

Section 307(b) Exhibit

BBC Broadcasting, Inc. (“BBC”), licensee of KRPI(AM), Ferndale, Washington, submits this statement in support of its application to change the city of license from Ferndale, Washington to Point Roberts, Washington, as its first local service. BBC will demonstrate, pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), that Point Roberts has a greater need for a local radio station than Ferndale pursuant to *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) and *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, 26 FCC Rcd 2556 (2011), *recon. pending* (“Rural Radio”).

BBC had previously requested a waiver of the nighttime coverage requirement of Ferndale’s area and population due to the need to relocate its transmitter site and the demonstrated unavailability of alternate sites which would provide the requisite NIF signal to Ferndale. However, based on conversations with the Media Bureau’s Division Chief and staff, the applicant was advised to consider changing its community of license instead.

BBC’s proposal to change the community of license of KRPI(AM) from Ferndale to Point Roberts should be evaluated under the guidelines set forth in *Amendment of the 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*”) as modified by the *Rural Radio* decision. The Commission requires that a station meet the following prerequisites in order to change its community of license without subjecting the license to other expressions of

interest: (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 1550 kHz at Point Roberts is mutually exclusive with the current use at Ferndale. See Engineering Statement.

Second, although Ferndale will be deprived of its only local service, because Station KRPI(AM) places its daytime principal community signal over approximately 82% of the Bellingham Urbanized Area, the station is presumed to serve the Bellingham area rather than Ferndale. See *Rural Radio* at ¶¶ 30, 38 (an AM station that places “a daytime principal community signal over 50 percent or more of an urbanized area . . . will be presumed to . . . serve the urbanized area rather than the proposed community”). As such, for the purpose of the Priority 3 analysis, KRPI(AM) is not presumed to provide first local service to Ferndale.¹

Finally, the provision of a first local service to Point Roberts (2010 U.S. Census population 1,314) under Priority 3 will result in a preferential arrangement of allotments over the retention of a ninth local service to Bellingham (2010 U.S. Census population 80,885) under Priority 4. Point Roberts is entitled to a Priority 3 first local service preference as will be demonstrated. Moreover, all population in the loss area will retain at least seven aural services, with some areas retaining as many as 12 such services. See

¹ To the extent that despite its position in *Rural Radio*, the Commission still considers KRPI(AM) to be a first local service to Ferndale, the record submitted by BBC clearly demonstrates that this is an exceptional circumstance where the majority of the residents of Ferndale do not benefit from, and in fact strongly oppose, KRPI(AM)'s continued presence due to blanketing interference concerns. See FCC File No. BP-20090226AAF, Exhibit 13.

Technical Exhibit; *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).² Granting BBC’s application will advance the Commission’s interest in a “more equitable distribut[ion] of radio service among urban and rural areas . . .” *Rural Radio* at ¶ 13.

Point Roberts is not located within an Urbanized Area and its proposed signal will not cover more than 50% of any Urbanized Area. Accordingly, a showing using the factors set forth in *Faye and Richard Tuck*, 3 FCC Rcd. 5374 (1988) is not required. Point Roberts is an established, but geographically isolated, community that has a definite need for its own local broadcast station. Point Roberts is represented by the five-person Point Roberts Community Action Council, has its own elementary school, newspaper, chamber of commerce, and offers other local community businesses and town services, including a fire department, a library, a post office, a country club, and a medical clinic. Additional information about this community is provided in Attachment 1.

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In conclusion, BBC’s application satisfies the Commission’s new *Rural Radio* guidance governing changes of community of license, as specifically outlined within this Exhibit. Accordingly, the Commission should grant the proposal to relocate Station KRPI(AM) to Point Roberts, Washington.

² The FCC applies the FM allotment priorities to mutually exclusive AM proceedings. See *Romar Communications, Inc. and KM Communications, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd. 23128 (2004). These priorities are as follows: (1) first full-time aural service, (2) second full-time aural service, (3) first local service, (4) other public interest matters. *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982) (the Commission provides co-equal weight to priorities (2) and (3)).

