

307(b) Exhibit

Hunt Broadcasting, Inc. (“Hunt”), licensee of Station KJKB(FM), Jacksboro, Texas, submits this exhibit in support an application that proposes to delete Channel 238A at Jacksboro, Texas and allot Channel 238C3 to Scotland, Texas as that community’s first local service. Hunt’s showings pursuant to Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), are provided below, addressing the factors identified by the Commission in *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, 21 FCC Rcd 14212, ¶ 10 (2006).

As demonstrated in the Technical Exhibit, Channel 238C3 can be allotted to Scotland consistent with Section 73.207 of the Commission’s Rules except for short-spacings to (i) Channel 240C1 at Mineral Wells, Texas used by Station KFWR(FM), and (ii) Channel 239C1 at Ardmore, Oklahoma, used by Station KKAJ-FM. As demonstrated in the Technical Exhibit, the licensees of the stations at Mineral Wells and Ardmore are submitting contingent applications that will cure the short spacings.¹ The changes proposed in the Mineral Wells contingent application involve changes to vacant Channel 239C2 at Rule, Texas, and Hunt and other parties are simultaneously filing a Petition for Rule Making to change the channel and site of this allotment from Channel 239C2 to Channel 288C2.²

¹ The channel study also reveals short spacings to (i) a proposal to add Channel 240C at Mineral Wells, Texas, and (ii) a proposal to add Channel 239C1 at Healdton, Oklahoma. The proposal for Mineral Wells was filed in MB Docket No. 06-11 and is simultaneously being dismissed. The proposal for Healdton was denied by the Commission in MM Docket 00-148, but a reconsideration is pending which does not relate to the Healdton proposal. Nevertheless, the instant proposal is permitted pursuant to *Auburn, Alabama, et al.*, 18 FCC Rcd 10333 (2003).

² Pursuant to the Commission’s new allotment procedures, “changes to vacant allotments will continue to be made via notice-and-comment rule making procedures.” See *Revision of Procedures Governing*

A 70 dBu signal can be provided to Scotland from the proposed allotment site. The population and area within the proposed 70 dBu contour is 54,987 persons in 1,691 square kilometers. The population and area within the proposed 60 dBu contour is 132,049 persons in 4,083 square kilometers, which results in a net increase of service to 124,477 persons. This proposal will not create any white or gray area. There are at least eight stations providing protected service to Scotland.

Hunt desires to change the community of license of KJKB from Jacksboro to Scotland under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). There, the Commission stated that 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 allotment priorities. These criteria are met here. First, the proposed use of Channel 238C3 at Scotland is mutually exclusive with the current use of Channel 238A at Jacksboro. *See* Technical Exhibit. Second, Jacksboro will not be deprived of its only local service because LKCM is changing the community

Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, 21 FCC Rcd 14212, ¶ 15 (2006). Thus, this proposal is considered a hybrid filing. *Id.* at ¶ 17. The channel change at Rule, Texas requires the substitution of the vacant allotment at Knox City, Texas from Channel 291A to Channel 293A, which in turn requires the substitution of the vacant allotment at Crowell, Texas from Channel 293C3 to Channel 255C3, which in turn requires the substitution of the vacant allotment at Quanah, Texas from Channel 255C3 to Channel 251C3. All of these changes will be proposed in the simultaneously filed Petition for Rule Making. Collectively, these changes along with the changes proposed in the contingent applications comply with Section 73.3517(e) of the Commission's rules because the changes proposed in the Petition for Rule Making do not "count toward the four-application limit." *Id.*

of license of KFWR from Mineral Wells to Jacksboro. Third, the provision of first local services at Scotland (2000 U.S. Census population 438) and Davis (2000 U.S. Census population 2,610) under Priority 3 will result in a preferential arrangement of allotments over the retention of a second local service at Mineral Wells (2000 U.S. Census population 16,946) and the retention of a fourth local service at Ardmore, Oklahoma (2000 U.S. Census population 23,711) under Priority 4.³ *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

Scotland is not located within an Urbanized Area and the proposed 70 dBu contour of KJKB will not cover more than 50% of any Urbanized Area. Therefore, this relocation does not implicate the Commission's policy regarding the migration of stations into urban areas. *See Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).

Scotland evidences the attributes that the Commission traditionally associates with a community. Scotland is identified in the 2000 U.S. Census and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992). Scotland began as a German Catholic farming community around 1907. It was incorporated in 1970 and since then, its population has steadily risen. Scotland has its own zip code, 76379, and the U.S. Postal Service operates an office in Scotland. Scotland also has its own City Office and Volunteer Fire Department. Businesses and community organizations in Scotland

³ As discussed above, the instant application to change the community of license of KJKB from Jacksboro to Scotland is part of a hybrid of filings of contingent applications and a rule making. Thus, the benefits of the proposal as a whole must be weighed against any public interest deficiencies under the *FM Assignment Policies*. Thus, the proper comparison is between first local services at Scotland and Davis (as proposed in the KJKB and KKAJ-FM applications, respectively) against the loss of service at Mineral Wells and Ardmore (as proposed in the KFWR and KKAJ-FM applications, respectively). All other communities will retain the same number of local services no white or gray area will be created or served.

include the Scotland Baptist Church, Scotland Fuel & Supply, Scotland Pumping Station, Community Baptist Church, Knights of Columbus Hall, a grocery store, and Granny K's Kitchen. *See* Exhibit 1.

EXHIBIT 1



U.S. Census Bureau

American FactFinder

FACT SHEET

Scotland city, Texas

View a Fact Sheet for a **race, ethnic, or ancestry group**

Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>

	Number	Percent	U.S.		
Total population	438			map	brief
Male	222	50.7	49.1%	map	brief
Female	216	49.3	50.9%	map	brief
Median age (years)	34.0	(X)	35.3	map	brief
Under 5 years	43	9.8	6.8%	map	
18 years and over	290	66.2	74.3%		
65 years and over	59	13.5	12.4%	map	brief
One race	429	97.9	97.6%		
White	417	95.2	75.1%	map	brief
Black or African American	0	0.0	12.3%	map	brief
American Indian and Alaska Native	0	0.0	0.9%	map	brief
Asian	0	0.0	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	12	2.7	5.5%	map	
Two or more races	9	2.1	2.4%	map	brief
Hispanic or Latino (of any race)	38	8.7	12.5%	map	brief
Household population	438	100.0	97.2%	map	brief
Group quarters population	0	0.0	2.8%	map	
Average household size	2.74	(X)	2.59	map	brief
Average family size	3.35	(X)	3.14	map	
Total housing units	173			map	
Occupied housing units	160	92.5	91.0%		brief
Owner-occupied housing units	140	87.5	66.2%	map	
Renter-occupied housing units	20	12.5	33.8%	map	brief
Vacant housing units	13	7.5	9.0%	map	

Social Characteristics - show more >>

	Number	Percent	U.S.		
Population 25 years and over	284				
High school graduate or higher	241	84.9	80.4%	map	brief
Bachelor's degree or higher	32	11.3	24.4%	map	
Civilian veterans (civilian population 18 years and over)	53	17.8	12.7%	map	brief
Disability status (population 5 years and over)	86	20.7	19.3%	map	brief
Foreign born	16	3.6	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	122	73.1	56.7%		brief
Female, Now married, except separated (population 15 years and over)	113	76.9	52.1%		brief
Speak a language other than English at home (population 5 years and over)	35	8.4	17.9%	map	brief

Economic Characteristics - show more >>

	Number	Percent	U.S.		
In labor force (population 16 years and over)	226	72.0	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	22.8	(X)	25.5	map	brief
Median household income in 1999 (dollars)	37,083	(X)	41,994	map	
Median family income in 1999 (dollars)	41,667	(X)	50,046	map	
Per capita income in 1999 (dollars)	15,406	(X)	21,587	map	
Families below poverty level	4	3.0	9.2%	map	brief
Individuals below poverty level	15	3.4	12.4%	map	

Housing Characteristics - show more >>

Number Percent U.S.

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SCOTLAND, TEXAS. Scotland is on U.S. Highway 281 just south of the Little Wichita River, seventeen miles south of Wichita Falls in eastern Archer County. It began as a German Catholic farming community on land once part of the O Circle Ikard Ranch. Scotland was named for Henry J. Scott of Toronto, Canada, who bought land and established the town about 1907 through his agent, J. H. Meurer, of Bastrop. Many of the early settlers came from Central and South Texas, and Meurer is said to have traveled to Galveston to recruit newly arrived German immigrants. The first train arrived in Scotland on July 21, 1908, as the Southwestern Railway built west from Henrietta. A post office opened in the first general store in 1908, and a school began about 1909. In 1910 Scotland was described as "a thriving community" of 600 people. The railroad had reached Archer City to the west that year, and the town was shipping grain and cotton. By 1915 Scotland had St. Boniface Church, a Knights of Columbus hall, two more general stores, a bank, a cattle breeder, a gin, two lumber companies, a real estate office, a hotel, a physician, and a confectioner named Hesse.

The Southwestern abandoned its twenty-nine miles of track between Henrietta and Archer City by 1920, and Scotland began declining. The oil discoveries of the 1920s in the surrounding areas seem to have affected Scotland little, although the town built a four-classroom school with an auditorium in 1922. The population in 1925 was estimated at just 316, where it remained for two decades. In 1929 Scotland was said to be generally occupied in farming, dairying, and poultry raising. Since the opening of a good road to Wichita Falls, the number of businesses had declined. By 1950 the estimated population had dropped to 250, and there were eight businesses. In 1952 the school closed. In 1965, when construction began on Lake Arrowhead, Scotland had one business and 350 people. The huge lake built on the Little Wichita River is owned by Wichita Falls and provides that city's water supply. The lake also provided an immediate boost for Scotland, as the town is located on its shore. By 1970 Scotland had an estimated population of 145 and six businesses. The town incorporated in 1976, and the population had reached 333 by the 1980 census. In 1986 Scotland had a post office and three businesses. By 1990 the population was 490, and Scotland had spread into Clay County. The population was 438 in 2000.

BIBLIOGRAPHY: Jack Loftin, *Trails Through Archer* (Burnet, Texas: Nortex, 1979). Winnie D. Nance, *A History of Archer County* (M.A. thesis, University of Texas, 1927).



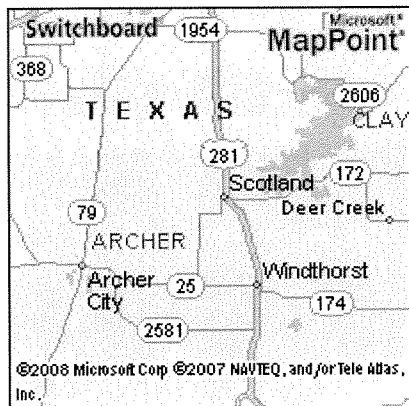
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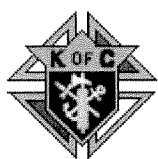
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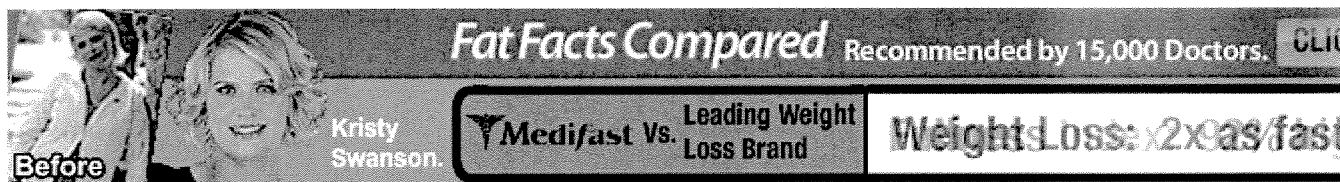
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