

**Section 307(b) Analysis: Preferential Allotment and Community Showing
Station KHNA(FM), Channel 277C1, Rock River, Wyoming**

In the instant minor modification application (the "Application"), the applicant, White Park Broadcasting, Inc. ("White Park"), seeks to modify the license of KHNA(FM), Hanna, Wyoming ("KHNA or the "Station"), to change the Station's community of license from Hanna, Wyoming to Rock River, Wyoming. White Park also seeks to change KHNA's transmitter location and the Station's class of operation from Class A to Class C1. Under this proposal, KHNA would continue to operate on Channel 277.

Together with the Section 307(b) Engineering Exhibit attached hereto as Exhibit A ("Engineering Exhibit"), this Preferential Allotment and Community Showing demonstrates that the Station's proposed move to Rock River, Wyoming complies with Section 307(b) of the Communications Act, which charges the Commission with the responsibility to "provide a fair, efficient and equitable distribution of radio service..." 47 U.S.C. § 307(b).

In *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212 (2006) (the "*FM Allotment R&O*"), the Commission stated that, under its revised procedures for allotting and assigning channels, classes and communities of license for AM and FM broadcast stations, applicants seeking community of license changes must provide "a narrative showing that the proposed community of license change represents a net service benefit under the Section 307(b) priorities and policies

[the Commission has] used since 1982." *FM Allotment R&O* at 14218 (citing *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*")). The Commission also stated that applicants must demonstrate that the proposed community "constitutes a community suitable for allotment purposes." *Id.*

As set forth below, relocating the Station's community of license to Rock River, Wyoming, as proposed in the Application, will result in a preferential arrangement of allotments under the Commission's allotment priorities. Moreover, Rock River, Wyoming has already been deemed a bona fide community for allotment purposes.

I. The Proposed Community of License Change will Result in a Preferential Arrangement of Allotments

The Commission's FM priorities, as set forth in the *FM Assignment Policies*, are as follows: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. *See FM Assignment Policies* at 91-92. The Commission gives co-equal weight to priorities (2) and (3). *See id.*

The Station operation proposed in the Application will provide Rock River, Wyoming with a second licensed, full-time local aural transmission service. At the same time, the proposed change will not deprive Hanna of an existing local aural transmission service. White Park holds a construction permit for KHNA and has not yet built the Station. *See File No. BNPH-20060310AAL*. As such, KHNA does not constitute an existing service to Hanna. The Commission's prohibition on removing the sole local transmission service from a community is therefore not implicated here. *See Farmington and Gallup, New Mexico*, 11 FCC Rcd 2357, 2361 (1996), *aff'd Farmington and Gallup, New Mexico*, 14 FCC Rcd 18983 (1999).

Further, as demonstrated in the Engineering Exhibit, the proposed operation will increase KHNA's population coverage by 30,184 persons, and will increase the area covered by 5538 sq. km, triggering Priority Four under the Commission's *FM Assignment Policies*. See Engineering Exhibit at 1. Significantly, the proposed move also will eliminate a 'white area' by providing 276 persons with first aural service. The proposed operation will result in an area of overlap with KHNA's currently authorized operation consisting of 290 persons and 599 sq. km. Approximately 31,455 persons will receive 3 or more signals. *See id.*

Based on the net service gain, including provision of first aural service to 276 persons, the proposed modification of allotments will result in a preferential arrangement of allotments under the Commission's allotment priorities.

II. Rock River, Wyoming Has Already Been Designated a Community for Allotment Purposes

Rock River, Wyoming already has been designated a community for allotment purposes – Kona Coast Radio, LLC currently holds a construction permit for Station KKHI(FM), licensed to Rock River. *See* File No. BMPH-20070117AFI. Accordingly, Rock River satisfies Section 307(b)'s community requirement.

As demonstrated above, the change in KHNA's community of license from Hanna, Wyoming to Rock River, Wyoming will result in a preferential arrangement of allotments. Further, Rock River already qualifies as community for allotment purposes. The community of license change proposed in the Application is thus consistent with the Communications Act and the Commission's allotment policies, and should therefore be granted.

EXHIBIT A

White Park Broadcasting
Loss/Gain Study for
KHNA, Rock River (Hanna) WY
June 21, 2007

This exhibit was prepared to demonstrate the population changes between KHNA's current Construction Permit (BNPH-20060310AAL) and KHNA's pending application. Block level Census data from the year 2000 data was utilized to determine population results.

KHNA's service contour for the current Construction Permit encompasses 1,547 persons and covers 2,497 sq km.

KHNA's service contour for the proposed operation will encompass 31,731 persons and cover 8,035 sq km.

There is a small area of common coverage that encompasses 290 persons in 599 sq km.

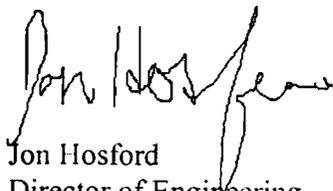
The proposed operation will increase the population coverage by 30,184 persons, and increase the area covered by 5538 sq km.

The proposed operation will provide 276 persons with first aural service.

Approximately 31,455 persons will be served by 3 or more signals.

Figure 1 – Map showing location and overlap of gain and loss area.

Figure 2 – Map showing Licensed signals that continue to cover the loss area.



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White Park Broadcasting

Figure 1

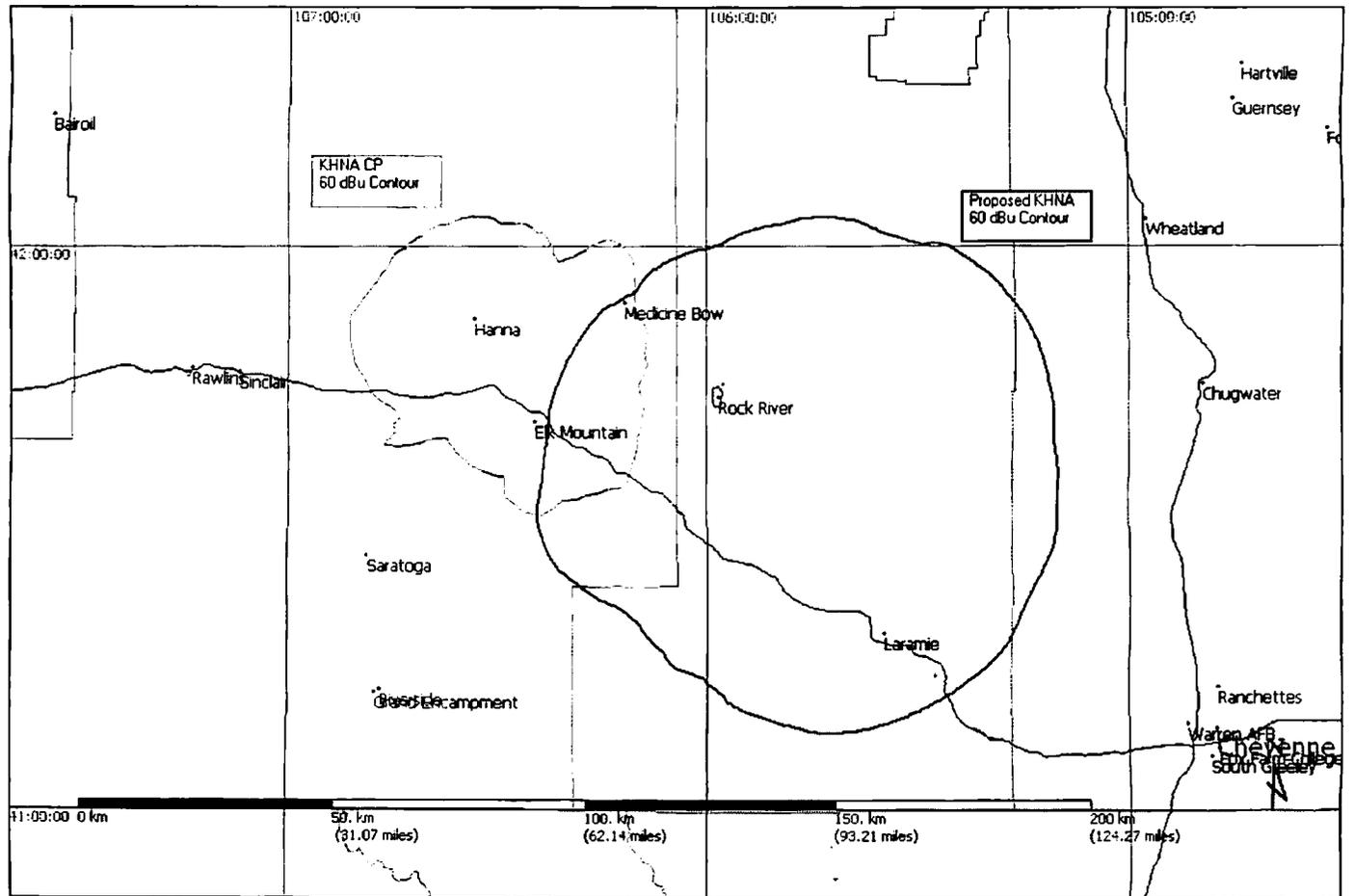


Figure 2

