



Federal Communications Commission
Washington, D.C. 20554

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In Reply Refer to:
1800B3-DD

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In Re: Threshold Communications
Channel 225C3, Napavine, Washington
Facility ID Number: 189494
File No: BNPH-20110630AHJ

Dear Counsel:

This letter refers to the above-captioned minor change application (the "Application") of Threshold Communications ("Threshold"), winning bidder in Auction 91 for Channel 225C3, Clatskanie, Oregon. The Application proposes a city of license modification for Channel 225C3 from Clatskanie, Oregon, to Napavine, Washington. Premier Broadcasters, Inc. ("Premier"), licensee of KITI(AM), Centralia-Chehalis, Washington, filed an Informal Objection. For the reasons discussed below, we grant the Application, and deny the Informal Objection.

Background. Threshold, the winning bidder for Channel 225C3 at Clatskanie, Oregon, initially submitted an application for a construction permit to build the station at Fords Prairie, Washington, which was mutually exclusive with operation of the channel at Clatskanie.¹ Subsequently, Threshold submitted an amendment, seeking to change the proposed community of license to Napavine.

The Application was filed pursuant to Section 73.3573(a)(1)(i) of the Commission's Rules,² which sets forth the requirements for modification of an FM Station to specify a new community of license without providing an opportunity for competing expressions of interest. 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

¹ See File No. BNPH-20110630AHJ.

² 47 C.F.R. § 73.3573(a)(1)(i).

FM allotment priorities.³ We determine the preferential arrangement of allotments using the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures.⁴

In its Application, Threshold proposes to change the new facility's community of license from Clatskanie, Oregon, to Napavine, Washington, an incorporated city with a population of 1,766. The proposed change of community to allot FM Channel 225C3 at Napavine is mutually exclusive with the existing allotment of that channel at Clatskanie. The new station would provide a first local service at either Clatskanie or Napavine, so Priority 3 of the allotment priorities is satisfied by either community.⁵

Premier filed comments and an informal objection opposing the proposed change of community. Premier makes two primary arguments against the Application. First, Premier argues that the Application should be dismissed because Threshold has failed to publish notice of the proposed change in the current community. Although Threshold certified in the Application that it had or would publish the required notice, Premier questions whether the required public notice was, in fact, provided. Second, Premier contends that Clatskanie has a greater need for a new radio station than Napavine. Premier contends that Clatskanie is a relatively isolated area, surrounded by mountains, and that no radio station, AM or FM, provides nighttime city-grade service to Clatskanie. Premier also states that the allotment at Clatskanie would result in new service to 1,225 underserved listeners (i.e., those persons receiving four or fewer services). Finally, Premier alleges that the proposed change of community would result in a net loss of service to 12,437 persons.

Discussion. 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 FM allotment priorities.⁶ The proposed change of community to Napavine is mutually exclusive with Threshold's previous application for a construction permit for the facility at Clatskanie, so the first requirement is met. Moreover, because the Application pertains to an unbuilt station, there is no loss of service,⁷ so grant of the modification would not deprive Clatskanie of its only local service

³ *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870, 4872-74 (1989) ("Community of License"), recon. granted in part, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990) ("Community of License Reconsideration Order").

⁴ *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88, 90-93 (1982) ("FM Assignment Policies"). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

⁵ We do not find merit in Premier's argument that the independence of Napavine is subject to question because it is located within the "Centralia Urban Cluster." The Census Bureau has defined "urbanized area" and "urban cluster" as different from one another, and we will not extend the Commission's policy regarding urbanized areas to "urban clusters." See *Geographical Terms and Concepts – Urban and Rural*, United States Census Bureau, U.S. Department of Commerce: www.census.gov/geo/reference/gtc/gtc_urbanrural.html#uc. See also *Standards for Defining Metropolitan and Micropolitan Statistical Areas*, Office of Management and Budget, 65 Fed.Reg. 82228 (Dec. 27, 2000) (defining "urbanized area" and "urban cluster").

⁶ See *Community of License*, 4 FCC Rcd at 4872-74.

⁷ See *Linden, Texas*, Report and Order, 16 FCC Rcd 10853, 10854 (MMB 2001) ("removal of an unbuilt station [does not] present[] the parallel concerns with loss of service represented by the removal of an operational station") ("*Linden*"). See also *Gearhart, Oregon*, Report and Order, 26 FCC Rcd 10259, 10262 (MB 2011) (finding that reallocation of a station did not violate the Commission's policy prohibiting the removal of a community's sole local

Allotment at either Clatskanie or Napavine would satisfy Priority 3, “first local service.” In a choice between two proposals involving Priority 3, the Commission bases its decision upon population differences between the communities and a comparison of each community’s reception services.⁸ Napaville is slightly larger than Clatskanie, with a population of 1,766 persons, in comparison with 1,737 for Clatskanie. Our analysis shows that both communities are well-served with no populated area receiving fewer than five services.⁹ The Commission has held that, where both communities are well-served, the determination “should be made based on the population of the communities.”¹⁰

Before making a final public interest finding, we will consider the arguments raised by Premier against the Application. Under Section 309(e) of the Communications Act of 1934, as amended (the “Act”),¹¹ informal objections, like petitions to deny, must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest, convenience and necessity.¹²

In contrast to Premier’s contentions, our independent engineering analysis indicates that there is currently no white or gray area within the proposed service area for Clatskanie. In addition, because the facility is not yet operational at Clatskanie, we are not troubled by the theoretical loss of 12,437 persons, should the station be licensed, instead, at Napavine.¹³ Finally, we dispose of Premier’s challenge to the Application on the basis of Threshold’s alleged failure to provide public notice to the residents of Clatskanie of the proposed change of community. Threshold has supplied proof of the required publication, and we are satisfied that the requirements of Section 73.3580(c)(3) of the Commission’s rules have been met.¹⁴

We find that Premier has failed to establish that grant of the application would be *prima facie* inconsistent with the public interest, convenience and necessity. Accordingly, because Napavine is a larger community than Clatskanie, we find that Threshold’s proposal is in the public interest. We therefore will grant the Application.

aural service because the station was not yet operational); *Beatty, Nevada*, Report and Order, 24 FCC Rcd 2225 (MB 2009) (citing *Linden* at n.4); and *Humboldt, Nebraska*, Report and Order, 22 FCC Rcd 19222, n.2 (MB 2007), and cases cited therein.

⁸ See *Blanchard, Louisiana*, Memorandum Opinion and Order, 10 FCC Rcd 9828, 9829 (1995) (“*Blanchard*”).

⁹ In accordance with the methodology prescribed by the Commission, we determine the number of reception services in the alternative service areas, using the signal strengths set forth in Section 73.215(a)(1) for FM stations, taking into account actual terrain, and generally use the 2.0 mV/m groundwave contour for AM stations. See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Order on Reconsideration, 27 FCC Rcd 12829, 12836-40 (2012).

¹⁰ *Blanchard*, citing *Seymour and Pigeon Forge, Tennessee*, Report and Order, 2 FCC Rcd 2016 (MMB 1987). In *Blanchard*, the difference in population, 38 persons, was close to the population difference in this instance, 29 persons.

¹¹ 47 U.S.C. § 309(e).

¹² See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broadcasting L.P. v. FCC*, 996 F.2d 386 (D.C. Cir.), *reh’g denied* (D.C. Cir. Sept. 10, 1993); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objection must contain adequate and specific factual allegations sufficient to warrant the relief requested).

¹³ See cases cited at n.7, *supra*.

¹⁴ 47 C.F.R. sec. 73.358(c)(3).

Conclusion. In view of the above, IT IS ORDERED that the application submitted by Threshold Communications, File No. BNPH-20110630AHJ, for a construction permit at Napavine, Washington, IS GRANTED, and IT IS FURTHER ORDERED, that the Informal Objection filed by Premier Broadcaster, Inc., IS DENIED.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nazifa Sawez". The signature is fluid and cursive, with the first name "Nazifa" being more prominent than the last name "Sawez".

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau