FEDERAL COMMUNICATIONS COMMISSION

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Grace Community Church of Amarillo
P.O. Box 7441
Amarillo, TX 79114

In re: Grace Community Church of Amarillo
KRBG(FM), Hereford, TX
Facility I.D. No.: 93643
BPED-20090507ADC

Dear Applicant:

This letter refers to the above-captioned minor change non-commercial educational application that proposes to change the community of license of KRGB(FM), Hereford, TX to Umbarger, TX. For the reasons discussed below the application will be dismissed.

Background. The application was filed pursuant to Section 73.3573(g) of the Commission's rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file a competing expression of interest. Any reallotment proposal must result in a preferential arrangement of allotments.[1] We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures.*[2] This application would provide a first local transmission service to Umbarger under Priority (3).

Discussion. Based on the totality of the evidence that you submitted, we cannot establish that Umbarger qualifies as a community for allotment purposes. The test for determining whether a locality is a community is not a stringent one.[3] The Commission has defined a community as geographically

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[1] *See Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License"),* Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part,* Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

[2] *Revision of FM Assignment Policies and Procedures,* Second Report and Order, 90 FCC 2d 88 (1988). 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).

[3] *See Beacon Broadcasting,* Memorandum Opinion and Order, 2 FCC Rcd 3469 (1987), *aff'd sub nom; see also New South Broadcasting Corp. v FCC,* 879 F. 2d 867 (D.C. Cir 1989).

identifiable population groupings, which have common local interests.[4] This requirement is generally satisfied if the proposed community is either incorporated or listed in the U.S. Census. Umbarger is not listed in the U.S. Census or incorporated. Incorporation, however, is not a prerequisite to community status. The key factor in determining the existence of a community is the presence of a community of interest associated with an identifiable population grouping separate and distinct from all others and that the boundaries of the location do not enclose areas or populations more logically associated with some other location. We do acknowledge that Umbarger is listed in the 2009 Rand McNally Road Atlas. However, a mere geographical location is not enough to establish that Umbarger is a community for allotment purposes. It must be shown that a nexus exists between the political, social and commercial organizations and the community in question.[5] There must be a clearly established, separate and distinct community with palpable political, economic and social needs that a radio station can address. The principal test is whether the residents function as and conceive themselves as a community around which their interests coalesce. This may be proven by direct testimony of residents of the locality and by various community indicia. These could include separate municipal services and institutions, or significant political, commercial, social and/or religious organizations and services serving the residents.

We conclude that the record is insufficient to find that Umbarger, TX is a community for allotment purposes. Accordingly, IT IS ORDERED, That the aforementioned application BPED-20090507ADC filed by Grace Community Church of Amarillo is unacceptable for filing and IS HEREBY DISMISSED pursuant to 47 C.F.R. Section 73.3566(a).[6] This action is taken pursuant to 47 C.F.R. Section 0.283 of the Rules.

Sincerely,

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Dawn M. Sciarrino, Esq.

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[4] *See Revision of FM Assignment Policies and Procedures,* Second Report and Order, 90 FCC 2d 88, 98 (1982).

[5] *See Gretna, Marianna, Quincy and Tallahassee, Florida,* Report and Order, 6 FCC Rcd 2327 (MMB 1991).

[6] 47 CFR § 73.3566.