

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 99-237
Table of Allotments,) RM-9663
FM Broadcast Stations.)
(Medina, Texas)

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: April 19, 2000

Released: April 25, 2000

By the Chief, Allocations Branch:

1. In response to a petition filed by Medina Radio Broadcasting Company (“Medina Radio”), the Commission has before it for consideration the Notice of Proposed Rule Making, 14 FCC Rcd 9549 (1999), requesting the allotment of Channel 296A at Medina, Texas. Medina Radio filed comments restating its interest in an allotment at Medina. No other comments were received in response to the Notice in this proceeding.

2. In response to the Notice, Medina Radio filed additional information regarding community status for Medina.¹ According to Medina Radio, Medina has the social, economic and governmental indicia to qualify as a community for FM allotment purposes. Medina Radio states that the Medina Post Office estimates that it serves a total of 650 mailboxes in the Medina zip code while the Medina Water Supply estimates that it serves 600 persons in Medina and the 1995 Texas Almanac Survey of Local Officials puts the population of Medina at over 500 persons. Medina Radio further states that in addition to the post office and fire department, Medina has its own school district, local churches, civic groups and at least 39 business establishments. The economy of Medina, states Medina Radio, is being driven by tourism, camping, apple orchards and the movement of people out of the large cities in Texas. In sum, Medina Radio states that Medina qualifies as a community for FM allotment purposes citing Krum, Texas and Healdton, Oklahoma, 14 FCC Rcd 3932 (1999), where first local service was provided to the smaller of two towns was justified because the smaller town had grown significantly in the prior decade.

¹ The Notice pointed out that Medina has a population of 350 people according to the 1998 edition of the Rand McNally Commercial Atlas and Marketing Guide, is located in Bandera County with its own post office and zip code (78055).

3. Based on the totality of the evidence submitted by Medina Radio, we believe that it has failed to establish that Medina qualifies as a community for allotment purposes and therefore it would not serve the public interest to make a channel allotment in response to Medina Radio's proposal. See Mokolumme Hill, California, 4 FCC Rcd 7109 (1992) and Jackpot, Nevada, DA No. 00-541, released march 10, 2000. While Medina Radio has stated that Medina is a growing community, has its own school district and fire department, churches and civic groups along with 39 business establishments, it has not specifically identified these entities with Medina addresses or shown that they are intended to serve Medina, as opposed to an expanded rural area. This is a critical deficiency because, in past cases, we have rejected claims of community status where a nexus has not been shown between the political, social and commercial organizations and the community in question. See Gretna, Marianna, Quincy and Tallahassee, Florida, 6 FCC Rcd 1991), and cases cited therein. Although Medina Radio has provided some information supporting community status, such as a local school district and fire department, states that there are local churches and civic groups, 39 business establishments and the real estate market in Medina is very strong, Medina failed to provide information concerning the existence of any type of local government such as the name and address of the mayor or council members, evidence that rural residents view Medina as a center for shopping or medical services, excerpts from a telephone book showing a telephone exchange for Medina, all things which support community status. Medina is located approximately 15 miles from Bandera (population 877), 20 miles from Comfort (population 1,477), 31 miles from Hondo (population 6,018), 21 miles from Kerrville (population 19,900), 40 miles from San Antonio (population 1,051,800) and 43 miles from Fredericksburg (6,934) and cannot be considered an isolated community concerned with survival issues such as Cal-Nev-Ari, Nevada, to which the Commission recently allotted a first local service. See Cal-Nev-Ari, Boulder City, and Las Vegas, Nevada, MM Docket No. 93-279, 14 FCC Rcd 17153 (1999).

4. In view of the above, IT IS ORDERED, That the Petition for Rule Making filed by Medina Radio Broadcasting Company (RM-9663), requesting the allotment of Channel 296A at Medina, Texas, IS DISMISSED.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau