

Tuck Exhibit for WKOV at Frazeytsburg, OH

As demonstrated in the accompanying Engineering Statement, Channel 244B1 can be allotted to Frazeytsburg, Ohio at coordinates 40-03-06 North Latitude, 82-12-00 West Longitude consistent with Section 73.207 of the Commission's Rules From the allotment coordinates, a 70 dBu signal is provided over all of Frazeytsburg. The relocation of WKOV to Frazeytsburg will result in a net gain of 130,495 persons within the 57 dBu contour of the station. The entire loss area will remain well-served by at least five aural services.

Jackson County Broadcasting desires to change the community of license for Station WKOV from Wellston to Frazeytsburg under the guidelines set forth in MB Docket No. 05-210.

First, the proposed use of Channel 244B1 at Frazeytsburg is mutually exclusive with the current use of Channel 244B1 at Wellston. Second, Wellston will not be deprived of its only local service because Station WYPC-AM, 1330 kHz, will remain licensed to Wellston. Third, the provision of a first local service at Frazeytsburg (2000 U.S. Census population 1,201) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Wellston (2000 U. S. Census population 6,078) under Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

Frazeytsburg is not located inside the Newark, OH Urbanized Area. However, the proposed 70 dBu contour of WKOV-FM will reach 57 percent of the Newark, OH Urbanized Area. Therefore, the Commission will require evidence that Frazeytsburg is an independent community, and not dependent upon Newark for the majority of its services. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995).

In this case, there is ample evidence from which to conclude that Frazeyburg deserves a first local service preference. In making the determination whether to award an a first local service preference to an community within a U.S. Census Urbanized Area, the Commission will consider the extent the station will provide service to the entire Urbanized Area, the relative populations and proximity of the suburban and central city, and, most importantly, the independence of the suburban community. *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). Frazeyburg is located approximately 26 kilometers from Newark. The 2000 Census population of Frazeyburg (1,201) is 2.6 percent of the population of Newark (46,279). These figures are similar to those of other suburban communities granted a first local preference. *See, e.g., Anniston, Alabama, et al.*, 16 FCC Rcd 3411, *recon. denied*, 2001 FCC Lexis 6055 (2001) and cases cited therein. In any event, the Commission has repeatedly stated that the factors of relative size and proximity are less important than evidence of independence. *See Headland, Alabama, supra*. The following analysis of the eight *Tuck* factors demonstrates the independence of Frazeyburg from Newark.

(1) *Extent to which the residents of Frazeyburg, Ohio, work in Newark.* The population of Frazeyburg was 1,201 in 2000 (U.S. Census Bureau, Census 2000). This represents an increase of 3.1% from the 1990 U.S. Census figure of 1,165 for Frazeyburg. The largest private employer in Frazeyburg is The Longaberger Basket Company with an estimated 2000 full and part-time employees. Other larger employers include the DK Manufacturing with approximately 110 employees, Frazeyburg Schools with over 50 employees, Midwest Manufactured Homes with approximately 40 employees, Williamsburg Square with approximately 40 employees and The Coming

Home Network Intl. with approximately 20 employees. There are over approximately 70 businesses located in Frazeyburg. It is quite evident that Frazeyburg offers a substantial employment base for local residents. Frazeyburg residents are not dependent upon Newark for employment.

(2) *Local newspapers and other local media cover Frazeyburg's needs and interests.* Frazeyburg does not have a local newspaper located in the community. The closest publication is The Dresden Transcript, a weekly newspaper located in Dresden, OH, nine kilometers East of Frazeyburg. The Dresden Transcript provides local news, sports and community information for area communities including Frazeyburg. The Zanesville Times-Recorder in Zanesville, OH, the nearest daily newspaper is 20 kilometers Southeast of Frazeyburg.

(3) *Community leaders and residents perceive Frazeyburg as separate from Newark.* The City of Frazeyburg has its own unique identity and history that are separate from that of Newark. Frazeyburg was originally platted June 6, 1827 by Clark Hollenback and named Knoxville. In 1828, Mr Hollenback sold the original town to Samuel Frazey, who changed the name to Frazeyburg. The village was incorporated in 1868, and L.W. Doene was the first mayor. The post office was established in the winter of 1828-29. Samuel Frazey was the first postmaster. Frazeyburg's has had a diverse economy and was considered one of the most prosperous towns in Muskingum County. Frazeyburg is situated in the midst of a rich agricultural, wool-gathering and stock-

producing area. With excellent stone quarries, and some of the best quality potter's clay, moulding sand, and white and gray clay for the manufacture of tile and pottery, and brick.

Today, Frazeytsburg is a rural Muskingum County community with a long and rich history and a strong and prosperous local economy. Residents of Frazeytsburg look to their local businesses for their day-to-day resources.

(4) *Frazeytsburg has its own local government and elected officials.* Frazeytsburg does have its own elected Mayor and six elected Village Council members. The Village Council meets monthly for regular meetings. Village departments include Water and Sewer, Police, Income Tax and Clerk of Courts. The Frazeytsburg Village Hall is located at 7 West 2nd Street.

(5) *Frazeytsburg has its own zip code and local phone book.* The zip code designated exclusively for the Frazeytsburg is 43822. The U.S. Post Office is located at 24 South State Street in Frazeytsburg. Telephone Service is provided by Embarq and a local phone directory for the communities of Frazeytsburg, Dresden and Nashport is published annually. Frazeytsburg listings are also included in the larger Zanesville, OH telephone book.

(6) *Frazeytsburg has its own commercial establishments and health facilities.* A substantial number of businesses are located in Frazeytsburg. Frazeytsburg retail businesses range from restaurants, clothing stores, pharmacies, convenience stores, supermarkets, hardware stores, video stores, automotive and stores catering to tourists.

Some of the dining establishments in Frazeytsburg include; Troll's Restaurant, Truck Stop, Fallsburg Pizza, Subway, Dairy Queen and Bobbi's Grill. Banking services are provided by Huntington Bank. Local medical services are provided at Prime Care of Southeast Ohio. The nearest emergency and surgical services are located at Genesis-Bethesda Hospital and Genesis-Good Samaritan Hospitals, both located in Zanesville, OH. Local supermarkets include Perryton General Store and Ross IGA. Frazeytsburg is also home to a number of religious organizations and places of worship, such as Calvary Christian Church, Community Bible Church, Frazeytsburg Presbyterian Church, Mt. Pleasant Christian Church, Perryton Church of Christ and Meadow View Church of Christ. Frazeytsburg is not dependent upon Newark for commercial establishments or health facilities.

(7) *Frazeytsburg is a separate and distinct advertising market from Newark.* Frazeytsburg businesses advertise in The Dresden Transcript, a weekly newspaper published in nearby Dresden, OH and the Zanesville Times-Recorder, the closest daily newspaper published in Zanesville, OH. Thus, visitors and residents of Frazeytsburg do not need to travel to Newark or seek out other media sources located in the Newark Urbanized Area in order to find what is happening in their community.

(8) *Frazeytsburg has its own schools, parks, library and police and fire department that are separate from Newark.* Frazeytsburg Schools are part of the Tri-Valley School District based in Dresden. Students in Frazeytsburg attend Frazeytsburg Elementary and Frazeytsburg Intermediate School in Frazeytsburg. Junior High and High School students

attend Tri-Valley High School in nearby Dresden, OH. Frazeytsburg has its own police department. The Police Chief is Clifford R. Bigler. The police department, located at 7 W. 2nd St. has a total of ten police officers, three police cars and a bicycle patrol. The Frazeytsburg Volunteer Fire Department provides fire and emergency services for the residents of Frazeytsburg and surrounding areas. The Frazeytsburg Swimming Pool and Park is located at 141 Fifth St. Frew Memorial Park is a new 25 acre recreation facility located at the intersection of Canal Rd. and Clay St. in Frazeytsburg. The park will serve the entire communities recreation needs and includes three ASA softball fields, three Little League fields, a Pony League baseball field, a Coach Pitch/Tee Ball diamond, a Bidy League football field, a children's playground, walking trail with fitness stations, restrooms and concession stands. The park is still under construction. Baseball and softball fields will be ready for the summer 2007 season. The nearest public library is the Dresden Branch, 816 Main Street in Dresden. The library is part of the Muskingum County Library System based in Zanesville, OH.

Grant of this application is in the public interest because Frazeytsburg will receive a first local transmission service and more than three hundred thousand people will be able to enjoy an additional reception service.