

PRELIMINARY STATEMENT

The allocation reference point in this Petition complies with The minimum distance separation requirements set forth in Section 73.207 of the FCC's rules. The modification of license and change of community can be made in this proceeding since the modification will occur on the station's same channel. See 47 CFR 1.420 (g) (3) and (1).

The requested change in allotments will not deprive Walla Walla, WA, of its only local aural service ^{2/} and will result In a "net service benefit for the affected communities." See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

^{1/} The Petitioner does not propose to change sites from its current facility.

^{2/} Channels 209A, 213C2, 227C1, 239C, 246C and 264C3 are also licensed to Walla Walla, WA.

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Discussion

I. BURBANK IS A "COMMUNITY" FOR FCC ALLOTMENT PURPOSES

1. The Communications Act requires the FCC to allot all radio frequencies in a "fair" manner among the nation's various "communities." See 47 USC 307 (b). Accordingly, the FCC historically has endeavored to allot radio frequencies to any "community"-- regardless of size and

whether or not incorporated ^{3/} -- that constitutes a “geographically identifiable population grouping.” See FM Channel Policies/Procedures, 90 FCC 2d 88, 101 (1982).

2. Burbank is designated in the 1990 Census as a “Census Designated Place” with a 1990 population of approximately 1745 persons. It is located outside of any urbanized area. Burbank’s Census designation is a legally sufficient basis under FCC precedent to demonstrate its status as a community. ^{4/}

II. THE PROPOSAL WILL RESULT IN A PREFERENTIAL ARRANGEMENT OF ALLOTMENTS

3. The proposal meets the FCC’s allotment requirements. See Modification of Community of License, supra, 4 FCC rcd at 4873. Under this proposal, the city of Burbank, WA will gain its first FM local broadcast service, a factor of the highest priority in the FM allocation scheme.

^{3/} See, e.g., Musical Heights, Inc., 29 FCC 1 (1960).

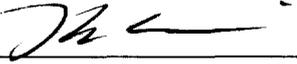
^{4/} See, e.g. Willows and Dunnigan, CA, RM-8416, 10 FCC Rcd 11522 (1995).

See Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 90-2 (1982). The entire city of Burbank will receive city-grade service from the reference coordinates. See Appendix A at Figure 1 (City-Grade Coverage Map).

4. Moreover, Walla Walla, WA, will continue to receive local aural service. Furthermore, the Walla Walla area is already well served by five

(5) or more aural reception services.

5. Finally, the loss of an FM at Walla Walla, WA, is far outweighed by the overwhelming public benefits derived from providing a “first” local service to Burbank, WA. See Modification of Community of License, supra, 4 FCC Rcd at 4874 (“a change in community of license that would result in a preferential arrangement of allotments should not [be] precluded because the licensee will no longer serve its original community of license”).



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Licensee of KUJ (FM)

CONCLUSION

6. In view of the foregoing, the FCC should issue a Notice of Proposed Rulemaking, proposing to delete channel 256 C1 at Walla Walla, WA, to allocate channel 256 C1 at Burbank, WA and to modify KUJ (FM)’s license to specify operation at Burbank, WA.

Respectfully submitted,



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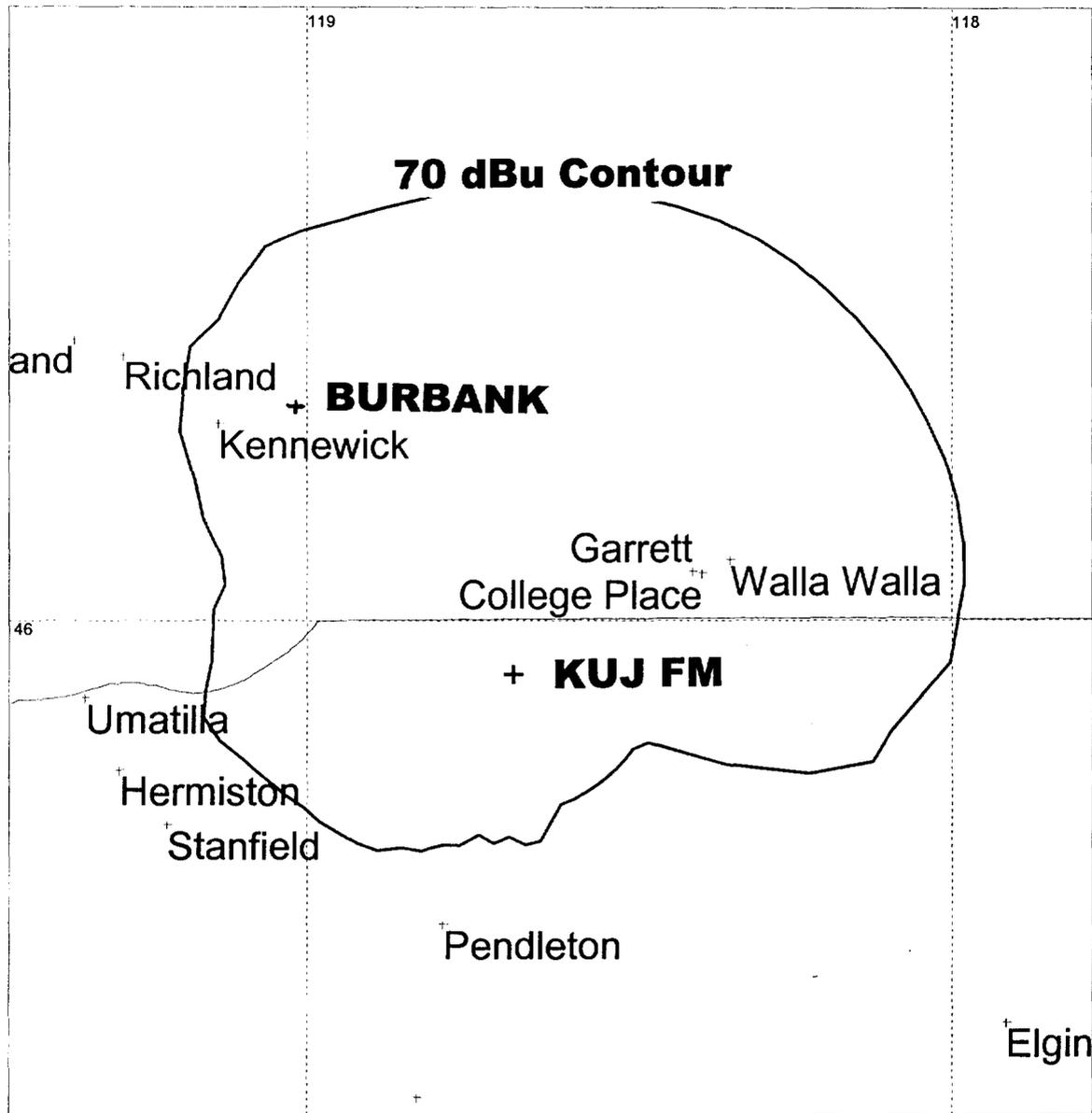
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DECLARATION

Appendix A.

Figure 1. Coverage Map

KUJ FM C1



Engineering by Alexandra Communications 2000

Scale 1:849500

— FM Service — State Borders Lat-Lon Grids

25 Km 