

### **307(b) Exhibit**

Gulf South Communications, Inc. (“Gulf South”), the licensee of Stations WDBT(FM), Hartford, Alabama and WDJR(FM), Enterprise, Alabama, submits this exhibit in support of its applications to (1) delete Channel 229C1 at Hartford, Alabama and allot Channel 228A to Hope Hull, Alabama as that community’s first local service and (2) reallocate Channel 245C0 from Enterprise to Hartford, Alabama to maintain that community’s first local service. Gulf South’s showings pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), are provided below, addressing the factors identified by the Commission in its *Rural Radio*<sup>1</sup> decision and set forth in the instructions to Form 301.

As demonstrated in Engineering Statement to the WDBT application, Channel 228A can be allotted to Hope Hull consistent with Section 73.207 of the Commission’s Rules. See Engineering Exhibit 1. A 70 dBu signal can be provided to Hope Hull from the proposed allotment site. See Engineering Exhibit 2. The population and area within the proposed 70 dBu contour are 12,859 persons in 824 square kilometers, and within the proposed 60 dBu contour are 207,684 persons in 2,515 square kilometers. See Engineering Exhibit 3. This proposal will not create any underserved areas within the WDBT loss area. See Engineering Exhibit 4.

Gulf South’s proposal to change the community of license of WDBT from Hartford to Hope Hull complies with the guidelines set forth in *Amendment of the*

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<sup>1</sup> *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, 26 FCC Rcd 2556 (2011); Second Order on Reconsideration, FCC 12-127, rel. October 12, 2012 (“*Rural Radio*”); see also *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, ¶ 10 (2006).

*Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License Order*"). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 228A at Hope Hull is mutually exclusive with the current use of Channel 229C1 at Hartford. See Engineering Exhibit 1. Second, Hartford will not be deprived of its only local service because, as discussed below, Station WDJR(FM) is concurrently changing its community of license from Enterprise to Hartford, Alabama. (Enterprise has local service remaining.) Third, the provision of a first local service at Hope Hull (2010 U.S. Census population 1,260) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Enterprise under Priority 4.<sup>2</sup> See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

Hope Hull is not located in an urbanized area, the proposed 70 dBu signal does not cover 50% of any urbanized area and a showing is provided, pursuant to Note 97 of the *Rural Radio* decision, which demonstrates that no subsequent rule compliant minor modification application could be filed to cover as much as 50% of any urbanized area.

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<sup>2</sup> The proper comparison is between Hope Hull and Enterprise because Enterprise is losing a local service (due to the move of WDJR) and Hope Hull is gaining a local service (due to the move of WDBT). The community of Hartford will retain the same number of local services.

Therefore, this relocation does not implicate the Commission's policy concerning the migration of stations from rural areas to urban areas.

Hope Hull is a community deserving of a first local service. Hope Hull has its own post office (zip code 36043), an elementary school, a private school (Hooper Academy), the Hope Hull Women's Club, several churches, including Hope Hull United Methodist Church, Hope Hull Church of Christ and First Southern Baptist Church, numerous business, including UPS, Hyundai Power Transformer plant, Rock Tenn, Genpak, Hager Companies, PHA Body Systems, DAS, Viscofan, Blue Bell Creameries and hotels, including Best Western Hope Hull Inn, Hampton Inn, Fairfield Inn & Suites by Marriott, Comfort Suites and Motel 6. Former Governor Bibb Graves was born in Hope Hull. Tankersley Rosenwald School, which is listed in the National Register of Historic Places, is located in Hope Hull. *See* Exhibit 1.

As discussed above, in order to maintain local service at Hartford, Gulf South proposes to change the community of license of WDJR from Enterprise to Hartford at the station's current site. A 70 dBu signal can be provided to Hartford from WDJR's existing site. *See* Engineering Exhibit 2. Because WDJR's facilities will not change, there will be no population or area gain or loss.

Gulf South desires to make this change under the guidelines set forth in *Community of License Order*. First, because the facilities are identical, the proposed use at Hartford is mutually exclusive with the current use at Enterprise. Second, Enterprise will not be deprived of its only local service because it is currently served by Station WKMX(FM). Third, as discussed above, establishment of first local service at Hope

Hull under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Enterprise under Priority 4.

Finally, a third simultaneously filed contingent application by Southeast Alabama Broadcasters, LLC for Station WJRL-FM also provides public interest benefits. Although that application does not involve a city of license change, the station will upgrade its class of channel from C3 to C2 and increase its coverage area.

## **Exhibit 1**

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