesses that serve the community of Mina. Much of the business of the community is based on tourism, as the town, in addition to its permanent population, has a large seasonal population enjoying the recreational activities surrounding Findley Lake. Businesses include the Holiday Inn, The Birds Nest [Café], Findley Lake Marina, Findley Lake Market, Paradise Bay Campground, Gillard Rowing Center, Findley Lake Insurance Agency, Farm Fresh Antiques and Interior Design, Findley Lake U-StoreEm, Matters of the Hearth [Stoves and Chimney Services], Jeff Richards Construction Company, Findley Lake Hardware and Sporting Goods, Howard Realty, Blue Heron Inn and Restaurant, Z's on the Lake [Restaurant], Wonderments Gifts/Wines, and Pine Junction Tavern. The corporate headquarters of Our Own Candle Company is also in Mina. In addition to the commercial establishments referred to above, there is an active civic community in the area. Civic associations include the Findley Lake-Mina Historical Society, Mina-Findley Lake Community

³ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, at 101 (1982); *Becon Broadcasting*, Memorandum Opinion and Order, 2 FCC Rcd 3469, *aff'd* 2 FCC Rcd 7562 (1987); *see e.g.*, <http://www.townofmina.info/>.

⁴ *See* http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

Center, and Mina Cemetery.⁵ The Findley Lake area Chamber of Commerce has a full listing of community events on its comprehensive website, showing the many activities in the community.⁶ A biweekly newsletter about town news and events is also published.⁷ Other community institutions include the Alexander Findley Community Library, Findley lake Nature and Wildlife Education Center, Findley lake Watershed Foundation, and Community Connections at Findley lake. In addition, Mina is served by a number of religious organizations, including Christian Missionary Alliance Church and Findley Lake United Methodist Church. As a substantial and sufficiently independent community, Mina is a community for allotment purposes.

The Proposed Reallocation Will Result in a Preferential Arrangement of FM Channel Allotments/Assignments

3. The Applicant is the winning bidder in Auction 94 for a new FM construction permit on Channel 240A at Erie, Pennsylvania. Currently, there are a number of channels allotted to Erie. As the proposed change in the community of license will not remove an existing service from Erie, Pennsylvania or result in Erie being un-served by local broadcast service. Erie, Pennsylvania is well served by at least five other broadcast services licensed to Erie, including: WEFR(FM) (FIN 20975), WERG(FM) (FIN 23087), WFNN(AM) (FIN 26611), WJET(AM) (FIN 33769), WMCE-FM (FIN 41215), WPSE(AM) (FIN 65467), WQHZ(FM) (FIN 65748), WQLN-FM (FIN 53720), WRIE(AM) (FIN 32982), WRTS(FM) (FIN 55028), WXBB(FM) (FIN 52144), and WXKC(FM) (FIN 32984).

Conclusion

⁵ See, e.g., *Kenansville, Florida*, 10 FCC Rcd 9831 (1995) (the existence of organizations that incorporate the community's name is indicative of community status).

⁶ See <http://www.findleylakeinfo.org/index/html>.

⁷ See <http://www.findleylakeinfo.org/Tapestry1.html>.

4. The grant of the proposed change in the community of license for the unbuilt FM Station will result in a preferential arrangement of FM channel allotments/assignments because it will provide Mina (Town) with its first local service (FM Allotment Priority No. (3)), and Erie, Pennsylvania will continue to be well served by at least five other broadcast services licensed to Erie. Accordingly, Applicant hereby respectfully requests that the Commission reallocate Channel 240A from Erie, Pennsylvania to Mina (Town), New York and modify the construction permit for the Station to specify operation on Channel 240A at Mina (Town), New York as proposed herein.