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MAY 31 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

May 31, 2000

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MAY 31 2000

703-812-0438

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**VIA HAND DELIVERY**

Magalie R. Salas, Esq.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W., Room TW-B204  
Washington, D.C. 20554

Re: Petition For Rulemaking  
FM Table of Allotments

Dear Ms. Salas:

Transmitted herewith are an original and four copies of a Petition For Rulemaking requesting changes to the FM Table of Allotments.

If questions arise, please contact the undersigned attorney.

Sincerely,

Ann Bavender  
Counsel for OARA, Inc.

Enclosure

cc: Certificate of Service

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**RECEIVED**  
MAY 31 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MM Docket No. _____
FM Stations	)	RM-_____
(Linden, White Oak, Lufkin, Corrigan	)	
Mount Enterprise, and Pineland,	)	
Texas; Zwolle, Louisiana	)	

**PETITION FOR RULEMAKING**

Ann Bavender, Esq.  
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1300 N. 17th Street, 11th Floor  
Arlington, Virginia 22209  
(703) 812-0400

May 31, 2000

## **SUMMARY**

Station KIXK(FM), Linden, Texas, proposes to change its community of license from Linden, Texas to White Oak, Texas as a first local service. In order to accommodate the change at Linden, Texas, Station KUEZ(FM), Lufkin, Texas has agreed to substitute Channel 261C2 for Channel 257C2, and a consent statement is attached. In order to accommodate the change at Lufkin, Texas, Station KGRI(FM), Mount Enterprise, Texas, proposes to change its community of license from Mount Enterprise, Texas to Zwolle, Louisiana as a first local service and change its transmitter site location; and it is proposed to change the allotment at Corrigan, Texas to substitute Channel 257A for Channel 261A and change the reference coordinates. The changes requested herein allow the proposal of Channel 256A at Pineland, Texas as a first local service.

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

In the Matter of

Amendment of Section 73.202(b)

Table of Allotments

FM Stations

(Linden, White Oak, Lufkin, Corrigan,

Mount Enterprise, and Pineland,

Texas; Zwolle, Louisiana)

)  
)  
)  
)  
)  
)

MM Docket No. \_\_\_\_\_

RM-\_\_\_\_\_

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

OARA, Inc. ("OARA"), permittee of Stations KIXK(FM), Linden, Texas and KGRI(FM), Mount Enterprise, Texas, by its attorney, hereby requests the following changes to the FM Table of Allotments:

(1) Station KIXK(FM), Linden, Texas, proposes to change its community of license from Linden, Texas to White Oak, Texas as a first local service and change its transmitter site location;

(2) In order to accommodate the changes at Linden, Texas, Station KGRI(FM), Mount Enterprise, Texas, proposes to change its community of license from Mount Enterprise, Texas to Zwolle, Louisiana as a first local service and change its transmitter site location; and

(3) The changes OARA requests herein allow OARA to propose the allotment of Channel 256A at Pineland, Texas as a first local service.

OARA hereby states that, should the Commission reallocate Channel 257C2 to White Oak, Texas as requested, OARA will apply for the modified facility on Channel 257C2 at White Oak, Texas to implement the changes and will construct the modified facility in an expeditious manner and that, should the Commission reallocate Channel 260A to Zwolle, Louisiana as requested, OARA will apply for the modified facility on Channel 260A at Zwolle, Louisiana to implement the changes and will construct the modified facility in an expeditious manner. OARA also hereby states that, should the Commission allocate Channel 256A to Pineland, Texas, OARA will apply for a facility on Channel 256A at Pineland, Texas and, should the Commission grant OARA's application for the facility, construct the facility in an expeditious manner.

In order to accommodate these proposed changes, it will be necessary to make the following additional changes to the FM Table of Allotments. OARA has entered into a written agreement with and provides a consent statement from the licensee of KUEZ(FM), Lufkin, Texas in connection with KUEZ's channel change. OARA has agreed to reimburse the licensee of KUEZ for the reasonable costs of its channel change and hereby states that it will so reimburse the licensee of KUEZ for its channel change. The additional changes involve the following allotments:

- (1) Station KUEZ(FM), Lufkin, Texas has agreed to substitute Channel 261C2 for Channel 257C2, and a consent statement is attached as Exhibit D; and
- (2) Allotment at Corrigan, Texas to substitute Channel 257A for Channel 261A and change the reference coordinates.

The following is a listing of all of the requested changes to the current FM Table of Allotments:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Zwolle, LA	-----	260A
Corrigan, TX	261A	257A
Linden, TX	257C2	-----
Lufkin, TX	257C2	261C2
Mount Enterprise, TX	260A	-----
Pineland, TX	-----	256A
White Oak, TX	-----	257C2

**COMPLIANCE WITH RULES**

**KIXK(FM) - Linden, Texas to White Oak, Texas**

**Technical Compliance**

Station KIXK has a permit to operate on Channel 257C2 at Linden. The station has not yet been constructed. The requested reallocation of Channel 257C2 from Linden, Texas to White Oak, Texas at a different transmitter site (N32-30-32, W94-50-41) is shortspaced to licensed Station KUEZ(FM) on Channel 257C2 at Lufkin, Texas. The requested changes at Linden can be made in compliance with the Commission's spacing rules and city grade coverage rules if the additional changes below are made.

Channel 261C2 can be substituted for Channel 257C2 at Lufkin, using KUEZ's licensed site, resulting in KUEZ being fully spaced to the White Oak proposal, if the changes requested herein for the allotments at Corrigan and Mount Enterprise, Texas are made. The licensee of KUEZ has consented to the channel change and its consent is attached hereto. OARA has entered into a reimbursement agreement with KUEZ and hereby states that it will reimburse KUEZ for its expenses in changing channel.

The KUEZ change can be made if (i) Channel 257A is substituted for Channel 261A at Corrigan, Texas at a different reference site (N30-54-06, W94-44-20) and (ii) the permit for KGRI on Channel 260A at Mount Enterprise, Texas is reallocated to Zwolle, Louisiana at a different site (N31-37-53, W93-38-39). Corrigan is a vacant allotment, for which no applications are pending. OARA, the permittee of KGRI, Mount Enterprise, Texas is proposing the change at Mount Enterprise as the proponent herein.

The proposed upgrade of Station KIXK at White Oak will result in a net population gain of 236,159 persons within the 60 dBu contour. There is a loss area which will continue to receive five or more stations.

### **Change In Community Of License<sup>1</sup>**

OARA proposes to change KIXK's community of license from Linden, Texas (1990 Census pop. 2,375) to the larger community of White Oak, Texas (1990 Census pop. 5,136) to provide a first local service.<sup>2</sup> The proposal is made pursuant to *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon.* 5 FCC Rcd 7094 (1990) (hereinafter "Community of License"). Under *Community of License*, the proposed channel must be mutually exclusive with the existing channel and the new community must be preferred over the existing community under the Commission's allotment priorities set forth in *Revision of*

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<sup>1</sup>Except where otherwise indicated, Exhibit A hereto provides written documentation of all factual matters herein relating to White Oak, Texas.

<sup>2</sup>An application is pending for a new noncommercial FM station at White Oak, Texas (File No. BPED-961217ME), but the application is mutually exclusive with two other applications for new noncommercial FM stations at Jefferson, Texas (File No. BPED-960920ME) and Longview, Texas (File No. BPED-960724MG). Since the potential for a new noncommercial FM station at White Oak is purely speculative, the application is not considered a local transmission service pursuant to the Commission's FM allotment policies.

*FM Assignment Policies and Procedures*, 90 FCC2d 88 (1988).<sup>3</sup> The proposed allotment of Channel 257C2 at White Oak is mutually exclusive with the current allotment of Channel 257C2 at Linden. Moreover, under the Commission's allotment priorities, a first local service to the larger community of White Oak (pop. 5,136) is preferred over first local service to the smaller community of Linden (pop. 2,375) as a fourth priority. *E.g. Moncks Corner, Kiawah, and Sampit, South Carolina*, DA 00-1112, released May 19, 2000; *Northwye, et al., Missouri*, 7 FCC Rcd 1449 (1992). In addition, *Community of License* provides that a local service is to remain in the existing community. KIXK is the only local service assigned to Linden. Since it has not yet been constructed, however, the reallocation to White Oak will not cause the loss of an existing service at Linden. *E.g. Jewett and Windham, New York*, 14 FCC Rcd 21151 (1999); *Genoa, Mt. Morris, and Oregon, Illinois*, 14 FCC Rcd 10727 (1999); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664 (1997).

White Oak is located in the Longview Urbanized Area and a "Tuck" study demonstrating that White Oak is an independent community separate from Longview follows:

The City of White Oak is an independent community which deserves its own local radio station. In determining whether to award a first local service preference to a community within an urbanized area, the Commission is guided by the criteria established in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). The guidelines consider the relative size and proximity of the central city to the proposed community of

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<sup>3</sup>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.

license and the extent the station will provide coverage to the urbanized area. White Oak, which is located in Gregg County adjacent to Longview, has a population (5,136) which is 7% the population of Longview (1990 Census 68,655). Such a percentage has not precluded favorable consideration as a first local service. See e.g. *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (1996); *Bay St. Louis and Poplarville, Mississippi*, 10 FCC Rcd 13144 (1995); and *Scotland Neck and Pinetops, North Carolina*, 7 FCC Rcd 5113 (1992). The proposed signal will cover all of the Longview Urbanized Area. The Commission, however, places less significance on these factors than on evidence of independence. See, e.g., *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352 (1995).

The Commission considers eight factors in assessing the independence of the specified community: (1) the extent to which community residents work in the larger metropolitan area, rather than the specified community, (2) whether the smaller community has its own newspaper or other media that cover the community's local needs and interests, (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area, (4) whether the specified community has its own local government and elected officials, (5) whether the community has a zip code or its own telephone book, (6) whether the community has its own commercial establishments, health facilities, and transportation systems, (7) the extent to which the specified community relies on the larger metropolitan area for various municipal services as police, fire protection, schools, and libraries. *Faye and Richard Tuck* at § 36. All eight factors need not favor the applicant. If a majority of the factors demonstrate that the specified

community is distinct from the urbanized area, the Commission will treat it as an independent community. *Id.*

In this case, all eight factors demonstrate that White Oak is separate and independent from Longview:

(1) Many residents of White Oak work in White Oak. The City of White Oak itself has many sources of employment. Twelve manufacturing plants are located in White Oak. The ten major employers located in White Oak each employ from 20 to 80 persons:

<u>Employer</u>	<u>Business</u>	<u>No. of Employees</u>
Sisu North American	Terminal Tractors	80
Winston Manufacturing Co.	Oil & Gas Equipment	60
Cherokee Steel Fabricators	Steel Fabrication	50
TEC Well Service	Service Oil Wells	50
Great American Coil	Air Conditioner Coils	50
Arco Oil & Gas Co.	Petroleum Distribution	40
O&D Manufacturing	Pump Parts, Casting	30
Sigmon Construction	Oil Field Construction	30
DCG Machine	Precision Machine Shop	30
Energy Weldfab	Oil & Gas Equipment	20

The City of White Oak itself is also a major employer in providing the numerous municipal services described below. In addition the many retail and commercial establishments described below employ a large number of residents. Accordingly, residents of White Oak have no need to travel to Longview to find employment.

(2) Local media serve White Oak. The residents of White Oak are served by their own local newspaper published in White Oak. The White Oak Independent

Newspaper is published weekly, with a circulation rate of 1,200 copies.<sup>4</sup> White Oak is also served by a cable system operated by TCA Cable Television. The cable system has 40 channels. In addition, the City of White Oak maintains its own webpage with a community calendar.

1. (3) White Oak community leaders and residents perceive White Oak as an independent community separate from Longview. White Oak and Longview were separately founded about the same time. Longview was founded in 1870. White Oak was founded shortly thereafter in 1884 when a dozen families settled at White Oak and constructed a school and church building. The two communities grew separately. White Oak was incorporated in 1957. The 1990 census found White Oak with a population of 5,136. The city estimates that the current population is 5,500. Numerous businesses among those described below identify with the City of White Oak by including the words White Oak in their name: White Oak State Bank, White Oak Independent Newspaper, White Oak Insurance, White Oak Flower & Gift Shop, White Oak Express Lube, White Oak Food, White Oak Video, and White Oak Storage. Attached at Exhibit A hereto are letters from Tim Vaughn, the Mayor of the City of White Oak, and Carol Copeland, the Director of Community and Economic Development for the City of White Oak, stating that city leaders

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<sup>4</sup> Information provided by White Oak Independent Newspaper.

and residents of White Oak perceive their city as an independent community separate from Longview.

(4) White Oak has its own local government and elected officials. White Oak was incorporated in 1957 and adopted a Home Rule Charter in 1994. As a Home Rule City, it is subject only to the limitations imposed by the City Charter and State of Texas constitution. White Oak is led by an elected Mayor and a 5-member City Council. All five Council seats are elected at large. The Mayor and City Council hire a City Coordinator and department heads to implement the daily operations of the City. City Council meetings are held monthly in the White Oak City Hall. The City of White Oak has its own taxing authority. The city has a \$3,000,000 annual budget.

5. White Oak has its own post office and zip code. The City of White Oak is serviced by its own U.S. Post Office. The city also has its own zip code: 75693.

6. White Oak has numerous commercial establishments and medical facilities. Numerous businesses are located in the City of White Oak. These are represented by the White Oak Chamber Of Commerce, which has a full-time manager. Keep White Oak Beautiful, a committee of the White Oak Chamber Of Commerce, is a local affiliate of Keep Texas Beautiful and promotes efforts to make White Oak a more beautiful community. In addition the White Oak Economic Development Corporation, which also has a full-time manager, promotes economic development for the community. More than a dozen manufacturing and industrial businesses are located in White Oak, some of which operate at White Oak's Cherokee Trace Industrial Park. The White Oak Civic Center is additionally located in White Oak.

Exhibit A hereto lists 80 of White Oak's commercial and retail businesses, all of which have street addresses in White Oak. Many of the businesses listed include the words White Oak in their name, identifying with the White Oak community. The businesses in White Oak listed include two banks (one with White Oak in its name), five insurance agencies (one with White Oak in its name), a tax preparer, five real estate agencies, an apartment management service, three general contractors, a lumber and building materials company, a home construction company, two fence companies, two plumbing companies, two storage companies (one with White Oak in its name), a furniture store, two book stores, a custom drapery shop, a florist (with White Oak in its name), a plant store, three gift shops, a jewelry store, a collectibles shop, a bait shop, a pawnbroker, six automobile dealers, an auto parts store, two automotive repair shops, two automotive body repair shops, an automotive lubrication service (with White Oak in its name), two tire stores, a used auto parts store, an automotive restoration shop, a gas station, four food stores (one with White Oak in its name), seven restaurants, a motel, two pizza shops, a doughnut shop, a video rental store (with White Oak in its name), a carpet cleaning company, a barber, a dry cleaners, five beauty salons, and a health club.

White Oak is served by various medical facilities. These include a chiropractic clinic and two mental health centers. It is additionally served by dentist offices.

For recreation there are three city parks, city baseball and softball fields, six tennis courts, and a city pool. In addition there are various community events held throughout the year for residents of White Oak. These include the annual Roughneck Days festival, a Christmas parade, and a community Christmas tree lighting ceremony.

The City of White Oak is home to numerous religious and civic organizations. The 12 churches located in White Oak include Abundant Life Fellowship, Center Baptist Church, Center Street Church of Christ, Emmanuel Baptist Church, New Covenant Outreach, Reorganized Church of Jesus Christ of Latter Day Saints, Shiloh Baptist, White Oak Assembly of God, White Oak Baptist Church, White Oak Church of Christ, and the White Oak United Methodist Church. Civic organizations include Boy Scouts of America, Campfire Girls, Community Club of White Oak, Cub Scouts, White Oak Bass Club, White Oak Boys Baseball Association, White Oak Girls Softball Association, White Oak Lioness Club, White Oak Lions Club, White Oak Senior Citizens Club, White Oak Independent School District Athletic Boosters Club, and White Oak Independent School District Parent-Teachers Organization.

(7) The White Oak advertising market differs from that of Longview.

Businesses in White Oak may advertise in the White Oak Independent Newspaper, which enables them to directly reach the residents of White Oak.

(8) The City of White Oak has its own Police Department, Fire Department, Schools, and Municipal Services. White Oak has its own fire department, the White Oak Fire Department, which was organized in 1962. It has a full-time Fire Chief, 30 volunteers, and two fire stations. The city's Fire Marshall enforces city fire safety codes. White Oak also has its own police department, the White Oak Police Department, with 14 police officers. The Police Department also handles animal control.

The City of White Oak has its own school district, the White Oak Independent School District. The White Oak Independent School District operates Administrative

Offices, White Oak Primary School (Grades K-2) (338 students and 19 teachers), White Oak Intermediate School (Grades 3-5) (341 students and 21 teachers), White Oak Middle School (Grades 6-8) (327 students and 24 teachers), and White Oak High School (Grades 9-12) (372 students and 29 teachers). The School District serves a total of 1,378 students. In addition, a child care center is located in White Oak.

The City of White Oak has:

(i) its own City Secretary, located at City Hall with operating hours Monday-Friday 9:00 AM - 5:00 PM, who handles the city's finances, the city's payroll, city Council meetings, and city records, administers city elections, and provides management functions for city utilities and the Municipal Court;

(ii) its own City Attorney;

(iii) its own Municipal Court, which is located at City Hall, is headed by the city's Municipal Judge, has its own Municipal Court Clerk, has operating hours Monday-Friday 9:00 AM - 5:00 PM, and handles Class C misdemeanors, including traffic citations and city ordinance violations;

(iv) its own Streets & Parks Department, which is located at City Hall, has operating hours Monday-Friday 8:00 AM - 5:00 PM, has its own department head, repairs and maintains city streets, maintains and operates the City Of White Oak's park facilities, city baseball and softball fields, and city pool, handles reservations for the city pool, park pavilion, and ball fields, and provides swimming lessons at the city pool;

(v) its own Water Department;

(vi) its own Water & Sewer Plant, which has its own department head and supervises all water and waste water operations for the city;

(vii) its own Utility Billing Department, which is located at City Hall, has operating hours Monday-Friday 8:00 AM - 5:00 PM, has its own department head, and handles water billing and payments, line locations, water and sewer tap applications, plumbing permits, work orders, and water conservation;

(viii) its own Maintenance Department which is located at the city's Maintenance Shop building, has its own department head, has operating hours Monday-Friday 9:00 AM - 4:00 PM, and repairs and services fire, police, and city vehicles and equipment;

and (ix) its own Community & Economic Development Department, which is located at City Hall, has operating hours Monday-Friday 8:00 AM - 4:30 PM, has its own department head, and promotes business attractions, expansion and retention, administers the city's Comprehensive Master Plan, reviews development plans (plats and site plans), administers the city's Zoning Ordinance (rezoning and special use permits), hears citizen appeals to code enforcement violations, and handles the city's tax abatements and economic development sales tax. The City of White Oak also provides weekly garbage collection service.

In addition, White Oak has its own Planning & Zoning Commission which handles subdivision plat approvals, special use permits, zoning change requests, subdivision variances, and orders for demolition of dilapidated structures. The seven-member Planning & Zoning Commission meets monthly at White Oak City Hall. White Oak also has a Zoning Board of Adjustment which hears requests for variance from the City's zoning ordinance. The Zoning Board of Adjustment has six members and meets as needed. The city has a Comprehensive City Plan and city zoning ordinances.

Accordingly, White Oak is a vibrant and thriving community which is separate and independent from the community of Longview and deserving of a first local radio service.

**KUEZ(FM) - Lufkin, Texas**

**Technical Compliance**

KUEZ(FM) is currently licensed and operating on Channel 257C2 at Lufkin, Texas. It would be shortspaced to the proposed White Oak allotment on Channel 257C2. Channel 261C2 can be substituted for Channel 257C2 at Lufkin at KUEZ's licensed site, which would result in KUEZ being fully spaced to the proposed White Oak allotment. The Channel 261C2 allotment at Lufkin would be short-spaced with KGRI(FM) on Channel 260A at Mount Enterprise, Texas and the vacant allotment on Channel 261A at Corrigan, Texas. If the changes requested below at Mount Enterprise and Corrigan are made, Channel 261C2 at Lufkin will be fully spaced.

**KGRI(FM) - Mount Enterprise, Texas to Zwolle, Louisiana**

**Technical Compliance**

Station KGRI has a permit to operate on Channel 260A at Mount Enterprise. The station has not yet been constructed. In order to substitute Channel 261C2 for Channel 257C2 at Lufkin, Texas, KGRI must be reallocated to Zwolle, Louisiana at a different site (N31-37-53, W93-38-39). As shown in the Engineering Statement, Channel 260A can be reallocated from Mount Enterprise to Zwolle at the specified site in compliance with the Commission's spacing rules and city grade coverage rules. At the specified site in Zwolle, KGRI will have a net loss in population of 8,751 persons. There will be no loss of existing service, however, since KGRI has not yet been constructed.

Additionally, the KGRI proposal is requested in order to accommodate the KIXK upgrade at White Oak. Accordingly, the KGRI proposal must be considered within the context of the entire proposal herein, which provides numerous public interest benefits. Moreover, the loss area will continue to receive five or more aural services. More importantly, the Engineering Statement demonstrates that a small portion of the KGRI gain area currently receives only three aural services and this proposal would provide a fourth service there.

The proposed reallocation complies with the standards set forth in *Community of License*. The allotment of Channel 260A at Mount Enterprise is mutually exclusive with the allotment of Channel 260A at Zwolle. Under the Commission's allotment priorities, a first local service to the new, larger community of Zwolle (pop. 1,779) is preferred over first service to the existing, smaller community of Mount Enterprise (pop. 501) as a fourth priority. *E.g. Moncks Corner, Kiawah, and Sampit, South Carolina*, DA 00-1112, released May 19, 2000; *Northwye, et al., Missouri*, 7 FCC Rcd 1449 (1992). In addition, although KGRI is the only local service assigned to Mount Enterprise, it has not yet been constructed. Accordingly, the reallocation to Zwolle will not cause the loss of an existing service at Mount Enterprise. *E.g. Jewett and Windham, New York*, 14 FCC Rcd 21151 (1999); *Genoa, Mt. Morris, and Oregon, Illinois*, 14 FCC Rcd 10727 (1999); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664 (1997).

### **Change In Community Of License<sup>5</sup>**

OARA proposes to change KGRI's community of license from Mount Enterprise, Texas (1990 Census pop. 501) to the larger community of Zwolle, Louisiana (1990 Census pop. 1,779) to provide a first local service. Zwolle is not located in an urbanized area, nor does the proposed 70 dBu contour cover more than 50% of an urbanized area.

The City of Zwolle was founded in 1896 and chartered in 1898. It has its own elected government, with a mayor and five Council members. The city has 10 employees, including a City Clerk. City administration offices are located at Zwolle City Hall. The city operates a police department with a police chief (City Marshall) and 10 police officers. The City operates a Water Department, a Streets Department, and a Sanitation Department. It provides its residents with various municipal services, including water, trash collection, and street maintenance.<sup>6</sup> It has its own Zwolle City Water Works. City officials are listed in Exhibit B hereto. The City of Zwolle has a U.S. Post Office and its own zip code. The Choctaw-Apache Tribe of Ebarb's tribal office is also located in Zwolle.

The City of Zwolle has three schools, Zwolle Elementary School (Grades K-4) (349 students), Zwolle Intermediate School (Grades 5-8) ( 317 students), and Zwolle High School (Grades 9-12) (231 students), which are part of the Sabine Parish School

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<sup>5</sup>Except where otherwise indicated, Exhibit B hereto provides written documentation of all factual matters herein relating to Zwolle, Louisiana.

<sup>6</sup> Information provided by Zwolle City Hall.

District. The Sabine Parish Headstart program also has a facility in Zwolle. The City of Zwolle is the location of the Zwolle Branch of the Sabine Parish Library.

There are 13 churches in Zwolle, including Aimwell Baptist Church, Bayou Scie Methodist, Church of Christ, First Baptist Church, two First United Methodist Churches, Haskins Chapel Methodist Church, Macedonia Baptist Church, Mt. Calvary Baptist Church, St. Catherine's Catholic Church, St. John's Baptist Church, St. Joseph's Catholic Church, and United Pentecostal Church. Social service organizations include House of Hope and Sabine Council on Aging Meals.

Civic organizations in Zwolle include the Veterans of Foreign Wars, Boy Scouts, Cub Scouts, Zwolle Booster Club, and 4-H Club. Cultural events held in the city include the annual Zwolle Loggers Festival held in June and the annual Zwolle Tamale Festival held in October.

The City of Zwolle is located adjacent to the North Toledo Bend State Park. Numerous recreational facilities are located in Zwolle. These are listed in Exhibit B hereto and include two motels, four campgrounds, a fishing bait shop, a fishing guide service, four restaurants, a pizza shop, 5 bars, a boat and outboard motor dealer, and two marinas.

The City of Zwolle's largest employer is the Zwolle Rail Car company, which employs 147 people. Other employers located in Zwolle are the city government and the many commercial businesses in the city.

Numerous commercial establishments serve city residents. Fifty-five business located in Zwolle are listed at Exhibit B hereto. These include four grocery stores, two banks, a real estate agency, a building supply company, four general contractors, two

home and garden centers, a lawn and garden equipment store, an apartment complex, a home builder, a concrete company, a garden center, three auto parts stores, an auto repair shop, an auto body repair shop, a towing service, two used auto parts stores, a truck top shop, a tire store, an auto glass shop, a gas station, three general merchandise stores, three convenience stores, a shoe repair shop, a tanning salon, 5 liquor stores, 5 beauty salons, a florist, a gift shop, a pawnbroker, and three laundromats. Zwolle residents are served by various medical facilities, including a pharmacy, a doctor's office, and a dentist's office.

Zwolle, accordingly, is an established community well deserving of a first local broadcast service.

### **Corrigan, Texas**

#### **Technical Compliance**

Channel 261A is currently allotted at Corrigan, Texas. It would be short-spaced with the proposed substitution of Channel 261C2 at Lufkin, Texas. Channel 257A can be substituted for Channel 261A at Corrigan with a change in the reference coordinates (N30-54-06, W94-44-20). From this site, Channel 257A at Corrigan would be fully spaced to the proposed Lufkin allotment and all other allotments. From the proposed reference coordinates, the 70dBu contour will completely cover Corrigan.

### **Pineland, Texas**

#### **Technical Compliance**

As shown in the Engineering Statement, if the changes requested herein are made, Channel 256A can be allotted at Pineland at the specified site (N31-08-48, W93-

56-53) in compliance with the Commission's spacing rules and city grade coverage rules. A Pineland station at the specified site will serve 20,560 persons within the 60 dBu contour.

### **Community of License<sup>7</sup>**

The City of Pineland, Texas is located in Sabine County. It was founded in 1903 and incorporated in 1941. Its 1990 population was 882. It has its own elected government, with a Mayor, a Mayor Pro-Tem, and three City Council members. The city has several employees, including a City Secretary. It provides its residents with various municipal services. The Pineland City Offices and the Pineland Maintenance Department are located at Pineland City Hall. The city has a police department with a police chief. The city also has a fire department with a fire chief. The Pineland Park Manager oversees the city park. The City of Pineland operates the Arthur Temple, Sr. Memorial Library. The city additionally operates the Pineland Municipal Airport. City officials are listed in Exhibit C hereto. The City of Pineland has had its own U.S. Post Office since 1904 and has its own zip code: 75968.

The City of Pineland operates its own school system. The West Sabine Independent School District is the successor of the Pineland Independent School District, which was established in 1917. The school district has Administrative Offices and three schools located in Pineland: an Elementary School (Grades K-6), a Junior High School (Grades 7-8), and a High School (Grades 9-12). The school district has 85

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<sup>7</sup>Except where otherwise indicated, Exhibit C hereto provides written documentation of all factual matters herein relating to Pineland, Texas.

employees and serves a total of 700 students. The Pineland Early Learning Center is also located in Pineland.

There are 11 churches in Pineland, including Pineland Assembly of God, Bethel Chapel Missionary Baptist, First Baptist Church, Pineland First United Methodist Church, Goodwill Baptist Church, Johnson Chapel, Pineland Church of Christ, Pineland Church of God, Pineland United Pentecostal, Rayburn Parkway Baptist Church, and Yellow Ridge Baptist Church. Religious organizations in Pineland include Body of Christ Ministries.

Numerous recreational facilities are located in Pineland. The city's park is the Katherine Sage Temple Memorial Park, with a swimming pool and picnic area. Cultural events held in the city include Pineland Day celebrating the city's history. At the City Park are the old railroad depot and an old logging locomotive engine. Old sawmill homes nearby reflect the city's lumbering history. Organizations in Pineland include Sabine County Republicans.

The City of Pineland was founded in 1903 as a sawmill town. Since that time, lumbering and timber products have been its principal industry. It is located on the Atcheson, Topeka & Santa Fe Railroad. The City of Pineland's largest employer is the Temple-Inland Forest Products Company, founded in 1910 as the Temple Lumber Company. Other employers located in Pineland are the city government, the city's school district, and the many commercial businesses in the city.

Numerous commercial establishments serve city residents. Fifty-two business located in Pineland are listed at Exhibit C hereto. These include five grocery stores, a bank, a credit union, a bail bondsman, two convenience stores, four restaurants, two

beauty salons, two storage companies, a cosmetics store, two clothing stores, two resale shops, a general merchandise store, a trophy store, a gift shop, a building materials store, a lawn and garden equipment store, two garden centers, an appliance service, four antique stores, a florist, two auto parts stores, two auto repair shops, two gas stations, a tire store, a gas pipeline company, a truck and logging parts company, a fireworks company, a saddle store, a dog kennel, a marina, a recreational guide service, and a fishing tackle store. Of these, six include the word Pineland in their name. Pineland residents are served by various medical facilities, including the Pineland Pharmacy, the Pineland Health and Rehabilitation Center, a laser surgery clinic, and a doctor's office.

Pineland, accordingly, is an established community well deserving of a first local broadcast service.

### **Conclusion**

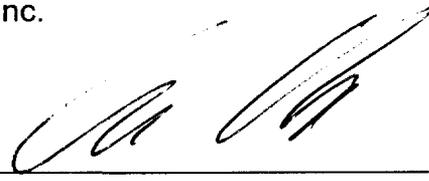
This proposal will allow KIXK to greatly increase the number of persons receiving its service, without any existing service being eliminated or any existing stations being adversely affected. The proposal will provide new first local services to the communities of White Oak, Texas, Zwolle, Louisiana, and Pineland, Texas. It will

provide overall net gains in population to 247,968 people. The overwhelming public interest benefits of the proposal warrant Commission approval.

Respectfully submitted,

OARA, Inc.

By:



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