

THROW FIRE PROJECT EXHIBIT 19

Showing under §307(b) of the Communications Act

Applicant, Throw Fire Project seeks to move the construction permit in this file from Baxter, MN to Rockville, MN. The move serves the Commission's preferential system of allotments set forth in *Revision of FM Assignment Policies and Procedures*, 90 F.C.C.2d 88 (1982) ("*FM Assignment Policies*").¹ This proposal serves priority three, and constitutes a preferential arrangement over the existing allocation to Baxter, MN. Baxter is currently served by station WWWI, licensed to Tower Broadcasting Corporation, Fac. ID. 67359. The loss of a new station will not leave Baxter without a local outlet, while allocating this permit to Rockville will provide that community with its first local transmission service and satisfies the Commission's established priorities for such determinations.

Under the *FM Assignment Policies*, Applicant's proposal of a new local service at Rockville, will satisfy priority (3), a first local transmission service. As discussed in the accompanying Engineering Statement prepared by Ben Evans of Evans Associates (the "Engineering Statement"), utilizing the 2000 census, the proposed facility at Rockville will provide service to the following areas and populations:

Day 2 mV/m - Area: 6773 sq. km. Pop: 207,099

Day .5 mV/m - Area: 22,322 sq. km. Pop: 452,064*

Critical Hours 2 mV/m - Area: 4808 sq. km. Pop: 184,333

Critical Hours .5 mV/m - Area: 16,043 sq km. Pop: 339,453*

Night 8.86 mV/m (interf. free) - Area: 421.1 sq. km. Pop: 70,846

* Incorporated communities with a population of 2500 or more that are outside the 2 mV/m contours were excluded from the .5 mV contour populations.

In addition to bringing a new service to a population of 452,064, the first service that this change of community brings to Rockville is badly needed by a growing community. As shown below, Rockville not only meets the Commission's criteria for a licensable community, but it is a community with pressing local issues and no other local media of mass communication, as there is no local newspaper. As shown in the attached January 11, 2007 letter of Verena M. Weber-CMC, Administrator of the City, Rockville has pressing local public issues that require community discussion, including the need to allocate funds for environmental sewer projects to protect its lakes, the construction of a

¹ Those priorities are: (1) provision of first fulltime aural service; (2) provision of second fulltime aural service; (3) provision of first local transmission service; and (4) other public interest matters, with co-equal weight being given to Priorities (2) and (3). *FM Assignment Policies*. at 91. The priorities set forth in *FM Assignment Policies* are also used in evaluating applicants for new AM stations. *Alessandro Broadcasting Co.*, 99 F.C.C.2d 1 (Rev. Bd. 1984).

new city hall, zoning and development decisions and other public project financing alternatives. Ms. Weber's second letter of January 12 offers special support to this request and underscores the view that a radio station in Rockville is a much needed service.

Rockville, Minnesota is a "community" for allotment purposes, in accordance with the Commission's policy. It is incorporated. As shown by the January 11 letter from Ms. Weber, Rockville has a mayor and city council form of government and its current population is 2,684 persons. According to US Census data, the city is rapidly growing – from a 1990 Census population of 579, through a 2000 Census population of 749, and a 2005 Census population of 2,485. There are three elementary schools devoted to Rockville and nearby Richmond. The city provides essential safety services to its residents and has a vibrant mix of financial, retail and medical facilities together with a healthy mix of civic clubs and organizations. It also has two local houses of worship. Rockville's ten largest employers are as follows:

- Granite Tops (84 employees)
- Cold Spring Granite Company (35)
- Capitol Granite (30)
- A&J Repairables (23)
- John Clark Elementary School (21)
- Klein Electric (20)
- APS [auto repair] (18)
- Stonecrafters (17)
- Minnerath Construction (13)
- Maselter Cabinets (10)

The requirement of an allocation to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census. FM Assignment Policies at 100; Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Cleveland and Ebenezer, Mississippi), 10 FCC Rcd 8807 (1995). Rockville is an incorporated city with its own mayor, city council and city services and has been recognized by Standard & Poors with an A- rating.² It is sufficient that the community is incorporated for allotment purposes, See, e.g., Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Asbury, Iowa), 5 FCC Rcd 5712 (1990) (public interest would be served by allotting to a community that is incorporated and self-governing).

Although Rockville is not located within any Urbanized Area, the constructed permit, as amended, will place a service contour over the St. Cloud Urbanized Area. Consequently, this exhibit should also be used to demonstrate Rockville's independence from the city of St. Cloud as provided for in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

² <http://www.rockvillecity.org/vertical/Sites/%7BA5F773F8-CC22-42AE-ACDD-1276B47B1F88%7D/uploads/%7B12B17EAC-8FBB-4426-8107-F0C5783D98D2%7D.PDF> Last viewed January 18, 2007.

The city of Baxter is currently served by a local full-time audio broadcasting service and therefore is eligible only for priority four. Moreover, within a 5 mile radius of the Baxter CP reference coordinates in the FCC database, there are seven audio services, licensed or permitted. Within the same radius of the proposed Rockville coordinates, there are only three licensed or permitted services. Accordingly, relocating the permit to Rockville serves the Commission's last priority by providing for more service to a locale, while not substantially diminishing service to a well-served community.

For these reasons, the proposed new facility at Rockville will satisfy the requirements of Section 307(b) of the Communications Act.

TUCK SHOWING

Since 1996, a Tuck Showing has is not required for a singleton AM station application. *North Texas Radio, Inc.* 11 FCC Rcd 8531 (1996) at ¶11. Nevertheless, out of an abundance of caution, the proposed assignee offers the following to affirm that Rockville is sufficiently independent from St. Cloud and deserves to be considered a community with need for its own station, the factors set forth in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) are analyzed. The two threshold considerations are the degree to which the station would provide Coverage to St. Cloud in addition to its community of license, and the size and Proximity of Rockville relative to St. Cloud. Here, the proposed coverage will Encompass most of the St. Cloud urbanized area. Rockville is located approximately ten miles southwest of St. Cloud, and is located outside the St. Cloud Urbanized area. The Relative populations are 2,485 v. 59,624 (2005 estimated and census figures). However, this difference is not decisive, as the commission has previously held that a population proportion of less than one per cent did not preclude favorable consideration as a first local service. See, e.g., *Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (MMB 1996). Rather, the most important consideration is the independence of the proposed community of license.

In *Tuck*, the commission set forth eight factors, which are discussed below, as indicative of independence. Each of these factors is discussed below:

1. The extent to which the community residents work in the larger metropolitan area, rather than the specified community -- we are aware of no precise data relevant to this factor. However, data reported above shows that a considerable number of persons are employed in Rockville and the town is proud of its reputation as a national source of granite and as the oldest active granite quarry in the US.
2. Whether the smaller community has its own newspaper or other media that covers the community's needs and interests -- Rockville has no local media. That is the very reason why a local station is needed to provide an outlet for local needs and interests that are generally ignored by media from St. Cloud. The attached letters of Verena M. Weber-CMC, Administrator of the City, Rockville are testimony to this need.

3. Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area -- Rockville has a web page of its own, <http://www.rockvillecity.org/> that states its pride in being "...committed to, its small town amenities ... excellent schools, lower crime rates, investment in parks and trails and much more." Residents look to Rockville for good Homes, schools and a community environment. The community has its own A- bond rating from Standard and Poors.
4. Whether the specified community has its own local government and elected officials. Rockville has an elected mayor and city council.
5. Whether the smaller community has its own local telephone book provided by the local telephone company or zip code -- Rockville has its own zip code a zip code of 56369 that is not shared with any other city.
6. Whether the community has its own commercial establishments, health facilities, and transportation systems – As demonstrated by the letter from Verena M. Weber-CMC, Administrator of the City, Rockville, Rockville has a variety of organizations, commercial establishments and activities that satisfy this criteria.
7. The extent to which the specified community and the central city are part of the same advertising market -- there is no opportunity for a separate advertising market, since there are no advertising media specific to Rockville. This station will be the first an independent advertising opportunity.
8. The extent to which the specified community relies on the larger metropolitan area for various municipal services such a police, fire protection, schools, and libraries. Rockville has its own fire department and provides water and sewer to its residents.



CITY OF ROCKVILLE

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January 12, 2007

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RE: Hilger Tower Application

To Whom It May Concern:

The City of Rockville wishes to lend our support to Andy Hilger's request for a license to construct a tower and operate a 24 hour radio station out of the Rockville area. Mr. Hilger will be providing a much needed service and should be applauded for his efforts.

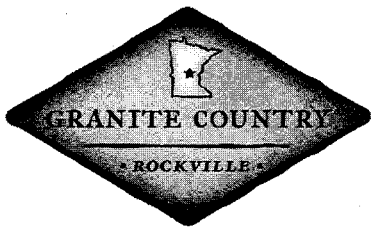
Please feel to contact me should you have any questions concerning the Rockville area.

Sincerely,

Verena M. Weber-CMC
Administrator/Clerk

Cc: file

Hilger Letter of support.corres.wd.doc



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January 11, 2007

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Gregg P. Skall
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1401 Eye Street N.W.
Washington, DC 20005

RE: Hilger Request

Dear Mr. Skall,

This letter is in response to your request regarding information on the City of Rockville, MN.

ROCKVILLE'S SCHOOL SYSTEM – Rockville is a city with a population of 2684 and is part of the Cold Spring School District #750. A small portion of the city is in SD #742 – St. Cloud School District. The Cold Spring School District encompasses three cities and three townships. There are elementary schools located in Rockville and Richmond with Jr. & Senior High Schools located in Cold Spring. The School Board is made up of 5 members.

ROCKVILLE'S CITY SERVICES – The City of Rockville provides Fire service to its citizens. This is also a volunteer fire service. In addition the city contracts with Stearns County Sheriff's Department for its police protection. Sanitation is handled on a private basis. Finally, the city provides water and sewer service to its citizens.

FINANCIAL/RETAIL/MEDICAL FACILITIES – The city has over 115 different retail, service and farming establishments.

The First National Bank is located in the city and provides a much needed financial service.

Service organizations included: The Sportsman Club, Lion's Club, Rocori Women of Today, Boy Scouts, Girls Scouts, & the John Clark Parent Teacher Committee.

The city unfortunately does not have any medical facilities.

LOCAL HOUSES OF WORSHIP – Currently there are two such facilities:

Catholic – Mary of the Immaculate Conception Church

Catholic – Our Lady of Mt. Carmel Chapel

LOCAL PUBLIC ISSUES – The City of Rockville consolidated in 2002 with the City of Pleasant Lake and Rockville Township in an effort to combine services and provide a more efficient government to its citizens. The new city embarked on extending sewer around two major lakes thereby protecting the environment and the lakes. This has come at a great expense to the city. In addition a new city hall/fire hall were constructed which was part of the consolidation plan. This in itself is a major accomplishment and also that the City has obtained an A- Bond rating.

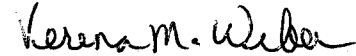
ZONING MATTERS – Due to the large size of the city (36+ square miles) Rockville is the 4th largest city in the State of Minnesota. With that comes both rural and urban

development. The city has to deal with issues differently and of course financing improvement projects will also be a struggle.

I hope this information is of help to you. Please feel free to contact me should you have any other questions. I will forward an information packet for your records.

Sincerely,

CITY OF ROCKVILLE



Verena M. Weber-CMC
Administrator/Clerk

Cc: File