

Public Interest Statement
FCC Form 301 Question 18 Exhibit 32

Miriam Media, Inc, (“Miriam”), Auction winner for allotment MM-FM583-A at Ballinger, Texas, hereby submits a Public Interest Statement in support of the application for new construction permit and to change the community of license for FM583-A from Ballinger, Texas to Miles, Texas and to simultaneously upgrade the station from a Class A to a Class C3 facility (the “Application”). As demonstrated below, the proposed changes serve the public interest by providing a first local service to the community of Miles, Texas, while not removing the only local FM broadcast service licensed to Ballinger, Texas.¹ Thus, the proposed change constitutes a preferential arrangement as a Priority 3, under the *FM Priorities*.²

I. Technical Compliance

This Application proposes the assignment of Channel 238A from Ballinger, Texas to Miles, Texas, and a simultaneous upgrading class upgrade for this allotment by substituting Channel 238A with Channel 238C3 at such location, and issuing Miriam Media an initial construction permit to operate on Channel 238C3 at Miles, Texas based on the transmit site proposed in the attached application. Additionally, because Miles is not located within the defined boundaries of any Urbanized Area and the proposed station will not place a 70 dBu contour over 50% or more of any “Urbanized Area” including

¹ While KKC� (103.1 FM) and KRUN (1400 AM) are already licensed to Ballinger, Texas, presently no station is allotted to Miles, Texas.

² See *Revision of FM Assignment Policies and Procedures*, 99 FCC 2d 88 (the “*FM Priorities*”). The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

that of San Angelo, Texas, a nearby city with a population in excess of 88,439,³ a “Tuck” showing is not required as part of this Public Interest Statement.⁴

An Applicant wishing to change a station’s community of license, must specify a channel that is mutually exclusive with the existing station’s channel and the new community must constitute a preferred allotment in accordance with the Commission’s FM allotment priorities discussed above.⁵ The proposed assignment of Channel 238C3 to Miles, Texas at either the Miles, Texas reference coordinates or the proposed transmit site would be mutually exclusive with the existing assignment of Channel 238A to Ballinger, Texas. Additionally, the proposed assignment of Channel 238C3 to Miles, Texas at the Miles, Texas reference site satisfies the Commission’s minimum distance separation requirements contained in 47 CFR § 73.207 and will provide the requisite community coverage set forth in 47 CFR § 73.315.⁶ Further, while the proposed facility will not serve any white or grey area, neither will it create any such areas by virtue of the proposed changes. However, importantly, the proposed assignment of 238C3 to Miles, Texas will provide that community with its first local service, while not removing the first local service from Ballinger, Texas.

³ See Coverage Map in Application Exhibit 24, Attachment 24. San Angelo is a city in and the county seat of Tom Green County, Texas. The San Angelo, Texas Metropolitan Statistical Area includes all of Irion and Tom Green County. Miles, Texas lies to the East of San Angelo’s Urbanized Area in Runnels County.

⁴ *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (setting forth an eight-factor analysis for determining a proposed allotment community’s independence from a nearby Urbanized Area)

⁵ *See 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), *recon. granted in part*, 5 FCC Rcd 7094 (1990).

⁶ See Coverage Map At Application Attachment 24 to Exhibit 24, and Separation study in Application Exhibit 26 in Attachment 26.

II. The Proposed Changes Serve the Public Interest

The Application proposes changes to the communities of Ballinger and Miles, Texas, that will result in a preferential arrangement under the *FM Priorities* and therefore serves the public interest. The proposed assignment of Channel 238C3 to Miles, Texas serves the public interest by providing a first local service for Miles, Texas as well as providing improved service to more than 109, 520 persons. In accordance with the *FM Priorities*, the proposed assignment represents an enhanced allotment priority over retention of Channel 238A in Ballinger as a second local service, because the allocation will result in the introduction of a first local service as well as enhanced wide-area service. First local service constitutes priority (3) under the *FM Priorities*, while retention of the existing allotment in Ballinger represents at best priority (4). Accordingly, the proposed changes specified in this Application are preferential and serve the public interest.

III. Community of License

As discussed in detail below, Miles, Texas constitutes a “Community” for allotment purposes in accordance with Commission precedent. The Commission has stated that, in order to qualify as a Community for allotment purposes, a locality must have “social, economic, cultural or governmental indicia” that identify that locality as a Community.⁷ An applicant may satisfy the showing of community status, by demonstrating that the locality “is commonly regarded as a distinct group,” which can be shown “by objective indications of the existence of a common perception that a locality’s

⁷ See *Avon, North Carolina*, 14 FCC Rcd 3939, 3940 (1990).

populace constitutes a distinct geographical population.”⁸ The Commission has held that objective indications of Community status include the existence of political, commercial, social and religious organizations and services in the community where the residents function and conceive of themselves as residents of a community. Miles, Texas has sufficient objective indicia of Community status, which are described in more detail below.

While Miles Texas is located within 21 miles of the city limits of San Angelo, Texas, the proposed FM Station on Channel 238C3 would not place a city grade contour over 50% of the San Angelo Urbanized Area. Accordingly, the Commission’s Rules and policies do not require a so-called Tuck showing regarding the independence of the city of Miles, Texas from the Urbanized Area of nearby San Angelo.⁹ However, from, the discussion below, it is evident that Miles, Texas is independent of the neighboring Urbanized Area and easily satisfies the requirements to qualify as a community for allotment purposes.

Miles, Texas was incorporated in 1905, and at one time was larger than nearby city of San Angelo. Miles has a rich history, with origins tied to the construction of the Santa Fe Railroad. It counts among its buildings, a vintage 1904 Opera House, which is now on the National Register of Historic Places.

⁸ See *Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 5 FCC Rcd 934 (1990).

⁹ See *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (Allocations Branch, 1995) (adopting requirement that stations seeking to move from rural communities to communities near Urbanized Areas must provide a Tuck showing if the allotment would place a 70 dBu signal over 50% or more of Urbanized Area); *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (delineating eight-factor analysis for determining a proposed community’s independence from a nearby Urbanized Area); *Huntington Broadcasting Co.*, 192 F.2d 33 (D.C. Cir. 1951).

The city of Miles, Texas lies midway between Ballinger and San Angelo, Texas and is home to more than 850 residents. The City has its own zip code and a post office (located at 300 Robinson Street), both indicative of an established community. The City has its own website which, among other things, lists more than 50 commercial businesses in Miles, Texas, that provide all manner of services to the community including: banking and financial, insurance, construction, dairy, livestock, trucking, manufacturing, automotive, accounting, daycare, messenger and real estate.¹⁰ Miles residents also have a number of retail options including restaurants,¹¹ convenience,¹² grocery¹³ and other specialty stores. Miles has no fewer than five local churches located in the community¹⁴. Several elementary, middle and high schools are located in Miles including: Grape Creek Special Program, Miles Elementary, Fairview Accelerated and Miles High School. The community has its own local government, including a Mayor, Vice Mayor, Water Superintendent, a five member City Council, a Municipal Judge, a city evening patrol officer, and a volunteer fire company. The City also has its own local ordinances, a city real estate tax, a city sales tax and city specified charges for water, sewer and trash removal.¹⁵ In short, Miles has the various indicia including education, business, retail,

¹⁰ See Miles Business List from website, attached hereto.

¹¹ Mi Casa, Los Carlos, Mi Tierra, Noe's Café., and Pit Stop Barbeque

¹² Shot's Convenience Store.

¹³ Ideal Market and Town & Country Food Store.

¹⁴ First Baptist Church, First United Methodist Church, Trinity Evangelical, St. Thomas Catholic Church, and Iglesia Bautista Church.

¹⁵ See Attached City information.

services, churches and local government that qualify it as a Community for allotment purposes deserving of a first local broadcast service.¹⁶

CONCLUSION

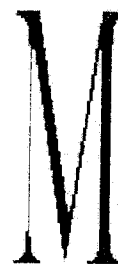
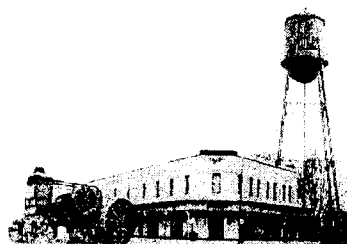
The Application proposes the following FM community changes:

Community	Channel Number	
	Current	Proposed
Ballinger, TX	238A	---- ¹⁷
Miles, TX	----	238C3

This proposal will serve the public interest by providing the community of Miles, Texas with a first local service while not depriving Ballinger of its own first local service, and additionally providing wide-area service to 109,520 people, which represents 102,397 more people than the Class A station at Ballinger would serve, and even includes the residents of the Ballinger area. For these reasons and those set forth in the attached Engineering Exhibit, Miriam Media respectfully requests that the Commission grant this application with the requested minor community change and on channel Station Class upgrade, and issue Miriam Media a construction permit for 238C3 at Miles, Texas in furtherance of the public interest convenience and necessity.

¹⁶ Miles would also satisfy the bulk of the eight Tuck factors were their consideration required here: (1) 54% of area workers report a commute of 20 minutes or less; (2) Miles presently has no local media outlets, but gets news from both San Angelo and Ballinger area media outlets; (3) community leaders and residents perceive the specified community as a separate entity from San Angelo with its own city website, and independent annual events like the Cotton Festival, and the Christmas Crafts Festival; (4) as discussed above, Miles has its own local government, various elected officials, and local taxes, ordinances and fees; (5) as discussed above Miles has its own post office and zip code; (6) as discussed above, Miles has over 50 listed local commercial establishments covering a wide range of services and businesses; (7) it is likely that Miles is lumped into both the San Angelo and Ballinger advertising markets since most area media outlets are located in those communities; and (8) as discussed above, while Miles has its own fire department, schools and uses the Runnels County Sherriff's Office (not the San Angelo police department) for the bulk of its police presence, the nearest major hospitals are approximately of equal distance in San Angelo and Ballinger. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 at ¶ 36 (1988). (it must be shown that a majority of these factors support a purported community's independence).

¹⁷ The City of Ballinger will continue to be served by two local stations KKC� (103.1 FM) and KRUN (1400 AM), which are already licensed to Ballinger, Texas.



GOVERNMENT

CITY OF MILES • RUNNELS COUNTY • TEXAS U.S. REPRESENTATIVES
TEXAS STATE SENATORS • TEXAS STATE REPRESENTATIVES
TEXAS STATE BOARD OF EDUCATION REPRESENTATIVE
POPULATION ANALYSIS • INCOME/HOUSING PROFILE

MILES CITY GOVERNMENT

Miles City Hall

110 Robinson Street • Miles, Texas 76861

325/468-3151

CITY OFFICIALS

Ronnie Stringer — Mayor

Juan Orneles — Mayor Pro-Tem

Stanley Cole — Water Superintendent

Amy Fisher — Secretary

CITY COUNCIL

Bobby Burrus

Larry Gilbert

Jane Jeschke

Juan Orneles

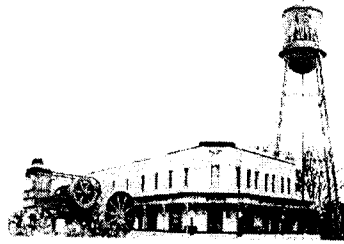
Mike Toungate

MUNICIPAL JUDGE

Candace Holberg

MEETINGS

The Miles City Council meets the first Monday of every month at 6:30 p.m. at City Hall unless otherwise noted. An agenda is posted at City Hall on the Friday before the meeting. Visitors not on the agenda are given the opportunity to speak to council on any given subject during a specified time during the meeting.



CITY PROFILE

MILES CITY HALL

110 Robinson Street — P. O. Box 398

Miles, Texas 76861

Phone: 325/468-3151 FAX: 325/468-3016

OFFICE HOURS: 8 A.M. TO 12 NOON AND 1 P.M. TO 5 P.M.

MONDAY THROUGH FRIDAY

— CLOSED HOLIDAYS —

ORDINANCES

The City of Miles has the following ordinances:

- 1) Curfew.
- 2) Substandard Buildings.
- 3) Junked, Wrecked and Dismantled Vehicles.
- 4) Dog and Cat Animal Control, which includes Minimum Standards for Dog Ownership among Residents and Breeders.
- 5) Livestock and/or Fowl.
- 6) Public Nuisances on Real Property.
- 7) Noises Interfering with Enjoyment of Property or Public Peace and Comfort.
- 8) Zoning Restrictions in Certain Areas within the City of Miles, and Providing a Penalty Therefore. Re: Mobile Home, trailer house or travel trailer.
- 9) Regulating Itinerant Merchants, Peddlers and Vendors.

Ordinance complaints are filed at City Hall.

A City Judge handles all unsettled complaints.

For more information or a copy of these ordinances, contact City Hall.

TAXATION

City of Miles: \$0.38947

City Sales Tax: 7.75%

The City of Miles also levies permit fees.

SECURITY

Runnels County Sheriff's Department.

A Night watchman employed by the City of Miles.

The Miles Volunteer Fire Department provides fire protection.

Ballinger Memorial Hospital EMS provides ambulance service.

A volunteer animal control/welfare group does rescue work if necessary.

WATER

Water is supplied by the City of Miles through a pipeline and water wells.

RATES

Basic water rates are \$30 per month with the first 2,000 gallons of water included in this amount.

\$2.50 per gallon for water usage of 2,000 to 30,000 gallons per month.

\$3.50 per gallon for water usage of 30,000 gallons or more per month.

Sewer rates are \$7.00 per month.

The City of Miles requires a \$100 deposit for new water accounts. A \$25 fee will be levied to turn water back on that has been disconnected due to a late or zero payment. A \$50 fee will be levied for the same if it occurs after normal office hours or on weekends.

Garbage rates are \$11.30 plus 88 cents per month.

Garbage disposal is handled through Duncan Disposal in San Angelo. Residential trash is picked up every Monday. Business dumpster trash is picked up every Thursday.

For more information on water or garbage contact City Hall.

POPULATION

	<u>2000</u>	<u>1990</u>
<u>RUNNELS COUNTY</u> —	11,052	11,294
<u>CITY OF MILES</u> —	877	793

GEOGRAPHIC LOCATION

Miles is located in west central Texas in Runnels County on U. S. Highway 67.

The community of Rowena, is located nine miles east, with Ballinger being 19 miles east. San Angelo is 20 miles west of Miles and has many large businesses as well as hospitals, airport, etc.

TOPOGRAPHY

The area is rolling plains with farming and ranching.

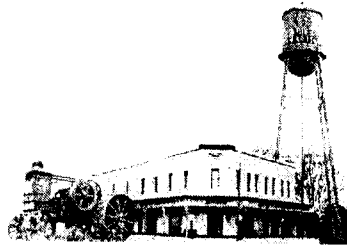
History	Government	City Profile	Cotton Festival	Attractions
Events	Projects	Churches	Education	Organizations
Businesses	Community Centers	Contact Us	Genealogy	Home
Miles Preservation Authority				

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"Serving As The Local Chamber Of Commerce"

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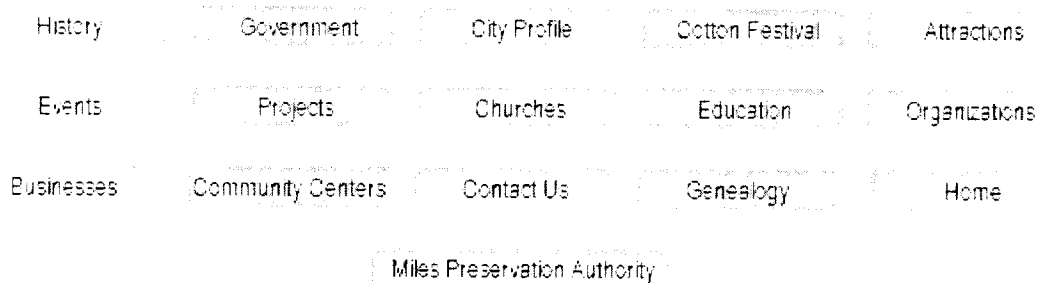
**BUSINESSES**

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Adolfo Tapia Dairies
Amigos Body Shop
Benchmark Enterprises
Stanley Book, CPA
Bottle Creek Gun Shop
Burrus Custom Trailers
BYOB Water Store
Cafe
Carmichael, Gordon (Realtor)
Carroll's Tile
Carter Masonry
Castanada's Snowcones
Citizen State Bank
Creative Custom Sewing
Diamond G Enterprises
Dickson Mowing Service
Drake Aerial Spraying
Eggemeyer Supply
Garfield Mutural Insurance/Lonnie Rankin,
Agent
Germania Farm Mutual Insurance/Elaine Hite
Halfmann Red Angus
Helena Chemical
Hudson Livestock Supplement
Ideal Food Store
Ike Tapia Dairies
James May Pipe and Supply
John Cmerek Construction
Kasberg Gin and Elevator
Kasberg Addition

Miles Cemetary
Miles Coop Gin
Miles Messenger
Milk Transport Service
Moreno & Sons Construction
Nord's Day Care
Old Town Miles Trading Post
Orneles Automotive
Penkent's Overall Repair
Petrey Lawn Service
Pit Stop Barbeque
Randie's Style Shop
RVOS Insurance/Harvey Havlak
San Angelo Feedyard
Schneider Distributing
Shot's Convenience Store
Shayron Trucking
Sklenarik's Smoked Meats
Smithwick Club Lambs
Sylvester Schwertner Trucking
TBS Trucking
Unique Crafts
Wash It!

Kramer Edwards Implement
Lacy's Emporium
Lazy K Storage and RV Park
Los Carlos Restaurant
Michael Box Construction
Mike Hohensee Construction



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