

SECTION 307(b) STATEMENT

M&M Broadcasters LTD, proposed assignee of KWBT(FM), seeks to relocate its transmitter site and change the community of license from Mexia, TX to Bellmead, TX. As detailed further in the this exhibit and the attached engineering exhibit, this relocation and change in community of license will result in a preferential arrangement of allotments, and complies with the Commission's policies governing community of license changes.

Section 307(b) of the Communications Act of 1934, as amended, states that the Commission must distribute broadcast licenses to states and communities so "as to provide a fair, efficient, and equitable distribution of radio service." 47 U.S.C. 307. Pursuant to the rules promulgated as a result of Section 307(b), the Commission's allotment priorities are as follows: (1) first full-time aural reception service; (2) second full-time aural reception service; (3) first local aural transmission service; and (4) other public interest factors. Co-equal weight is given to priorities (2) and (3). *Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 2d 88 (1982) In this situation, moving KWBT(FM) to Bellmead, TX will result in the addition of a first local aural transmission service to Bellmead, as there is presently no other radio station licensed to the

community. Similarly, Mexia, TX will continue to be served by KLRK (AM). Furthermore, Mexia will continue to receive ample service from seven stations, as demonstrated in the attached Technical Statement 33A.

Bellmead, TX is an established, community with the social, economic, and cultural characteristics that warrants a first local aural transmission service. Bellmead is located in east central McLennan County, and is an incorporated community of 9,214 people, according to the 2000 U.S. Census. Originally Incorporated in 1939, Bellmead is a part of the Waco MSA and Waco urbanized area. Bellmead has all the attributes of an independent community, as detailed in the following pages. The addition of KWBT(FM) to this growing community is consistent with the Commission's Rules and would serve the public interest.

As stated in the instructions to the FCC Form 301, the following information is provided below and in the attached Engineering Exhibit 33A.

- 1) If new technical facilities proposed, the area and population within the proposed 70 and 60 dBu contours of the station: The new proposed contours for KWBT(FM) at Bellmead, TX will be: *60 dBu 50-50: 194,775, 70 dBu 50-50: 145,565.*
- 2) The number of stations licensed to the proposed new community of license: *None, not including this proposal. This will be the community's first local full time aural transmission service.*

- 3) The number of stations providing protected service to the proposed community of license: *11. See attached Engineering Statement.*
- 4) The population, according to the latest Census Date, of the proposed community of license: *The population of the community of Bellmead, TX is 9,214 persons according to the 2000 U. S. Census data.*
- 5) Where relevant to establish the precondition of a licensable community, a description of the proposed community of license: *See following pages.*
- 6) Any other information deemed relevant: *See following pages.*

Given the overall preferential arrangement proposed by this application to relocate KWBT(FM) to Bellmead, TX, the Commission should approve the relocation of KWBT(FM) requested herein.

Bellmead Tuck Factors

Because the Station's proposed community of license is located within the Waco Urbanized Area, the Commission's policies dictate that the applicant provide facts reflecting that Bellmead is an independent community and therefore merits a first local service preference. Accordingly, the Applicant has provided the necessary facts below to demonstrate that Bellmead is independent of the Waco Urbanized Area, pursuant to the criteria set out in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) ("*Tuck*"). Under *Tuck*, the Commission considers: (a) the degree to which the station would provide coverage not only to the designated community of license but to the nearby metropolis; (b) the size and proximity of the designated community vis-à-vis the central city; and (c) the degree to which the proposed community is independent from the central city of the Urbanized Area.

With respect to the first criterion, the proposed 70 dBu city-grade contour would encompass the majority of the Waco Urbanized Area. It would, however, as demonstrated by the attached map, cover only approximately 68% of the Metropolitan Statistical Area ("MSA"). That the proposed Station will provide city-grade coverage over the Urbanized Area does not preclude a favorable finding under this criterion. See *St. Augustine and Neptune Beach, Florida*, 16 FCC Rcd 18903 (2001) (city-grade coverage of more than 95% of UA). *Clovis and Madera, California*, 11 FCC Rcd 5219, ¶ 18 (Allocations Branch, 1996) (city-grade coverage over 100% of UA). This is due to the principle that "the first two *Tuck* factors (signal population coverage and size and proximity of the specified community to the central city) . . . , although pertinent, have less significance than evidence of interdependence [under criteria three]." *Clovis*, ¶ 20.

Next, with regard to the second factor, the size of the proposed community of license as compared to the center city, Bellmead is approximately 8.1% of the size of the city of Waco (city population 113,726 in 2000 U.S. Census). Commission precedent illustrates that even a 1% relative size of the community to the central city would not preclude favorable consideration of a proposed move.¹ Here, the relative size is much larger and therefore weighs in favor of a finding

¹ See *Lincoln and Sherman, Illinois*, Memorandum Opinion and Order, 19 FCC Rcd 23581, ¶ 6 (MB 2004) (stating that "a percentage of less than one percent has not precluded

of independence. Furthermore, the population of Bellmead is growing. While the 2000 Census population was 9,214, the July 1, 2008, Census estimate shows that the population has grown to 9,579, a difference of approximately four percent.

Finally, with regard to the third criterion, the preponderance of the evidence clearly shows that Bellmead is independent from rather than interdependent with Waco. The factors for determining independence as set forth in *Tuck* are:

- 1) ***The extent to which the community residents work in Bellmead.*** As shown in Exhibit A, there are numerous local businesses, including an independent school district, as well as local government, which provide substantial employment opportunities to local residents. These businesses are varied in character and include both retail giants, such as a Wal-Mart Supercenter, and local enterprises such as Collin Street Bakery. In addition, there are medical facilities, including the Bellmead Clinic and Bellmead Kidney Disease Center, as well as local pharmacies. In addition, ten hotels call Bellmead home. <http://bellmead.com/lodging.php> These facilities include national chains such as Holiday Inn, with 164 rooms and suites, Country Inn & Suites with 67 rooms and suites, and Comfort Inn with 56 rooms, in addition to Knights Inn, Motel 6, and other budget-friendly options. The 2002 U.S. Census Survey of Business Owners reports that 390 firms in Bellmead provide employment to 1655 persons, which represents 39.1 percent of the 4231 people in the labor force in Bellmead (2000 U.S. Census). Thus, the substantial opportunities for employment of Bellmead's labor force demonstrates that the city is not dependent on Waco for employment.
- 2) ***Local Media that cover's Bellmead's needs and interests.*** The City of Bellmead has online publications covering all aspects of Bellmead local interests. The Bellmead Chamber of Commerce, in conjunction with the La Vega Independent School District, publishes a monthly newsletter, entitled the *Bellmead Bulletin*. This publication provides news stories of local interest. Recent articles have included a story regarding road closures resulting from renovations at La Vega High School and one concerning the

favorable consideration as a first local service", citing *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (MMB 1996)).

consolidation of the Bellmead police and fire departments into one Public Safety Department with cross-trained personnel in the September 2010 issue, and an article concerning the new dress policy at the La Vega ISD schools for the upcoming academic year and one describing the city manager's creation of a new Development and Neighborhood Services Division to enforce certain Bellmead city ordinances through education then citation in the July 2010 issue.

- 3) ***Community leaders and residents perceive that the long-established community of Bellmead is separate from Waco.*** The attached exhibit lists numerous local businesses with the name Bellmead included in the name of the business. The existence of a fully-functioning local government, with a mayor, council, public safety department, city manager, and municipal court, and of a Chamber of Commerce essentially establish that the citizens of Bellmead believe it to be separate from Waco. As set forth above, the *Bellmead Bulletin* focuses on community happenings and issues of importance to the residents of Bellmead. This focus on local issues specific to Bellmead demonstrates that the residents perceive themselves as having a corporate identity as Bellmead residents. Furthermore, as set forth in this application, Bellmead was founded and developed separately from Waco as the location of the Missouri, Kansas and Texas Railroad locomotive shops, and it has its own history. The city of Bellmead was first incorporated in 1939, dissolved for a time, and then was reincorporated in 1954. It has remained an incorporated city since that time. Bellmead's civic pride is further demonstrated by the presence of the Bellmead Lion's Club. Further, Bellmead residents have a place for community events in the Bellmead Civic Center.
- 4) ***Bellmead has its own independent government and elected officials.*** Bellmead is a "council-manager" government. All powers of the city are vested in an elected council, which is composed of six members, one of whom serves as mayor. The city of Bellmead has its own Economic Development Corporation, funded by city tax dollars, for the purposes of encouraging and assisting in the growth and development of local businesses and enhanced job opportunities for Bellmead residents. In addition to the city council,

Bellmead also has a city manager and a city clerk, who serve as the city's Administration Department. Other city departments include Finance, Water, Development and Neighborhood Services, Public Safety, Municipal Court, Public Works, and Tourism/Civic Center. The Development and Neighborhood Services Department handles such matters as zoning, permit requirements, and code enforcement. See <http://www.bellmead.com/departments/inspec.php>. The Public Works Department covers water utilities, streets, and maintenance of over 100 vehicles and other equipment used by city staff. See <http://www.bellmead.com/departments/pworks.php>.

- 5) ***Zip Code and telephone directory.*** The U.S. postal service has assigned both 76704 and 76705 to Bellmead. The Bellmead Chamber of Commerce includes telephone listings for local businesses and employers that are its members, with the listings organized by type of business.
- 6) ***Bellmead has commercial establishments, community organizations and health care providers.*** Bellmead has local businesses, civic organizations, churches. See Exhibit A. As previously noted, those businesses are varied in size and character. They include major national retail chains such as Wal-Mart, national chain restaurants such as Pizza Hut and Dairy Queen, local service establishments such as Dennis Auto Repair, along with H-E-B grocery store, banks, dry cleaners, a funeral home, pharmacies, clinics, a local bakery, numerous motels, and a variety of other local retail and service establishments. In addition, Bellmead is home to a number of churches.
- 7) ***Advertising market.*** Bellmead has its own business community and does not rely on the Waco business community to serve Bellmead. The existence of the Bellmead Chamber of Commerce, the members of which are local businesses, demonstrates this fact. Businesses wishing to advertise their products or services strictly to Bellmead residents may do so in the *Bellemead Bulletin*, and many do so. In addition, the *Bellmead Bulletin* publishes each month the names of all of the Bellmead Chamber of Commerce members, and that listing serves as additional promotion of Bellmead businesses. The Bellmead Chamber of Commerce also maintains a directory of local businesses through its

membership directory. <http://bellmeadchamber.com/> Thus, there is an advertising market directed specifically at Bellmead and not the entire urbanized area of Waco.

- 8) ***Bellmead has its own police, fire and other city services.*** Bellmead is served by two independent school districts, both of which are separate from the Waco ISD. La Vega, which serves most of Bellmead, has headquarters located in Bellmead. Bellmead has many other municipal services, including local parks, a community garden, a civic center, a city engineer, municipal court, development and neighborhood services department, public safety department, and finance department. As noted above, the Public Safety Department provides local police and local firefighting services. The City of Bellmead also provides water utility services to its residents. The Parks Department maintains three neighborhood parks, including one with a splash pad water park and two with walking tracks.

The material presented herein demonstrates that Bellmead is a vibrant, independent, and growing community meeting the criteria under *Tuck* for preferential treatment under 307(b). Adoption of the proposed modification will serve the public interest as it will provide a first local service to Bellmead, in addition to serving vastly greater population than possible from the station's current community of license of Mexia, all while retaining local service at Mexia.

Bellmead Community Profile

Bellmead is an incorporated city on State Highway 31 in east central McLennan County. The community began in the mid-1920s, when the Missouri, Kansas and Texas Railroad chose the site for its locomotive shops. Several hundred people were employed at the shops, and families began moving to the area. The first school was called Bellmead in honor of Belle Meade Farms, a prominent horse farm in Tennessee. Area schools were consolidated to form the La Vega Independent School District in 1927. A post office was established at Bellmead in 1937 with A. L. Gilliam as postmaster. Residents of the community voted to incorporate in 1939, but the incorporation was soon dissolved for lack of water, sewerage, and fire services. The present day post office is located at 901 Blank Dr, Bellmead, TX 76705.

The Bellmead economy revived in 1942, when Waco Army Air Field (later called James Connally Air Force Base) opened just northeast of town. The population was reported at twenty-five in the early 1940s, but it increased rapidly after WWII, rising to 800 by 1949. The community was reincorporated in 1954 with a mayor-alderman government. By 1960 Bellmead had 5,127 residents and eighty-five businesses. When the air force base was closed in 1965, Texas A&M University established the James Connally Technical Institute at the facility (*see* TEXAS STATE TECHNICAL INSTITUTE). The population of Bellmead was 7,698 in 1970, 7,569 in 1980, and 8,336 in 1990. In 2000 the population was 9,214.¹ The estimated population as of July 1, 2008, had increased to 9,579. Clearly, therefore, Bellmead is a growing and thriving community.

Today, Bellmead is a “council-manager” government. All powers of the city are vested in an elective council, which is composed of six members, one of whom serves as mayor. Bellmead has an independent Police Department, Fire Department, Public Works (water, sewer and other city infrastructure) Department, Finance Department, Development & Neighborhood Services Department, and Tourism and Civic Center. In addition, Bellmead has its own Economic Development Corporation, funded by a ½ cent sales tax to assist, stimulate, and enhance economic development in Bellmead. A copy of the Economic Development Corporation’s brochure is attached at Exhibit A.

Bellmead is served by the primarily by the La Vega (with headquarters located in Bellmead) ISD, and also by the Connally ISD², both of which are independent of the Waco ISD.

Bellmead has a local United States Post Office. Bellmead has numerous local businesses, including civic organizations, health care, retail, restaurants, funeral home, motels, banks, and others. See the list that follows in exhibit A. The Bellmead Bulletin is a monthly news publication of the Bellmead Chamber of Commerce.

¹William Robert Poage, *McLennan County Before 1980* (Waco: Texian, 1981). Vertical Files, Dolph Briscoe Center for American History, University of Texas at Austin. Vertical File, Texas Collection, Baylor University.

²City of Bellmead (www.bellmead.com)

Exhibit A
Partial List of Businesses, Employers, and Organizations in
Bellmead, Texas

Akin Tax and Record Service
American Bank
Bellmead Car Wash
Bellmead Clinic
Bellmead Credit Company
Bellmead Funeral Home
Bellmead Kidney Disease Center
Bellmead Lions Club
Bellmead Pool and Supply
Brazos Dentistry
Church of the Open Door
Church on the Rock Bellmead
Ci Ci's Pizza
City of Bellmead
Collin Street Bakery
Country Inn and Suites
Cristi's Hamburgers
Cross Baptist Church
Dairy Queen
Dennis Auto Repair
Domino's Pizza
Guaranty Bank
H-E-B
Ketner Chiropractic
La Vega OSD
Lone Star Tavern Steakhouse
Lynn's La Vega Pharmacy
Mama Lena's Pizza and Subs
Molly's Mexican Restaurant
Motel 6
Parks Family Buffet
Pharmacy Plus
Pizza Hut
Praise Temple Assembly of God
Roy Beatty Dry Cleaners
Sonic Drive Inn
Sparks Memorial United Methodist Church
St. Paul Lutheran Church
TreatNGo Clinic
Wal-Mart Supercenter
Wingstop