

SECTION 307(b) COMMUNITY SHOWING

This Community Showing demonstrates that the proposed change in the community of license of Station WNWR(AM) (Facility ID No. 1027) (the "Station") from Philadelphia, Pennsylvania to Bala Cynwyd, Pennsylvania complies with Section 307(b) of the Communications Act, which charges the Commission with the responsibility to "provide a fair, efficient and equitable distribution of radio service..." 47 U.S.C. § 307(b). A grant of the change will result in Bala Cynwyd obtaining its first local transmission service while Philadelphia will retain numerous local transmission services. The provision of a first local transmission service is consistent with the Act and the priorities the Commission has established in applying the Act to the allotment of broadcast stations among communities.¹

Initially, we wish to take note that the Commission has heretofore conducted a Section 307(b) analysis and awarded Bala Cynwyd its first aural transmission service. In connection with a prior major change application of WNWR, in File No. BP-19930409AC the Commission authorized WNWR, then licensed to a different licensee, to change its community of license from Philadelphia to Bala Cynwyd.² The current licensee now seeks similar authority and submits that the Commission's prior action provides an ample basis for Section 307(b) compliance in this instance.

Even assuming, *arguendo*, that this precedent is not controlling, there is abundant factual evidence supporting the instant request. Pursuant to Section 307(b), singleton AM applicants

¹ The Commission's service priorities when making a Section 307(b) determination are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Priorities (2) and (3) are given equal weight. *Second Report and Order, FM Channel Policies/Procedures*, 90 F.C.C.2d 88, 90-93 (1982); *recon. denied*, 56 R.R.2d 448 (1984). The Commission applies these priorities to 307(b) determinations in the AM context as well. *See Alessandro Broadcasting Co.*, 56 R.R.2d 1569 (Rev. Bd. 1984).

² While authorized, that change was never implemented by the then licensee.

proposing a change in community of license must demonstrate the merits of locating the station in the new community as opposed to the former community of license, based upon the following criteria: (1) the number of stations licensed to the communities; (2) the number of stations providing protected service to the communities; (3) the populations, according to current Census data; and (4) a description of the civic, cultural, religious, social and commercial attributes of the communities. *See, e.g., Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15964 (1998); *North Texas Radio, Inc.*, 11 FCC Rcd 8531, 8536 (1996).

This Community Showing addresses criteria (1), (3) and (4). The Engineering Statement, attached hereto as **Exhibit A**, addresses criteria (2). Together, the Community Showing and the Engineering Statement establish that Bala Cynwyd qualifies as a community of license for Section 307(b) purposes and that the requested change in community of license represents a preferential change in service among the communities.³

With regard to the first criterion – the number of stations licensed to the community – there are currently no broadcast radio (or television) stations licensed to Bala Cynwyd.

With regard to the third criterion – the population of the community according to current Census data – the 2000 Census population for "Zip Code Tabulation Area 19004," Bala Cynwyd's zip code, is 9,299. *See* US Census Bureau, American Factfinder, Zip Code Tabulation

³ Broadcast service data and community information with respect to Philadelphia are well-established, and Philadelphia's status as a major urban center is beyond dispute. Accordingly, this Community Showing will analyze the Section 307(b) factors only with respect to Bala Cynwyd.

Area 19004, Census 2000 Demographic Profile Highlights, attached hereto as **Exhibit B**; US Postal Service, Zip Code Lookup, attached hereto as **Exhibit C**.

With regard to the fourth criterion – the civic, cultural, religious, social and commercial attributes of the community – Bala Cynwyd possesses the attributes the Commission looks for in order to determine that a proposed community of license qualifies as a community for allotment purposes.

As noted above, Bala Cynwyd, population 9,299, has its own zip code. *See Exhibits B-C. supra.* At the local government level, four Commissioners represent Bala Cynwyd on the Lower Merion Board of Commissioners. *See Exhibit D.* Bala Cynwyd has its own fire station, Union Fire Association Station 28 – Bala Cynwyd, PA. *See Exhibit E.* Other government-related institutions located in Bala Cynwyd include Judge's Chambers of the Honorable Phyllis W. Beck of the Superior Court of Pennsylvania and a recruitment office for the US Air Force. *See Exhibit F.*

Bala Cynwyd has many civic associations, including "The Neighborhood Club of Bala Cynwyd," which was established in 1906 and chartered in 1912 to "promote civic welfare and community spirit," and to support local businesses, many of which are members. *See Exhibit G.* The Neighborhood Club holds regular meetings and puts out a newsletter entitled "The Gateway," the Summer 2005 edition of which is attached hereto as **Exhibit H**.

Bala Cynwyd is home to two local public schools, Cynwyd Elementary School and Bala Cynwyd Middle School, as well as Main Line Academy, a private school for grades K-12. *See Exhibit I.* Bala Cynwyd also has its own branch of the Lower Merion Public Library System. *See Exhibit J.*

There are numerous churches (**Exhibit K**), doctors' offices (**Exhibit L**), restaurants (**Exhibit M**) and other businesses located in Bala Cynwyd, including many with "Bala Cynwyd" in their names (**Exhibit N**).

In sum, Bala Cynwyd is home to civic and social organizations, educational institutions and commercial enterprises that, taken together, establish Bala Cynwyd as a bona fide community for purposes of the Commission's application of Section 307(b) of the Act. *See North Texas Radio, Inc., supra.* Whether applying prior precedent or the facts presented herein, the Commission has ample basis under Section 307(b) to change the Station's community of license from Philadelphia to Bala Cynwyd, thereby bringing a first local service to Bala Cynwyd. *See Alessandro Broadcasting Co., supra.*