

## **EXHIBIT 32**

### **Contingent Application**

**and**

### **Showing under §307(b) of the Communications Act**

By means of this application, Northern Lights Broadcasting, LLC (“Northern Lights”) seeks to move station KTTB(FM) from Glencoe, Minnesota to Edina, Minnesota. Simultaneously with the filing of this application, Northern Lights is filing an application for KRBI(AM), Facility ID 31874, for modification of license to change of its city of license from St Peter, Minnesota to Glencoe, Minnesota. These two applications are mutually contingent and are being filed for processing pursuant to section 73.3517(e) of the Commission’s rules.

The net result of these moves will be to preserve service at Glencoe while removing one service from St. Peter and adding a first local service at Edina. These moves serve 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*”).<sup>1</sup> With the simultaneous grant of the KRBI application, the St Peter community (2000 Census population: 9,747) will continue to be served by local radio stations KGAC(FM), KNGA(FM) and KRBI-FM and has a new station construction permit applied for, Facility ID 171681. The radio reference tool RadioLocator<sup>2</sup> lists twenty-one radio stations within close listening range of Saint Peter, Minnesota, thirteen of them with strong signals. That community is in the Mankato, Minnesota DMA and only 10 miles from Mankato’s city center. The Mankato DMA is served by a full-power television station and eight out of market television stations. Television & Cable Factbook lists thirty-five total video broadcast services, including translators, in the DMA. Consequently, St. Peter will remain well served by other competing local media outlets and the removal of KRBI is inconsequential.

In contrast, Edina, with a 2000 Census population of 47,425, currently has no local radio (or television) service at all. Allocating the KTTB license to Edina will provide that community with its first local transmission service. Therefore, this proposal serves priority three, and constitutes a preferential arrangement over the existing allocation.

As discussed in the accompanying Engineering Statement prepared by Hatfield and Dawson (the “Engineering Statement”), the combined changes proposed herein for KTTB and KRBI will result in a gain area of 25,467 sq. km and 223,643 persons, and a loss area of 12,380 sq. km. and

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<sup>1</sup> 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.

<sup>2</sup> [www.radiocator.com](http://www.radiocator.com)

528,455 persons. Even so, all but 646 persons in the loss area will (*i.e.*: 0.12% of the loss area population) remain well-served and no white or gray areas are involved.

In *Palestine and Frankston, Texas*, 14 FCC Rcd 4362 (Allocations Branch, 1999) at ¶ 4, a loss of service by which 100 people (0.043% of the total loss area population of 23,482) would receive only 4 stations and 267 (1.14%) would receive only 3 was found to be *de minimus* in comparison to a first local station to a community of 1,127. Similarly, in *Chase City, Virginia and Creedmoor, Ahoskie, Gatesville and Nashville, North Carolina*, 19 FCC Rcd 8483 (Allocations Branch, 2004) at ¶5, 811 people (8.5% of the 68,714 population in the loss area) were left with 2 stations, 4,278 (6.2%) were left with 3 stations and 9,327 (13.6%) were left with four stations, against a net gain of 556,759. In each of these cases, the losses were deemed *de minimus*, although the magnitude was significantly greater than in the situation proposed here.

The service that this change of community brings to Edina is a first aural facility that is badly needed by a community of significant population with pressing local issues and no other local electronic medium of mass communication.

As shown in the attached letter of Gordon L. Hughes, City Manager of Edina, the city has separate local public issues that require community discussion in its effort to maintain its distinguished school system, public services and quality of life. The letter clearly supports this request by underscoring the view that a radio station in Edina is a much needed service like other similarly situated neighboring communities.

Eligibility for 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). Edina is incorporated and is listed in the U.S. Census. It is also self-governing, with an elected mayor, a five-member (including the mayor) elected city council, a city manager, a superintendent of schools and a seven-member board of education. 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). In 2002 Standard & Poor's upgraded the municipal bond rating for the City of Edina's general obligation bonds to AAA, the company's highest rating. Edina is just the fifth city in the state to receive the rating. Edina also enjoys a AAA bond rating from Moody's Investors Services.<sup>3</sup>

Edina is located within the Minneapolis Urbanized Area. Consequently, this exhibit further demonstrates Edina's independence from the city of Minneapolis as provided for in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

## TUCK SHOWING

The two threshold considerations under the established *Tuck* showing are the degree to which the station would provide coverage to Minneapolis in addition to its community of license, and the

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<sup>3</sup> [http://www.ci.edina.mn.us/About/L3-03a\\_BondRating.htm](http://www.ci.edina.mn.us/About/L3-03a_BondRating.htm)

size and proximity of Edina relative to Minneapolis. Here, the proposed coverage will encompass 59% of the area and 68% of the population of the Minneapolis-St. Paul Urbanized Area. The Edina city center is located approximately 9 miles southwest of Minneapolis, and is located outside the Urbanized area. The relative populations are 47,425 v. 382,618 (2000 Census figures), a ratio of 8.07 percent. However, this ratio 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, supra*, the Commission set forth eight factors 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 unaware of any source for this specific information. However, 6,055 workers, comprising 26.9% of the working population of Edina, work within Edina.<sup>4</sup> The Census Bureau reports that the mean travel time to work for those who commute is 20.4 minutes.<sup>5</sup> Given the distance between Edina and downtown Minneapolis, this strongly suggests that a substantial number of commuters do not travel to the larger nearby city center. Moreover, the station proposes to locate its studios and transmitters within the city of Edina where they have been for over eight years; the licensee’s president is an Edina resident who would now work in Edina and that would also be true of many of its employees. Taken together with the substantial working population of 26.9% of Edina residents that already work in Edina, it is clear that there is an exemplary Edina workforce that lives and works in its environs.
2. Whether the smaller community has its own newspaper or other media that covers the community’s needs and interests – The *Edina Sun Current* is a weekly newspaper published each Thursday. *Edina* magazine about is a glossy published each month that touts its dedication to “. . . celebrating life in our community. With its rich heritage and fascinating personalities . . .” However, there are no electronic media local to Edina, nor any other convenient means for residents to obtain news and other information, including during emergencies. That is the very reason why a local station is needed to provide an outlet for local needs and interests that are generally overlooked by media from Minneapolis and the other surrounding communities and to provide such information, including weather, traffic, school closings and other crucial data, on a timely basis.
3. Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area – Edina is a city that very

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<sup>4</sup> This information is found on the city-data.com website for Edina at [www.city-data.com/city/Edina-Minnesota.html](http://www.city-data.com/city/Edina-Minnesota.html)

<sup>5</sup> *See*:

[http://factfinder.census.gov/servlet/SAFFFacts?\\_event=Search&geo\\_id=&geoContext=&street=&county=edina&cityTown=edina&state=04000US27&zip=&lang=en&sse=on&pctxt=fph&pgsl=010&show\\_2003\\_tab=&re\\_direct=Y](http://factfinder.census.gov/servlet/SAFFFacts?_event=Search&geo_id=&geoContext=&street=&county=edina&cityTown=edina&state=04000US27&zip=&lang=en&sse=on&pctxt=fph&pgsl=010&show_2003_tab=&re_direct=Y)

much is dedicated to being master of its own fate and not succumbing to a larger metropolitan area. To that end, in 1998, the Edina City Council began assembling "Edina's Vision 20/20," a long-range plan to guide the City in its continued evolution. The project, now complete, is both a long-term vision for the City as well as a short-term strategic plan of three to five years. From a visioning perspective, it examines for itself, where the community has been, where it wants to go and how it will get there. From a strategic planning perspective, it examines the challenges and opportunities that have been identified as having the highest priority within the community. The final report of the plan listed nine objectives, or goals, all of which were formed based on public participation and reflect the concerns of Edina residents.<sup>6</sup> A quick perusal of *Vision 20/20*<sup>7</sup> leaves no doubt that Edina is a city unto itself that is bent on self determination.

Edina has a sophisticated web site that provides a wealth of information about the city, its services and its government and community organizations.<sup>8</sup> A mere perusal of the *Council Connection*, available on the website for each meeting, clearly portrays the city council and a being preoccupied with managing itself and its own standards. The *Council Connection* is a one-page newsletter published following most meetings of the Edina City Council. The newsletter summarizes major actions of the Council. The meeting minutes are available off the website.<sup>9</sup> A random selection of council minutes reveals concern over issues such as new construction floor plan ratio to building height and overall construction height regulation, while the Minneapolis and St. Paul have sky scraper sized buildings. Another topic was the proclamation by Mayor Hovland that the month of May is Heritage Preservation Month in the City of Edina, and encouraging residents to recognize and participate in fostering local pride and maintaining community character in the City. The minutes are replete with such examples, demonstrating that Edina considers itself very much a separate city and community from the larger metropolitan area. Edina regulates many types of activities separate from the larger metropolitan area, as is demonstrated by the exhaustive list of permits and applications that must be applied for specifically from the city government,<sup>10</sup> and the complete municipal code that regulates all manner of business within the city.<sup>11</sup> The local government news, activities and programs are of such importance to Edina business people that the city publishes About Town Business, a quarterly publication magazine of useful update information on local government news, activities and programs, briefs on amendments made to the City Code, updates on projects recently approved by the City Council, Staff Notes and information on commercial crime.

Finally, it bears noting that Edina would not be alone in being a city within the urbanized area of the Twin Cities that nevertheless has its own distinct identity and is deserving of its own broadcasting station. Also within the same urbanized area, and in some cases

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<sup>6</sup> [http://www.ci.edina.mn.us/PressReleases/L3-35\\_Vision2020.htm](http://www.ci.edina.mn.us/PressReleases/L3-35_Vision2020.htm)

<sup>7</sup> [http://www.ci.edina.mn.us/PDFs/L3-35\\_Vision2020\\_final.pdf](http://www.ci.edina.mn.us/PDFs/L3-35_Vision2020_final.pdf)

<sup>8</sup> <http://www.ci.edina.mn.us/>

<sup>9</sup> <http://www.ci.edina.mn.us/CityCouncil/CouncilMeeting2008.htm>

<sup>10</sup> [http://www.ci.edina.mn.us/PermitsApplications/L2-09\\_PermitsApplications.htm](http://www.ci.edina.mn.us/PermitsApplications/L2-09_PermitsApplications.htm)

<sup>11</sup> [http://www.ci.edina.mn.us/CityCode/L4-07\\_CityCodeSelect.htm](http://www.ci.edina.mn.us/CityCode/L4-07_CityCodeSelect.htm)

even much closer to Minneapolis or St. Paul, at least five other locales have been recognized by the FCC and awarded community status for their own broadcasting stations, in some cases multiple stations. Included in this category are Eden Prairie, St. Louis Park, Roseville and Richfield, Minnesota.

4. Whether the specified community has its own local government and elected officials. Edina has an elected mayor and city council that meets twice monthly as well as for special meetings as the need arises. The full range of municipal services provided by the Edina government is detailed in section 8, below, and can be found on the City website under City Departments.<sup>12</sup>
5. Whether the smaller community has its own local telephone book provided by the local telephone company or zip code – Edina has its own telephone book published by Verizon, which comprises 182 “white” pages of alphabetical listings of residents and businesses and 216 “yellow” pages of categorized business listings, including display advertisements. Edina locations are within four zip codes – 55424, 55435, 55436 and 55439.
6. Whether the community has its own commercial establishments, health facilities, and transportation systems – As listed in the Edina website<sup>13</sup> and in the Edina Chamber of Commerce’s 2007-2008 Membership Directory, Edina has a wide variety of commercial establishments, health facilities and transportation systems. The Chamber of Commerce comprises over 500 members in categories that include Accountants and CPAs, Advertising, Alarm Systems, Apartments, Architects, Attorneys, Automotive Repair, Sales and Leasing, Banks, (12 branches in Edina), Caterers, Cleaners, Chiropractic Clinics, Coffee Shops, Communication Systems, Computer Consultants, Consignment Shops, Construction, Consultants, Contractors, Country Clubs, Credit Card Services, Credit Unions, Dentists, Dry Cleaners, Education, Employment Services, Entertainment, Event Management, Financial Planning, Wealth Management and Investments, Food Services, Fundraising, Funeral Services, Groceries, Health and Beauty Services, Health and Fitness, Health Care, Home Improvement and Repairs, Hotels, Motels and Bed & Breakfasts, Insurance (12 local agencies), Internet, Jewelry, Lawn Care, Lighting, Mail Services, Manufacturers, Mortgages, Non-profit Organizations, Office Equipment, Payroll Services, Photography, Printing, Property management, Real Estate (14 local agencies), Restaurants (19 local), Salons, Shopping Centers, Signage, Speakers, Sports Teams, Title and Abstracts, Travel, and Video Equipment and Production. Numerous local businesses have “Edina” as part of their name; these include Edina Aquatics Center, Edina Aft Center, Edina Bike & Sport, Edina Car Care, Edina Car Wash, Edina Chiropractic Health Center, Edina Cleaners & Launderers, Edina Clock Repair, Edina Country Club, Edina Diamond Center, Edina Eye Clinic, Edina Family Physicians, Edina Five-O Florist, Edina Grill, Edina Hairdresser, Edina Handyman Services, Edina Hardware, Edina Heating & Cooling, Inc., Edina Historical Society, Edina Home Mortgage, Edina Kids Club, Edina Landscape & Concrete, Edina Liquor, Edina Market, Edina Massage, Edina Mini-Storage, Edina Montessori School, Edina Painting Company, Edina Park Apartments, Edina Pet Grooming, Edina Pet Hospital, Edina

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<sup>12</sup> [http://www.ci.edina.mn.us/Departments/L2-02\\_CityDepart.htm](http://www.ci.edina.mn.us/Departments/L2-02_CityDepart.htm)

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Plumbing Co, Edina Realty home Services, Edina Realty Inc, Edina Shoe Repair, Edina Sports Health & Wellness, Edina Swim Club, Edina Tire & Auto, Edina Towing Service, Edina Tree & Landscaping and Edina Villa Apartments. The sheer number of such businesses and organizations evidences the degree to which residents and those seeking their attention proudly identify with the city.

Health facilities in Edina include the full-service Fairview Southdale Hospital, recently ranked the number one hospital in Minnesota for the treatment of heart, stroke and pulmonary care, and in the top 10 percent of hospitals nationally for critical care. The Edina Yellow Pages list medical specialists in plastic surgery, dermatology, arthritis, women's health, radiology, eye care, addiction treatment, ob-gyn, urology, neurology, gastroenterology, orthopedics, cardiology and internal medicine. Also listed are 18 individual doctors and 52 dentists with offices in Edina, together with dental specialists that include endodontists, oral surgeons, orthodontist periodontists, prosthodontists and pediatric dental care.

The city has convened a Transportation Committee and has adopted a Comprehensive Transportation Plan that is largely oriented toward traffic flow, pedestrian safety, roadways and parking rather than public transportation, perhaps in conscious recognition of the goal of preserving an atmosphere distinct from that of the more urban Minneapolis.

7. The extent to which the specified community and the central city are part of the same advertising market – A significant amount of the advertising in the *Sun Current* appears to be from businesses in the general region, and particularly Bloomington (located immediately South of Edina). Advertising in the monthly Edina magazine is both from Edina itself and many other communities throughout the greater Minneapolis area. Even so, it is anticipated that KTTB will attract significant advertising from Edina itself, since it will be the only local vehicle to advertise timely events, including sales promotions, and will provide the first local opportunity to supplement print ads with the greater flexibility and exposure of radio. KTTB will be the first aural advertising opportunity for the Edina community. Instructive of the potential advertising market is *About Town*, a quarterly publication of the City of Edina itself, produced to keep Edina residents informed of new activities and programs that are important to them. The magazine boasts a total circulation of 25,000 and has an admirable list of over 35 local advertisers targeting the Edina marketplace.
  
8. The extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. Edina has its own police department.<sup>14</sup> Headed by a chief of police, the department comprises divisions dedicated to administration, animal control, crime prevention, dispatch, an emergency response team of ten officers and four paramedics, investigations and patrol. The last division has 39 officers who patrol the city's 16 square miles and includes traffic control and K-9 units.

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<sup>14</sup> [http://www.ci.edina.mn.us/content/departments/police\\_department/index.htm](http://www.ci.edina.mn.us/content/departments/police_department/index.htm)



Edina has its own fire department<sup>15</sup> which consists of a chief, 30 full-time firefighter/paramedics and 14 volunteer (paid on-call) firefighters, located at two fire stations.

Edina operates its own Public School District under the auspices of a Superintendent and a six-member board of education.<sup>16</sup> The school district currently enrolls approximately 7,700 students, who are served by 1,150 teachers and support staff in six elementary schools (Grades K-5), two middle schools (Grades 6-9) and one senior high school (Grades 10-12). Parents have three elementary (K-5) program choices: a Neighborhood Program which serves 70% of students, a Continuous Progress in which teachers work with students more than one year in multiage groups, and French Immersion which students enter in kindergarten. In addition to a full program of athletics and numerous community education programs, the Edina school system offers Special Education in the areas of learning disabilities, mental handicaps, physical impairment, hearing and vision impairments, emotional/behavior disorders, communication disorders and autism spectrum disorders, English as a Second Language, which serves students speaking 39 languages, and Gifted Education, which provides a comprehensive K-12 program for gifted students, offering support in classroom activities and the additional support needed to keep high achievers and extraordinary students challenged. The Edina Public Schools prides itself on a long tradition of innovation and goal-driven management.

Since 1989, the district has used the strategic planning process to shape the educational programs and services provided in Edina schools. The district updates its strategic plan annually, including a review of the district's mission, values, beliefs and strategic directions. An assessment of the improvement goals is completed at the end of each school year.<sup>17</sup> Edina also operates an Early Childhood Family Education Program at the Edina Family Center (EFC) as the first connection between families and the school district.<sup>18</sup>

The Edina Community Library and Southdale Library, both located in Edina, are part of the Hennepin County Library System which comprises 41 branches, including Minneapolis.

Other municipal services provided by Edina include departments devoted to assessments, building inspections, Engineering and Public Works, Finance, Health, Planning and Parks and Recreation. The last oversees parkland and open space that totals more than 1,550 acres, including 39 parks, which include amenities such as baseball, football and soccer fields, softball diamonds, basketball and tennis courts, outdoor skating rinks, playground equipment for young children and picnic shelters. The Department maintains eight miles of scenic pathways for bicycling, walking, jogging, cross-country skiing and snowshoeing and operates ten facilities – the Edina Aquatic Center, Art Center, Braemar

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<sup>15</sup> [http://www.ci.edina.mn.us/content/facilities/fire\\_department/index.htm](http://www.ci.edina.mn.us/content/facilities/fire_department/index.htm)

<sup>16</sup> See: <http://www.edina.k12.mn.us/index.htm>

<sup>17</sup> <http://www.edina.k12.mn.us/district/strategicplan.htm>

<sup>18</sup> <http://www.edina.k12.mn.us/community/familycenter/index.html>

Arena, Braemar Golf Courses, Braemar Golf Dome, Centennial Lakes Park, Edinborough Park, Fred Richards Golf Course, Arneson Acres Park and the Edina Senior Center.

In view of the foregoing, we respectfully submit that Edina is a vibrant community with sufficient independence from Minneapolis to merit the allocation of a broadcast station to serve its own unique needs and interests.





July 30, 2008

Federal Communications Commission  
Washington, DC

Re: KTTB FM


To Whom It May Concern:

The City of Edina welcomes the prospect of having KTTB FM, B96 as the City's first radio station licensed in Edina, Minnesota. The radio station's studios and offices have been in Edina for 8 1/2 years and we look forward their continued presence in our City. We also look forward to their coverage local issues and events.

Edina is a separate entity from its larger neighboring cities and would benefit from having its own radio station, just as some of its other smaller neighbors do, like Golden Valley, St. Louis Park, Richfield, and Roseville, Minnesota for example.

Edina has distinguished itself among communities in our region with its schools, public services and quality of life. KTTB-FM adds a new dimension to the face of our progressive city. We support the application of KTTB FM's city of license change to Edina, Minnesota.

Sincerely,



Gordon L. Hughes  
City Manager