

KHRD Community of License Change Proposal

FCC Form 301 Item 18 EXHIBIT 36

Results Radio of Redding Licensee, LLC (“Results”) seeks consent to change the community of license of its FM radio station KHRD from Weaverville to Redding, and to move KHRD’s transmitter approximately 12 kilometers towards the east.¹ Concurrently, by a separate but related application, Results proposes to change the community of license of its FM radio station KNCQ from Redding to Weaverville, California, with no modification to KNCQ’s presently licensed technical facilities.² If approved, this package of changes will result in the community of Weaverville having a local transmission service that provides it with much-improved coverage, and in substantial improvements to the area’s free, over-the-air FM radio service.

RELATED APPLICATIONS

Application	Proposal
KNCQ FCC Form 301 Minor Change Application (“KNCQ Application”)	Change community of license from Redding to Weaverville, CA (without proposing new facilities)
KHRD FCC Form 301 Minor Change Application (“KHRD Application”) (This Application)	Change community of license from Weaverville to Redding, CA (with modification to facilities)

Stations “may change [] 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 FM allotment priorities.”³ The proposed package of changes meets all of these requirements. As required

¹47 C.F.R. §73.3571(j).

² The applicant seeks concurrent processing and grant of both applications. See 47 C.F.R. § 73.3517(e).

³*Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Gearhart, Madras, Manzanita, and Seaside, Oregon) Station KNRQ-FM, to Change Community of License from Tualatin to Aloha, Oregon*, Report and Order, 26 FCC Rcd 10259, 10262 (2011) (“*Gearhart Decision*”). Applicants also may offer any other information they believe to be pertinent to a public interest showing. *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556 (2011) (“*Rural Radio Order*”), Second Order on Reconsideration, 27 FCC Rcd 12829 (rel. Oct. 12, 2012) (“*Rural Radio Reconsideration*”).

under Section 307(b) of the Communications Act of 1934,⁴ the proposal would result in a net service benefit, and accordingly, the Audio Division should grant this application.

I. The Facilities Are Mutually Exclusive.

As is illustrated in KHRD's Engineering Exhibit,⁵ the existing and proposed facilities are mutually exclusive, as the 12 kilometer distance between the existing and proposed facilities would be far less than the minimum separation required for co-channel assignments even under the more lenient standards set forth in Section 73.215 of the Commission's rules.⁶

II. Weaverville Would Not Be Deprived of Its Only Local Service, and the Proposal Would Result In A Preferential Assignment Under the Commission's Allotment Priorities.

The proposed assignment of KHRD to Redding, combined with KHRD's proposed facility modifications and the assignment of KNCQ to Weaverville, is preferable to the stations' existing assignments under Priority (4) because this proposed package would provide a stronger local transmission service to Weaverville than KHRD's existing facilities, while allowing KHRD to serve more area residents overall.

The four allotment priorities are: (1) first fulltime aural (reception) service, (2) second fulltime aural (reception) service, (3) first local (transmission) service, and (4) other public interest matters.⁷ Priorities (1) and (2) are inapplicable here because Redding is served by 5 AM stations and 18 FM stations that have facilities or construction permits with protected contours over 100 percent of the population and area of the city.⁸ Priority (3) is inapplicable because multiple full-service radio stations are licensed to serve Redding today.⁹ In addition, if the proposed changes to KNCQ and KHRD are approved, Weaverville will continue to be served by one full-service transmission service (KNCQ).

Priority (4) applies here because KNCQ would provide a much stronger local transmission service to Weaverville than KHRD. The number of local services serving each

⁴ 47 U.S.C. § 307(b); *Revision of Procedures Governing Broadcast Services*, 21 FCC Rcd 14212, ¶ 10 (2006) ("*Streamlining Order*") (2006).

⁵ See Engineering Exhibit (Exhibit 30) at D & Fig. 5.

⁶ 47 C.F.R. § 73.215.

⁷ *FM Assignment Policies and Procedures*, 90 FCC 2d 88, 89, ¶ 7 (1982) ("*FM Assignment Policies*").

⁸ The Engineering Exhibit shows the reception services available to each of Weaverville and Redding. See Engineering Exhibit at Fig. 6-A.

⁹ Engineering Exhibit at Fig. 6-A.

community is a relevant consideration in determining preferential assignments.¹⁰ Currently, KHRD is the only full-service radio station licensed to Weaverville.

At the time KHRD's facilities were approved in 1998, Weaverville was an unincorporated area with unclear boundaries. The permitted facilities provided 70 dBu coverage to 82 percent of the population that was believed to represent the community at the time.¹¹ (The boundaries of Weaverville at the time were reconstructed from records dating back to the Gold Rush.) However, the boundaries of Weaverville have now been formally established, with Weaverville having become a Census Designated Place ("CDP") in 2000. It is now clear that KHRD's city-grade contour covers only about 25 percent of the area within the boundaries of the Weaverville CDP.¹² In contrast, although KNCQ currently is licensed to Redding, KNCQ's city-grade signal covers 100% of Weaverville. By allowing KNCQ and KHRD to swap communities of license, the Commission would allow Weaverville residents to receive substantially improved coverage from their only locally-licensed station, while preserving the same number of local transmission services in Redding as exist today. This allocation therefore is clearly preferable from a public interest standpoint. Indeed, arguably the applications should receive Priority 3 processing, because KHRD's existing service to Weaverville is so limited today that, in a sense, KNCQ will be a "first" local transmission service.

Applicants proposing a changed community of license must provide the size of the populations gaining and losing service under the proposal, as well as "the numbers of services those populations will receive" if the application is granted.¹³ The changes proposed in the instant application would allow a net of 25,403 listeners to gain new 60 dBu coverage from KHRD (after accounting for an estimated 2,816 people who will lose KHRD's 60 dBu service) and a net of 22,150 listeners to gain new 70 dBu coverage from KHRD (after accounting for an estimated 3,600 people who will lose KHRD's 70 dBu service).

The proposed shift in KHRD's service area follows the movement of population in the area over the last several years.¹⁴ No white or gray areas will be created, nor will any

¹⁰ *FM Assignment Policies* at 104, n.8; *Rural Radio Order* at ¶ 39.

¹¹ *See* Engineering Exhibit at F.

¹² *Id.*

¹³ *Rural Radio Order* at ¶ 39. For a full listing of the reception services available to each of Weaverville and Redding, see Engineering Exhibit at Fig. 6-A.

¹⁴ *See* Engineering Exhibit at E.1. *See also Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, 26 FCC Rcd 2556, 2578 (2011) ("*Rural Radio Second R&O*") (noting "population growth in areas surrounding the proposed new community" may be relevant in public interest analysis of proposed community of license changes).

populated areas lose their third, fourth, or fifth reception service,¹⁵ although an unpopulated triangle about 24 square kilometers in area will be left with only four reception services. Aerial footage shows no roads, homes or other structures in this triangle, confirming its lack of population.¹⁶ Because this area is unpopulated, it does not implicate the concern behind disfavoring changes that would result in the loss of fifth reception service to “more than 15 percent of the population in the station’s current protected contour.”¹⁷ In addition, the proposed modifications to KHRD’s facilities would reduce KHRD’s existing close spacing to KUKI-FM by more than half, from 17.7 kilometers to 8.7 kilometers.¹⁸ The reduction of this existing short-spacing is an additional factor supporting the fact that the proposals in this application and the KNCQ Application would result in public interest benefits.

No *Tuck* analysis is necessary for this proposal. A *Tuck* analysis is employed when an applicant seeks a priority (3) preference — first local transmission service — for a community that is part of, or located near to, an urbanized area.¹⁹ Weaverville is not part of an urbanized area. And although Redding is an urbanized area, Results is not seeking a priority (3) preference in this application; accordingly, the *Tuck* showing is not required here.²⁰

III. Redding Is a Suitable Community for Assignment Purposes.

Applicants for a change of community of license must demonstrate the “community” status of the proposed new community of license.²¹ Redding is a well-established city with a population of more than 92,000,²² its own school district,²³ and a daily newspaper of

¹⁵ See *Rural Radio Second R&O*, 26 FCC Rcd at 2577 (disfavoring “any change that would result in the net loss of third, fourth, or fifth reception service to more than 15 percent of the population in the station’s current protected contour”).

¹⁶ See Engineering Exhibit at E.3 & Fig. 8.

¹⁷ See *Rural Radio Second R&O*, 26 FCC Rcd at 2577.

¹⁸ Engineering Exhibit at D & Figs. 3-A, 3-B.

¹⁹ See *Faye & Richard Tuck, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 5374 (1988); *Rural Radio Order* at ¶ 30; *Rural Radio Reconsideration* at ¶ 5 (*Tuck* presumption and related analysis applies to applicants seeking “first local transmission service” priority).

²⁰ Cf. *Rural Radio Reconsideration* at ¶ 19 (indicating that in proposals to swap communities of license within the same urbanized area, applicants not seeking a priority (3) preference may simply make a showing under priority (4)); see also *Gearhart Decision* at ¶ 10.

²¹ *Streamlining Order* at ¶ 10.

²² “2010 Census Interactive Population Search: CA - Redding city.” U.S. Census Bureau. Retrieved July 12, 2014.

²³ See <http://www.reddingschools.net/www/redding/site/hosting/pd/index.html>.

record.²⁴ Moreover, the FCC already has found Redding suitable for allotment purposes, in that it has licensed five AM and five FM radio stations to Redding.

IV. The Proposed Changes Will Not Affect Applicant's Compliance with the Multiple Ownership Rules.

In addition to KNCQ and KHRD, Results owns FM radio stations KKXS (Shingletown, CA), KEWB (Anderson, CA), and KESR (Shasta Lake, CA). KKXS, KNCQ, KEWB and KESR are licensed to communities in the Arbitron Redding Metro Survey Area ("Redding Metro"). Weaverville, KHRD's current community of license, is located in Trinity County, which is outside the Redding Metro but is considered "home" to the Redding Metro.²⁵ Results thus owns five FM radio stations in the Redding Metro ("Redding Cluster"), one more than would be permitted today under the Commission's Local Radio Ownership Rule.²⁶ However, because the Redding Cluster became noncompliant with Commission's numerical limits only because of a change in the market definition that occurred in 2003, after Results had obtained ownership of these stations, the Redding Cluster is "grandfathered" pending sale of the stations to a third party.²⁷ Grant of the instant application and the KHRD Application would not increase local radio ownership concentration in the Redding Metro, as Results would not obtain any attributable interest in any additional radio stations.²⁸

Conclusion

Results respectfully requests that the Audio Division grant its request to change the community of license of its station KNCQ from Redding to Weaverville, California, and to change the community of license of KHRD from Weaverville to Redding, in order to allow KNCQ to provide a substantially enhanced local transmission service for Weaverville. Because the station licensed to serve Weaverville today actually provides city-grade service to only about 25% of that community, while KNCQ can provide city-grade service to 100% of Weaverville, the proposed community of license swap would serve the public interest by allowing

²⁴ See Redding Record-Searchlight, <http://www.redding.com/home>.

²⁵ See BIA Summary, Exhibit 5.

²⁶ In an Arbitron Metro containing from 15 to 29 full-power commercial and noncommercial radio stations, an entity may own, or have an attributable interest in, a maximum of four radio stations in the same service (either FM or AM). The Redding Metro currently contains 24 full-power commercial and noncommercial radio stations. See Exhibit 5.

²⁷ See 47 C.F.R. § 73.3555 n.4.

²⁸ The facilities change proposed in this application would result in expansion of a pre-existing overlap in the service areas of KHRD and KKXS. However, this change would not result in any increase to the applicant's media ownership concentration. Both before and after, Results would have an attributable interest in five FM radio stations in the Redding Metro, and this interest is permissible under the Commission's grandfathering rule and policies.

Weaverville to have a locally-licensed transmission service that covers all of the community. The facilities changes proposed in the instant application also would enable service gains. Together, these changes would result in a preferable arrangement of allotments.