

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

In the Matter of	)	NCE October 2007 Window, MX Group
	)	Numbers 4, 5, 7, 17, 20, 21, 23, 41, 48, 64,
<b>Threshold Fair Distribution Analysis of 32</b>	)	112, 121, 137, 198, 199, 201, 202, 204, 205,
<b>Groups of Mutually Exclusive Applications</b>	)	208, 212, 223, 224, 225, 226, 228, 231, 244,
<b>for Permits to Construct New or Modified</b>	)	248, 250, 251, and 259
<b>Noncommercial Educational FM Stations</b>	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 27, 2008**

**Released: June 30, 2008**

By the Chief, Audio Services Division, Media Bureau

**I. BACKGROUND**

1. The Media Bureau (“Bureau”) has before it for comparative consideration 32 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.<sup>1</sup> By this Memorandum Opinion and Order (“Order”), the Bureau performs threshold analyses and identifies the tentative selectee in each group. Petitions to deny the application of any of these tentative selectees must be filed within 30 days of the date of release of this Order.<sup>2</sup>

2. The groups addressed in this Order consist of applications that were filed or amended in October 2007, during the first filing window for NCE FM applications.<sup>3</sup> These applicants have had an opportunity to settle among themselves<sup>4</sup> and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).<sup>5</sup> During the first step of this process the Bureau, acting pursuant to delegated authority,<sup>6</sup> uses service area population data and certifications provided by the applicants to conduct a threshold analysis.

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<sup>1</sup> On March 7, 2008, the Bureau issued a public notice identifying 263 groups, all of which contained four or fewer mutually exclusive NCE FM applications. *See Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, DA 08-536 (MB March 7, 2008). Each of the groups analyzed herein was included on that Public Notice.

<sup>2</sup> *See* 47 C.F.R. § 73.7004(b).

<sup>3</sup> The Bureau suspended further processing of several hundred not cut-off new and major change NCE FM applications when the Commission imposed a licensing freeze in 2000. To avoid dismissal, these applicants were required to submit amendments during the October 2007 window to provide comparative and other information. *See Media Bureau Announces NCE FM New Station and Major Change Filing Procedures*, Public Notice, 22 FCC Rcd 15050, 15051 (MB 2007).

<sup>4</sup> *See Window Opened to Expedite Grant of New NCE Station Construction Permits*, Public Notice, 22 FCC Rcd 19438 (MB 2007).

<sup>5</sup> 47 C.F.R. §§ 73.7000 – 7005.

<sup>6</sup> *See Comparative Consideration of 76 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, 22 FCC Rcd 6101, n.16. *See also* 47 C.F.R. §§ 0.61 and 0.283.

## II. THRESHOLD FAIR DISTRIBUTION PROCEDURES

3. A threshold “fair distribution” analysis is performed on mutually exclusive NCE FM groups only if applicants within the group propose to serve different communities and will provide a new first and/or second NCE aural service to a substantial population. In such cases, the Bureau, consistent with Section 307(b) of the Communications Act of 1934, as amended (the “Act”),<sup>7</sup> determines whether grant of any of the applications would best further the fair, efficient, and equitable distribution of radio service among communities.<sup>8</sup> An NCE FM applicant is eligible to receive a Section 307(b) preference if it would provide a first or second reserved band channel NCE aural service to at least ten percent of the population (in the aggregate), within the proposed station’s service area, provided that the population served is at least 2,000 people.<sup>9</sup>

4. If only one applicant qualifies for a “fair distribution” preference, the preference is dispositive with respect to applications in the group that would serve different communities. If more than one applicant in a mutually exclusive group qualifies for the preference, we compare each applicant’s first service population coverage totals.<sup>10</sup> An applicant will receive a dispositive fair distribution preference by proposing a first NCE aural service to at least 5,000 more potential listeners than the next highest applicant’s first service total.<sup>11</sup> If no applicant is entitled to a first service preference, we consider combined first and second NCE aural service population totals and apply the same 5,000 listener threshold. At each stage of the Section 307(b) analysis, any applicant that is comparatively disfavored in terms of eligibility or service totals is eliminated. The process ends when the Bureau determines that one applicant is entitled to a preference or that none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference. In the latter case, all remaining applicants proceed to a point system analysis. Applicants that have received a Section 307(b) preference are required to construct and operate technical facilities substantially as proposed, and cannot downgrade service to the area on which the preference was based for a period of four years of on-air operations.<sup>12</sup>

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<sup>7</sup> See 47 U.S.C. § 307(b); 47 C.F.R. § 73.7002; *Reexamination of Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 15 FCC Rcd 7386, 7397-98 (2000) (“NCE Order”).

<sup>8</sup> See 47 U.S.C. § 307(b) (“In considering applications for licenses ... when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.”); 47 C.F.R. § 73.7002(a).

<sup>9</sup> See 47 C.F.R. § 73.7002(b). Applicants were required to use the most recently available, *i.e.*, 2000 Census, population data. See FCC Form 340, Instructions for Section III. An applicant’s fair distribution showing must be computed as of time of filing (close of the filing window for applications filed prior to the window) and cannot be enhanced thereafter. See 47 C.F.R. § 73.7003(e) and (f)(3); *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures*, 22 FCC Rcd 15050, 15051 (MB 2007); *Reexamination of Comparative Standards for Noncommercial Applicants*, Memorandum Opinion and Order, 16 FCC Rcd 5074, 5082-83 (2001) (“NCE MO&O”). However, an applicant that subsequently makes engineering changes that would diminish its fair distribution position must amend its application to reflect that diminished position. See 47 C.F.R. §§ 1.65 and 73.7003(e).

<sup>10</sup> See 47 C.F.R. § 73.7002(b).

<sup>11</sup> *Id.*

<sup>12</sup> 47 C.F.R. § 73.7005(b).

### III. GROUP-BY-GROUP ANALYSIS

5. This Section contains narrative descriptions of our analyses, organized chronologically by group number. Unless otherwise noted, each component of the analysis is based on information provided by each of the respective applicants.<sup>13</sup>

6. **Group 4.** The four applicants in this group propose service to three different communities in Alabama. Miles College (“Miles”) proposes service to Demopolis. The City of Tuscaloosa, Alabama (“City”) and TBTA Ministries (“TBTA”) propose service to Moundville. Catholic Radio Network, Inc. (“CRN”) proposes service to York. Miles and CRN claim that they are eligible for a fair distribution preference and submit supporting information.<sup>14</sup> TBTA states that it would not qualify for a Section 307(b) preference. City states that it is eligible based on provision of a second NCE service, but does not provide necessary supporting information.<sup>15</sup> City and TBTA are thus eliminated.

7. Each of the remaining applicants asserts that it is entitled to a first NCE service preference. Miles claims that it would provide a new first NCE service to 9,410 people. CRN asserts that it would provide a new first NCE service to 12,070 people. These first service proposals are comparable. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Miles would provide a first or second NCE service to 28,338 people (9,410 first service plus 18,928 second service). CRN would provide a first or second NCE service to 48,178 people (12,070 first service plus 36,108 second service). Because CRN would provide new NCE service to at least 5,000 people more than Miles, CRN is the tentative selectee in Group 4.

8. **Group 5.** There are two applicants in this group. Appalachian Performing Arts Institute (“APAI”) proposes to serve Mentone, Tennessee, and Shredding the Darkness (“STD”) proposes to serve Sylvania, Alabama. STD asserts that it is eligible for a fair distribution preference.<sup>16</sup> APAI does not. Accordingly, APAI is eliminated and STD is the tentative selectee in Group 5.

9. **Group 7.** Group 7 is comprised of two applicants proposing service to different communities in Alabama. TBTA Ministries (“TBTA”) proposes to serve McIntosh and Archangel Communications (“Archangel”) proposes to serve Mount Vernon. Each claims that it is eligible for a first NCE service fair

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<sup>13</sup> Specifically, information relating to the applicants’ Section 307(b) claims including, where applicable, populations receiving first and/or second NCE radio services were reported by the applicants in their responses to Questions III(1) and (2) of their applications and associated exhibits.

<sup>14</sup> Miles’s 60 dBu contour encompasses 37,793 people. Miles’s claimed aggregated first and second NCE service is 28,338 people. *See* Miles’s Application, Questions III(1), III(2), and associated exhibits. CRN’s 60 dBu contour encompasses 69,601 people. CRN’s claimed aggregated first and second NCE service is 48,178 people. *See* CRN’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>15</sup> City provides a map purportedly showing an area in which it would provide a new second NCE service, but does not enumerate the population within that area or show that it met the ten percent and 2000-person threshold. Thus, we find City’s claim of 307(b) eligibility unreliable, and lacking the basic information that would have been needed to include and compare the proposal with the others in the group.

<sup>16</sup> STD’s 60 dBu contour encompasses 26,277 people. STD’s claimed aggregated first and second NCE service is 12,191 people. *See* STD’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

distribution preference.<sup>17</sup> TBTA claims that it would provide a new first NCE service to 8,788 people. Archangel would provide a new first NCE service to 2,777 people. Because TBTA's proposal would provide new NCE service to at least 5,000 people more than Archangel's proposal, TBTA is the tentative selectee in Group 7.

10. **Group 17.** In the next group, Calvary Chapel of Casa Grande ("CCCG") proposes to serve Chuichu, Arizona, and Primera Iglesia Evangelica De Apostoles ("Primera") proposes to serve Eloy, Arizona. CCCG asserts that it is eligible for a fair distribution preference.<sup>18</sup> Primera does not. Accordingly, Primera is eliminated and CCCG is the tentative selectee in Group 17.

11. **Group 20.** This group is comprised of two applicants that propose service to different communities in California. Native Media Resource Center ("NMRC") proposes to serve Gualala, and Iglesia Alto Refugio ("IAR") proposes to serve Point Arena. Only NMRC asserts that it is eligible for a fair distribution preference.<sup>19</sup> Accordingly, IAR is eliminated and NMRC is the tentative selectee in Group 20.

12. **Group 21.** In Group 21, Community Public Radio, Inc. ("CPRI") proposes to serve Buffalo Hill, California, and Centro Cristiano Cosecha Final ("CCCF") proposes to serve Placerville, California. CPRI asserts that it is eligible for a fair distribution preference.<sup>20</sup> CCCF does not. Accordingly, CCCF is eliminated and CPRI is the tentative selectee in Group 21.

13. **Group 23.** The two applicants in this group propose service to two different California communities. Nevada-Utah Conference of Seventh-Day Adventists ("Nevada-Utah") proposes to serve Bishop, and 1 A Chord, Inc. ("Chord") proposes to serve Mammoth Lakes. Only Nevada-Utah asserts that it is eligible for a fair distribution preference.<sup>21</sup> Accordingly, Chord is eliminated and Nevada-Utah is the tentative selectee in Group 23.

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<sup>17</sup> See TBTA and Archangel Applications, Questions III(1), III(2), and associated exhibits. TBTA's 60 dBu contour encompasses 13,325 people. TBTA's claimed aggregated first and second NCE service is 11,657 people. Archangel's 60 dBu contour encompasses 20,620 people. Archangel's claimed aggregated first and second NCE service is 11,201 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>18</sup> CCCG's 60 dBu contour encompasses 3,063 people. CCCG's claimed aggregated first and second NCE service is all 3,063 people. See CCCG's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>19</sup> NMRC's 60 dBu contour encompasses 5,411 people. NMRC's claimed aggregated first and second NCE service is 5,241 people. See NMRC's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>20</sup> CPRI's 60 dBu contour encompasses 44,512 people. CPRI's claimed aggregated first and second NCE service is all 44,512 people. See CPRI's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>21</sup> Nevada-Utah's 60 dBu contour encompasses 12,946 people. Nevada-Utah's claimed aggregated first and second NCE service is all 12,946 people. See Nevada-Utah's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

14. **Group 41.** In Group 41, Cedar Cove Broadcasting, Inc. (“Cedar”) proposes to serve Kersey, Colorado, and Calvary Chapel Aurora (CCA”) proposes to serve Wiggins, Colorado. CCA asserts that it is eligible for a fair distribution preference.<sup>22</sup> Cedar does not. Accordingly, Cedar is eliminated and CCA is the tentative selectee in Group 41.

15. **Group 48.** In this group, three applicants propose to serve different communities in Delaware. World Revivals, Inc. (“WRI”) proposes to serve Camden. Maranatha, Inc. (“Maranatha”) and Salisbury University Foundation, Inc. (“SUF”) propose to serve Dover. Each applicant claims that it is eligible for a fair distribution preference.<sup>23</sup> No applicant asserted that it is entitled to a first service preference. WRI would provide a new first or second NCE service to 75,544 people (191 first service plus 75,353 second service); Maranatha to 67,311 people (1,617 first service plus 65,694 second service); and SUF to 86,624 people (0 first service plus 86,624 second service). Maranatha is eliminated because WRI’s Camden proposal would provide a first and second service to at least 5,000 more people than Maranatha’s Dover proposal. Because SUF’s proposal for the community of Dover would provide a new first or second NCE service to at least 5,000 more listeners than WRI’s Camden proposal, SUF is the tentative selectee in Group 48.

16. **Group 64.** This group consists of four applications proposing to serve three different communities in Georgia. B. Jordan Communications Corporation (“BJCC”) has two applications in this group, one to serve Americus and the other to serve Lumpkin. TBTA Ministries (“TBTA”) also proposes service to Lumpkin. Lighthouse Christian Fellowship (“Lighthouse”) would serve Richland. Each applicant claims that it is eligible for a fair distribution preference.<sup>24</sup>

17. Lighthouse and TBTA, but not BJCC, assert that they are entitled to a first NCE service preference. BJCC’s Americus and Lumpkin proposals are eliminated because neither provides a cognizable level of first NCE service, in contrast to Lighthouse’s Richland proposal which would provide a first NCE service to 3,045 people. TBTA’s Lumpkin proposal would provide a first NCE service to 2,938 people, which is comparable to Lighthouse’s first service proposal. If no single proposal prevails on first service, we consider the combined first and second NCE service population totals of the remaining applicants. Lighthouse would provide a new first or second NCE service to 3,045 people (3,045 first service plus 0 second service); and TBTA to 8,152 people (2,932 first service plus 5,220 second service).

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<sup>22</sup> CCA’s 60 dBu contour encompasses 5,971 people. CCA’s claimed aggregated first and second NCE service is 5,926 people. *See* CCA’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>23</sup> *See* WRI, Maranatha, and SUF Applications, Questions III(1), III(2), and associated exhibits. The 60 dBu contours of WRI, Maranatha, and SUF respectively encompass 88,538 people; 81,075 people; and 102,635 people. WRI’s claimed aggregated first and second NCE service is 75,544 people; Maranatha’s is 67,311 people; and SUF’s is 86,624 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>24</sup> BJCC’s 60 dBu contour for Americus encompasses 25,320 people. BJCC’s claimed aggregated first and second NCE service for the Americus proposal is all 25,320 people. *See* BJCC’s Americus Application, Questions III(1), III(2), and associated exhibits. BJCC’s 60 dBu contour for Lumpkin encompasses 7,034 people. BJCC’s claimed aggregated first and second NCE service for Lumpkin is 6,754 people. *See* BJCC’s Lumpkin Application, Questions III(1), III(2), and associated exhibits. TBTA’s 60 dBu contour encompasses 8,433 people. TBTA’s claimed aggregated first and second NCE service is 8,152 people. *See* TBTA’s Point Supplement, Questions III(1), III(2), and associated exhibits. Lighthouse’s 60 dBu contour encompasses 11,429 people. Lighthouse’s claimed aggregated first and second NCE service is 3,045 people. *See* Lighthouse’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

Because TBTA proposes such service to at least 5,000 more people than Lighthouse, TBTA is the tentative selectee in Group 64.

18. **Group 112.** The four applicants in Group 112 seek to serve two different communities. Four Rivers Community Broadcasting Corp. (“FRCB”) propose to serve East Nottingham, Pennsylvania. Priority Radio, Inc. (“PRI”), Saidnewsfoundation (“News”), and Educational Media Foundation (“EMF”) propose to serve Rising Sun, Maryland. FRCB, PRI, and EMF claims that they are eligible for a fair distribution preference.<sup>25</sup> News does not. News’s Rising Sun proposal is thus eliminated when compared to FRCB’s East Nottingham proposal. Each of the remaining applicants asserts that it is entitled to a first NCE service preference. FRCB’s East Nottingham proposal would provide a new first NCE service to 33,116 people. The PRI and EMF proposals at Rising Sun would provide a new first NCE service to 19,296 and 26,075 people, respectively. Because FRCB’s East Nottingham proposal would provide new NCE service to 5,000 people more than either remaining Rising Sun proposal, FRCB is the tentative selectee in Group 112.

19. **Group 121.** Group 121 consists of three applicants for different communities in Michigan. Smile FM (“Smile”) proposes to serve Crystal Valley. International Radio Friends Corporation (“IRF”) proposes to serve Newaygo. Well of Rehoboth Church and Outreach Ministry (“Well”) proposes to serve White Cloud. Each applicant claims that it is eligible for a fair distribution preference<sup>26</sup> based solely on second service population totals. Smile would provide a new first or second NCE service to 21,015 people (all second service); IRF to 5,509 people (all second service); and Well to 6,931 people (all second service). Because Smile’s proposal would provide a new first or second NCE service to at least 5,000 more listeners than Well’s next best proposal, Smile is the tentative selectee in Group 121.

20. **Group 198.** This group consists of two applicants for different communities in Ohio. Denny and Marge Hazen Ministries, Inc. (“Hazen”) proposes to serve Bolivar, and Educational Media Foundation (“EMF”) proposes to serve Brewster. Hazen asserts that it is eligible for a fair distribution preference.<sup>27</sup> EMF does not. Accordingly, Hazen is the tentative selectee in Group 198.

21. **Group 199.** In Group 199, Holy Family Communications, Inc. (“Holy Family”) proposes to serve Leipsic, Ohio, and CSN International (“CSN”) proposes service to Weston, Ohio. Each

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<sup>25</sup> The 60 dBu contours of FRCB, PRI, and EMF respectively encompass 38,483 people; 27,669 people; and 45,031 people. FRCB’s claimed aggregated first and second NCE service is 38,442 people; PRI’s 27,669 people; and EMF’s 26,075 people. See FRCB’s, PRI’s, and EMF’s Applications, Questions III(1), III(2), and associated exhibits. EMF, the only applicant in the group that proposes a major modification to an existing station, states that the existing station provides no first or second NCE service, and that there are, thus, no first and second NCE service losses to offset the claimed gains. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>26</sup> See Smile, IRF, and Well Applications, Questions III(1), III(2), and associated exhibits. Smile’s 60 dBu contour encompasses 27,771 people. Smile’s claimed aggregated first and second NCE service is 21,015 people. IRF’s 60 dBu contour encompasses 16,715 people. IRF’s claimed aggregated first and second NCE service is 5,509 people. Well’s 60 dBu contour encompasses 17,143 people. Well’s claimed aggregated first and second NCE service is 6,931 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>27</sup> Hazen’s 60 dBu contour encompasses 44,424 people. Hazen’s claimed aggregated first and second NCE service is 4,859 people. See Hazen’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

claims that it is eligible for a first NCE service fair distribution preference.<sup>28</sup> Holy Family states that it would provide a new first NCE service to 9,469 people. CSN asserts that it would provide a new first NCE service to 14,537 people. Because CSN's proposal would provide new NCE service to at least 5,000 more people than Holy Family's proposal, CSN is the tentative selectee in Group 199.<sup>29</sup>

22. **Group 201.** In this group, Better Public Broadcasting Association ("BPBA") and Victory Center, Inc. ("Victory") propose service to Guymon, Oklahoma, and Kanza Society, Inc. ("Kanza") proposes service to Hooker, Oklahoma. Each claims a first service fair distribution preference.<sup>30</sup> The claimed new first NCE services of BPBA, Victory, and Kanza are 11,746, 13,921, and 17,301 people, respectively. These first service proposals are comparable because none exceeds the next best proposal by at least 5,000 people. If no proposal prevails on first service, we consider combined first and second NCE service population totals. BPBA would provide a first or second NCE service to 11,805 people (11,746 first service plus 59 second service); Victory to 13,921 people (13,921 first service plus 0 second service); and Kanza to 40,915 people (17,301 first service plus 23,614 second service). Because Kanza's proposal would provide new NCE service to at least 5,000 people more than Victory's next best proposal, Kanza is the tentative selectee in Group 201.

23. **Group 202.** The three applicants in this group would serve different communities in Oklahoma. Edwards Broadcasting ("Edwards") proposes to serve Alex. South Central Oklahoma Christian Broadcasting ("SCOC") proposes to serve Chickasha. Norman Unitarian Universalist Fellowship ("Norman") proposes to serve Dibble. Only SCOC asserts that it is eligible for a fair distribution preference.<sup>31</sup> Accordingly, Edwards and Norman are eliminated and SCOC is the tentative selectee in Group 202.

24. **Group 204.** This group is comprised of three applicants proposing service to three different communities in Oregon. Old Time Gospel Ministries ("OTGM") proposes to serve Altamont. Portland Radio Authority ("PRR") proposes to serve Chiloquin. Grace Public Radio ("Grace") proposes

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<sup>28</sup> Holy Family's 60 dBu contour encompasses 63,868 people. Holy Family's claimed aggregated first and second NCE service is 41,725 people. See Holy Family's Application, Questions III(1), III(2), and associated exhibits. CSN's 60 dBu contour encompasses 74,306 people. CSN's claimed aggregated first and second NCE service is 26,346 people. See CSN's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>29</sup> CSN originally filed its application in 1999, under former NCE filing procedures. See *supra*. n.3.

<sup>30</sup> BPBA's 60 dBu contour encompasses 11,805 people. BPBA's claimed aggregated first and second NCE service is all 11,805 people. See BPBA's Application, Questions III(1), III(2), and associated exhibits. Victory's 60 dBu contour encompasses 13,921 people. Victory's claimed aggregated first and second NCE service is all 13,921 people. See Victory's Application, Questions III(1), III(2), and associated exhibits. Kanza's 60 dBu contour encompasses 40,918 people. Kanza's claimed aggregated first and second NCE service is 40,915 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>31</sup> SCOC's 60 dBu contour encompasses 17,957 people. SCOC's claimed aggregated first and second NCE service is 17,214 people. See SCOC's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

to serve Klamath Falls. OTGM asserts that it is eligible for a fair distribution preference.<sup>32</sup> PRR and Grace do not. Accordingly, PRR and Grace are eliminated and OTGM is the tentative selectee in Group 204.

25. **Group 205.** The three applicants in Group 205 propose service to two different cities in Oregon. Iglesia Cristiana Ebenezer (“ICE”) and Educational Broadcast Service (“EBS”) propose service to Stayton. Salem Folklore Community (“Salem”) proposes service to Turner. Only Salem asserts that it is eligible for a fair distribution preference.<sup>33</sup> Accordingly, ICE and EBS (and the community of Stayton) are eliminated and Salem is the tentative selectee in Group 205.

26. **Group 208.** In this group, UCB USA, Inc. (“UCB”) proposes service to Altamont, Oregon and Klamath Falls SDA Church (“KFSC”) proposes service to Klamath Falls, Oregon. KFSC asserts that it is eligible for a fair distribution preference.<sup>34</sup> UCB does not. Accordingly, UCB is eliminated and KFSC is the tentative selectee in Group 208.

27. **Group 212.** The two applicants in Group 212 propose to serve different communities in Pennsylvania. Fourteen Hundred, Inc. (“FHI”) proposes to serve Evans City, and New Testament Baptist Church of Butler (“NTBC”) proposes to serve Northvue. Each claims eligibility for a first NCE service fair distribution preference.<sup>35</sup> FHI claims that it would provide a new first NCE service to 16,352 people. NTBC asserts that it would provide a new first NCE service to 9,060 people. Because FHI’s proposal would provide new first NCE service to at least 5,000 people more than NTBC’s proposal, FHI is the tentative selectee in Group 212.

28. **Group 223.** In this group, four applicants propose service to four different communities in South Carolina. Network of Glory, LLC (“NOG”), Spirit Broadcasting Group, Inc. (“Spirit”), I.E.C. Social, Educational, and Humanitarian Aid, Inc. (“IEC”), and Cultural Renewal Radio, UA (“CRR”) respectively propose service to Clinton, Cokebury, Joanna, and Laurens. Each claims eligibility for a first NCE service fair distribution preference and those first service claims are comparable with respect to the next best proposal.<sup>36</sup> Specifically, NOG, Spirit, IEC, and CRR would provide a new first service to

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<sup>32</sup> OTGM’s 60 dBu contour encompasses 49,260 people. OTGM’s claimed aggregated first and second NCE service is 5,211 people. See OTGM’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>33</sup> Salem’s 60 dBu contour encompasses 16,360 people. Salem’s claimed aggregated first and second NCE service is 8,810 people. See Salem’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>34</sup> In evaluating KFSC’s application, we have used the numbers it provided in its original application rather than larger numbers provided in a subsequent amendment because applicants cannot enhance their fair distribution claims after close of the filing window. KFSC’s 60 dBu contour encompasses 42,410 people. KFSC’s claimed aggregated first and second NCE service is 4,266 people. See KFSC’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>35</sup> FHI’s 60 dBu contour encompasses 84,112 people. FHI’s claimed aggregated first and second NCE service is 67,176 people. See FHI’s Application, Questions III(1), III(2), and associated exhibits. NTBC’s 60 dBu contour encompasses 32,249 people. NTBC’s claimed aggregated first and second NCE service is 24,536 people. See NTBC’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>36</sup> NOG’s 60 dBu contour encompasses 105,367 people. NOG’s claimed aggregated first and second NCE service is 81,902 people. See NOG’s Application, Questions III(1), III(2), and associated exhibits. Spirit’s 60 dBu contour

59,280 people; 67,293 people; 63,034 people; and 65,301 people, respectively. If no proposal prevails on first service, we consider combined first and second NCE service population totals. NOG would provide a first or second NCE service to 81,902 people (59,280 first service plus 22,622 second service); Spirit to 99,572 people (67,293 first service plus 32,279 second service); IEC to 80,587 people (63,034 first service plus 17,553 second service); and CRR to 93,909 people (65,301 first service plus 28,608 second service). Because Spirit's proposal would provide new NCE service to at least 5,000 people more than CRR's next best proposal, Spirit is the tentative selectee in Group 223.

29. **Group 224.** In this group, Coastal Carolina University ("Coastal") proposes service to Maryville, South Carolina, and Calvary Chapel Myrtle Beach ("CCMB") proposes service to McClellenville, South Carolina. CCMB asserts that it is eligible for a fair distribution preference.<sup>37</sup> Coastal does not. Accordingly, Coastal is eliminated and CCMB is the tentative selectee in Group 224.

30. **Group 225.** In this group, The Praise Network, Inc. ("Praise") proposes service to Chamberlain, South Dakota, and Church Planters of America ("CPA") proposes service to Pierre, South Dakota. Only Praise asserts that it is eligible for a fair distribution preference.<sup>38</sup> Accordingly, CPA is eliminated and Praise is the tentative selectee in Group 225.

31. **Group 226.** Group 226 is comprised of two applicants proposing service to different South Dakota communities. Vineyard Christian Fellowship of Honolulu, Inc. ("Vineyard") proposes service to Rapid City, and VCY America, Inc. ("VCY") proposes service to Wasta. VCY asserts that it is eligible for a fair distribution preference.<sup>39</sup> Vineyard does not. Accordingly, Vineyard is eliminated and VCY is the tentative selectee in Group 226.

32. **Group 228.** The three applicants in this group propose service to three different communities in Tennessee. Victor Broadcasting, Inc. ("Victor") proposes service to Mosheim; New Beginning World Outreach, Inc. ("NBWO") to Townsend; and Solid Foundation Broadcasting Corporation ("SFB") to Tusculum. Victor and SFB each claims that it is eligible for a fair distribution preference based on combined first and second NCE service population totals.<sup>40</sup> NBWO states that it

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encompasses 133,400 people. Spirit's claimed aggregated first and second NCE service is 99,572 people. *See* Spirit's Application, Questions III(1), III(2), and associated exhibits. IEC's 60 dBu contour encompasses 112,085 people. IEC's claimed aggregated first and second NCE service is 80,587 people. CRR's 60 dBu contour encompasses 126,112 people. CRR's claimed aggregated first and second NCE service is 93,909 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>37</sup> CCMB's 60 dBu contour encompasses 4,707 people. CCMB's claimed aggregated first and second NCE service is 2,873 people. *See* CCMB's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>38</sup> Praise's 60 dBu contour encompasses 11,389 people. Praise's claimed aggregated first and second NCE service is all 11,389 people. *See* Praise's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>39</sup> VCY's 60 dBu contour encompasses 13,664 people. VCY's claimed aggregated first and second NCE service is 3,783 people. *See* VCY's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>40</sup> *See* Victor's and SFB's Applications, Questions III(1), III(2), and associated exhibits. Victor's 60 dBu contour encompasses 57,718 people, and its claimed aggregated first and second NCE service is 44,051 people. SFB's 60 dBu contour encompasses 104,001 people, and its claimed aggregated first and second NCE service is 56,877

would not qualify for a Section 307(b) preference and is thus eliminated. Victor would provide a first or second NCE service to 44,051 people (64 first service plus 18,928 second service). SFB would provide a first or second NCE service to 56,877 people (331 first service plus 56,526 second service). Because SFB's proposal would provide new NCE service to at least 5,000 people more than Victor's proposal, SFB is the tentative selectee in Group 228.

33. **Group 231.** There are two applicants in Group 231. Weatherford Christian School ("WCS") proposes service to Graford, Texas. Bridge Broadcasting, Inc. ("Bridge") proposes service to Jacksboro, Texas. Each claims that it is eligible for a first NCE service fair distribution preference.<sup>41</sup> WCS claims that it would provide a new first NCE service to 25,596 people. Bridge asserts that it would provide a new first NCE service to 6,315 people. Because WCS's proposal would provide new NCE service to at least 5,000 people more than Bridge's proposal, WCS is the tentative selectee in Group 231.

34. **Group 244.** There are two applicants in this group. Oasis of Faith, Inc. ("Oasis") proposes to serve Falfurrias, Texas, and Misioneros Cristianos En Accion ("MCEA") proposes to serve Premont, Texas. Oasis asserts that it is eligible for a fair distribution preference.<sup>42</sup> MCEA does not. Accordingly, MCEA is eliminated and Oasis is the tentative selectee in Group 244.

35. **Group 248.** In the next group, four applicants seek to serve four different communities. Iglesia Cristiana Ebenezer ("ICE") proposes to serve Castle Rock, Utah. University of Wyoming ("UW") proposes to serve Evanston, Wyoming. Silver Fish Broadcasting, Inc. ("Silver Fish") proposes service to Oakley, Utah. Oscar Aguero Ministry ("OAM") proposes service to Park City, Utah. UW and OAM each claims that it is eligible for a fair distribution preference.<sup>43</sup> Ice and Silver Fish each states that it would not qualify for a Section 307(b) preference. Ice and Silver Fish are thus eliminated. Of the remaining applicants, only OAM asserts that it is entitled to a first NCE service preference. OAM would provide a new first NCE service to 12,771 people. UW is thus eliminated and OAM is the tentative selectee in Group 248.

36. We observe that Silver Fish filed an informal objection against OAM's application. The objection does not address OAM's fair distribution claims. We will keep the objection on file and consider it along with any petitions or objections that may be filed in response to our announcement that OAM is a tentative selectee.

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people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>41</sup> WCS's 60 dBu contour encompasses 26,572 people. WCS's claimed aggregated first and second NCE service is 25,596 people. See WCS's Application, Questions III(1), III(2), and associated exhibits. Bridge's 60 dBu contour encompasses 6,452 people. Bridge's claimed aggregated first and second NCE service is all 6,452 people. See Bridge's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>42</sup> Oasis's 60 dBu contour encompasses 10,413 people. Oasis's claimed aggregated first and second NCE service is all 10,413 people. See Oasis's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>43</sup> UW's 60 dBu contour encompasses 14,844 people. UW's claimed aggregated first and second NCE service is all 14,844 people. See UW's Application, Questions III(1), III(2), and associated exhibits. OAM's 60 dBu contour encompasses 112,033 people. OAM's claimed aggregated first and second NCE service is 26,146 people. See OAM's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

37. **Group 250.** There are two applicants in Group 250. Pearl Communications Group (“Pearl”) proposes to serve Castle Valley, Utah. Utah State University of Agriculture and Applied Science (“University”) proposes to serve Moab, Utah. University asserts that it is eligible for a fair distribution preference.<sup>44</sup> Pearl does not. Accordingly, Pearl is eliminated and University is the tentative selectee in Group 250.

38. **Group 251.** The two applicants in Group 251 propose service to different communities in Utah. Calvary Chapel Cedar City (“CCCC”) proposes service to Kanarraville and Mountain Air Radio, Inc. (“MAR”) proposes service to Orderville. Each asserts that it is eligible for a fair distribution preference.<sup>45</sup> MAR asserts that it is entitled to a first NCE service preference because it would provide a new first NCE service to 5,302 people. CCCC states that it is not entitled to a first service preference. CCCC is thus eliminated and MAR is the tentative selectee in Group 251.

39. **Group 259.** The two applicants in this group propose service to different communities in Washington. Port Townsend Seventh-Day Adventist Church (“PTSAC”) proposes service to Port Townsend, and Athens Christian Radio, Inc. (“Athens”) proposes service to Sedro-Woolley. Each claims that it is eligible for a first NCE service preference fair distribution preference.<sup>46</sup> PTSAC would provide a new first NCE service to 66,331 people; and Athens to 16,465 people. Because PTSAC’s proposal would provide new NCE service to at least 5,000 people more than Athens’s proposal, PTSAC is the tentative selectee in Group 259.

#### IV. ADDITIONAL MATTERS

40. **Acceptability Studies.** Once the Bureau identifies a tentative selectee pursuant to the fair distribution process, the next step is to consider whether the selectee’s application has defects.<sup>47</sup> If found acceptable for filing, public notice of that fact is given, and petitions to deny may be filed within 30 days following the release of the public notice.

41. The Bureau has studied the applications of all of the tentative selectees identified herein and has determined that they are acceptable for filing. All of the tentative selectees identified in this Order

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<sup>44</sup> University’s 60 dBu contour encompasses 8,544 people. University’s claimed aggregated first and second NCE service is all 8,544 people. See University’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>45</sup> CCCC’s 60 dBu contour encompasses 32,899 people. CCCC’s claimed aggregated first and second NCE service is 32,748 people. See CCCC’s Application, Questions III(1), III(2), and associated exhibits. MAR’s 60 dBu contour encompasses 47,603 people. MAR’s claimed aggregated first and second NCE service is 27,055 people. See MAR’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>46</sup> PTSAC’s 60 dBu contour encompasses 98,881 people. PTSAC’s claimed aggregated first and second NCE service is 88,431 people. See PTSAC’s Application, Questions III(1), III(2), and associated exhibits. These numbers reflect PTSAC’s proposal as amended, in which PTSAC reports that it will provide first and second NCE service to fewer people than it originally claimed, as a result of subsequent engineering changes. Athens’s 60 dBu contour encompasses 28,429 people. Athens’s claimed aggregated first and second NCE service is 25,355 people. See Athens’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>47</sup> If a tentative selectee’s application is found unacceptable for filing, it is dismissed. The applicant then has one opportunity to submit a curative amendment and a petition for reconsideration requesting reinstatement *nunc pro tunc* within 30 days, provided that the amendment is minor and does not alter the fair distribution preference. See 47 C.F.R. § 73.3522(b)(1). A tentative selectee that is unable to cure the defect is disqualified.

appear to be fully qualified to become the licensee of the new or modified NCE FM stations they have proposed. We tentatively conclude that the grant of their applications would serve the public interest, convenience, and necessity. It is our intention to grant the applications if, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application. Such determinations of grantability may, of course, involve additional matters that may impact the timing or outcome of a decision. For example, a proposal to serve an area near the United States border with Canada or Mexico cannot become ripe for grant prior to the successful completion of international coordination.

42. **Severance for Purposes of Petitions, Appeals and Finality.** We are including a provision in the ordering clauses herein that each decision involving a mutually exclusive group is to be considered distinct and separate for purposes of petitions to deny, petitions for reconsideration, review on the Commission's own motion, and appeals. The timing of any action disposing of a petition or appeal affecting a particular group will not delay the finality of our decision with respect to any other group.

## V. ORDERING CLAUSES

43. Accordingly, IT IS ORDERED, That each decision involving a mutually exclusive group in this *Memorandum Opinion and Order* shall be deemed a distinct and separate decision for purposes of petitions to deny, petitions for reconsideration, review on the Commission's own motion, and appeals.<sup>48</sup> If any decision in this *Memorandum Opinion and Order* is declared invalid for any reason, the remaining portions shall be severable from the invalid part and SHALL REMAIN in full force and effect to the fullest extent permitted by law.

44. **Group 4.** IT IS FURTHER ORDERED, That the Application filed by Catholic Radio Network, Inc. (File No. BNPED-20071019AJH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in York, Alabama. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Miles College (File No. BNPED-20071012DYA), City of Tuscaloosa Alabama, (File No. BNPED-20071012AIQ), and TBTA Ministries (File No. BNPED-20071015ACT), and TO GRANT the application of Catholic Radio Network, Inc. (File No. BNPED-20071019AJH) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

45. **Group 5.** IT IS FURTHER ORDERED, That the Application filed by Shredding the Darkness (File No. BNPED-20071022BRV) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sylvania, Alabama. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Appalachian Performing Arts Institute, Inc. (File No. BNPED-20071012AOE) and TO GRANT the application of Shredding the Darkness (File No. BNPED-20071022BRV) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

46. **Group 7.** IT IS FURTHER ORDERED, That the Application filed by TBTA Ministries (File No. BNPED-20071015ABX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in McIntosh, Alabama. If, after a 30-day

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<sup>48</sup> See 5 U.S.C. §§ 702, 704, 706; 47 U.S.C. §§ 309(d), 402(b), 405; 47 C.F.R. §§ 1.106-08, 1.120, 73.7004. In cases that involve separate mutually exclusive groups but present common issues, the petitions or appeals may be filed jointly or may be consolidated at the discretion of the Commission or the court. See, e.g., FED. R. APP. P. 3(b).

petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Archangel Communications (File No. BNPED-20071022BPM), and TO GRANT the application of TBTA Ministries (File No. BNPED-20071015ABX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

47. **Group 17.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Casa Grande (File No. BNPED-20071018AQM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Chuichu, Arizona. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Primera Iglesia Evangelica De Apostoles (File No. BNPED-20071018BAI) and TO GRANT the application of Calvary Chapel of Casa Grande (File No. BNPED-20071018AQM) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

48. **Group 20.** IT IS FURTHER ORDERED, That the Application filed by Native Media Resource Center (File No. BNPED-20071015AAX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Gualala, California. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Iglesia Alto Refugio (File No. BNPED-20071022ADP) and TO GRANT the application of Native Media Resource Center (File No. BNPED-20071015AAX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

49. **Group 21.** IT IS FURTHER ORDERED, That the Application filed by Community Public Radio, Inc. (File No. BNPED-20071015ABI) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Buffalo Hill, California. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Centro Cristiano Cosecha Final (File No. BNPED-20071022ABL) and TO GRANT the application of Community Public Radio, Inc. (File No. BNPED-20071015ABI) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

50. **Group 23.** IT IS FURTHER ORDERED, That the Application filed by Nevada-Utah Conference of Seventh-Day Adventists (File No. BNPED-20071016AJF) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bishop, California. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of 1 A Chord, Inc. (File No. BNPED-20071022BHY) and TO GRANT the application of Nevada-Utah Conference of Seventh-Day Adventists (File No. BNPED-20071016AJF) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

51. **Group 41.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel Aurora (File No. BNPED-20071022ARC) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wiggins, Colorado. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually

exclusive application of Cedar Cove Broadcasting, Inc. (File No. BNPED-20071018ABD) and TO GRANT the application of Calvary Chapel Aurora (File No. BNPED-20071022ARC) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

52. **Group 48.** IT IS FURTHER ORDERED, That the Application filed by Salisbury University Foundation, Inc. (File No. BNPED-20071022AWJ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dover, Delaware. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of World Revivals, Inc. (File No. BNPED-20071012DYD), and Maranatha, Inc. (File No. BNPED-20071016DKA), and TO GRANT the application of Salisbury University Foundation, Inc. (File No. BNPED-20071022AWJ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

53. **Group 64.** IT IS FURTHER ORDERED, That the Application filed by TBTA Ministries (File No. BNPED-20071015ACD) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Lumpkin, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of B. Jordan Communications Corporation (File Nos. BNPED-20071019ALI and BNPED-20071019ALS), and of Lighthouse Christian Fellowship (File No. BNPED-20071022BLI) and TO GRANT the application of TBTA Ministries (File No. BNPED-20071015ACD) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

54. **Group 112.** IT IS FURTHER ORDERED, That the Application filed by Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AWZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in East Nottingham, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Priority Radio, Inc. (File No. BNPED-20071012AJF), Saidnewsfoundation (File No. BNPED-20071017AIO), and Educational Media Foundation (File No. BNPED-20071018AMJ), and TO GRANT the application of Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AWZ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

55. **Group 121.** IT IS FURTHER ORDERED, That the Application filed by Smile FM (File No. BNPED-20071019AFN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Crystal Valley, Michigan. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of International Radio Friends Corporation (File No. BNPED-20071016AAJ) and Well of Rehoboth Church and Outreach Ministry (File No. BNPED-20071012AGW) and TO GRANT the application of Smile FM (File No. BNPED-20071019AFN) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

56. **Group 137.** IT IS FURTHER ORDERED, That the Application filed by Victor Broadcasting, Inc. (File No. BNPED-20071012ADM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Cameron, Missouri. If, after a 30-day

petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of American Family Association (File No. BNPED-20071017DKX), and Covenant Network (File No. BNPED-20071018BDW), and TO GRANT the application of Victor Broadcasting, Inc. (File No. BNPED-20071012ADM) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

57. **Group 198.** IT IS FURTHER ORDERED, That the Application filed by Denny and Marge Hazen Ministries, Inc. (File No. BNPED-20071019AAK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bolivar, Ohio. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Educational Media Foundation (File No. BNPED-20071019AOM) and TO GRANT the application of Denny and Marge Hazen Ministries, Inc. (File No. BNPED-20071019AAK) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

58. **Group 199.** IT IS FURTHER ORDERED, That the Application filed by CSN International (File No. BNPED-20071022DXR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Weston, Ohio. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Holy Family Communications, Inc. (File No. BNPED-20071022BSY) and TO GRANT the application of CSN International (File No. BNPED-20071022DXR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

59. **Group 201.** IT IS FURTHER ORDERED, That the Application filed by Kanza Society, Inc. (File No. BNPED-20071018BDF) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hooker, Oklahoma. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Better Public Broadcasting Association (File No. BNPED-20071018AXT), and Victory Center, Inc. (File No. BNPED-20071018DER) and TO GRANT the application of Kanza Society, Inc. (File No. BNPED-20071018BDF) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

60. **Group 202.** IT IS FURTHER ORDERED, That the Application filed by South Central Oklahoma Christian Broadcasting (File No. BNPED-20071019AIW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Chickasha, Oklahoma. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Edward Broadcasting (File No. BNPED-20071019ANP), and Norman Unitarian Universalist Fellowship (File No. BNPED-20071019ASV) and TO GRANT the application of South Central Oklahoma Christian Broadcasting (File No. BNPED-20071019AIW) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

61. **Group 204.** IT IS FURTHER ORDERED, That the Application filed by Old Time Gospel Ministries (File No. BNPED-20071015ADR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Altamont, Oregon. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Portland Radio Authority (File No. BNPED-20071022AOL) and Grace Public Radio (File No. BNPED-20071012AXL) and TO GRANT the application of Old Time Gospel Ministries (File No. BNPED-20071015ADR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

62. **Group 205.** IT IS FURTHER ORDERED, That the Application filed by Salem Folklore Community (File No. BNPED-20071015AHX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Turner, Oregon. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Iglesia Cristiana Ebenezer (File No. BNPED-20071018AZT) and Educational Broadcast Service (File No. BNPED-20071022BTR), and TO GRANT the application of Salem Folklore Community (File No. BNPED-20071015AHX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

63. **Group 208.** IT IS FURTHER ORDERED, That the Application filed by Klamath Falls SDA Church (File No. BNPED-20071022BCL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Klamath Falls, Oregon. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of UCB USA, Inc. (File No. BNPED-20071018AOA), and TO GRANT the application of Klamath Falls SDA Church (File No. BNPED-20071022BCL) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

64. **Group 212.** IT IS FURTHER ORDERED, That the Application filed by Fourteen Hundred, Inc. (File No. BNPED-20071022BNT) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Evans City, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of New Testament Baptist Church of Butler (File No. BNPED-20071015ABG) and TO GRANT the application of Fourteen Hundred, Inc. (File No. BNPED-20071022BNT) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

65. **Group 223.** IT IS FURTHER ORDERED, That the Application filed by Spirit Broadcasting Group, Inc. (File No. BNPED-20071015AKW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Cokesbury, South Carolina. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Network of Glory, LLC (File No. BNPED-20071019AFL), I.E.C. Social, Educational, and Humanitarian Aid, Inc. (File No. BNPED-20071022AXR), and Cultural Renewal Radio (File No. BNPED-20071022ARV), and TO GRANT the application of Spirit Broadcasting Group, Inc. (File No. BNPED-20071015AKW) CONDITIONED

UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

66. **Group 224.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel Myrtle Beach (File No. BNPED-20071016AGI) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in McClellanville, South Carolina. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Coastal Carolina University. (File No. BNPED-20071017AEI), and TO GRANT the application of Calvary Chapel Myrtle Beach (File No. BNPED-20071016AGI) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

67. **Group 225.** IT IS FURTHER ORDERED, That the Application filed by The Praise Network Inc. (File No. BNPED-20071018ASV) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Chamberlain, South Dakota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of the Church Planters of America (File No. BNPED-20071012ABE) and TO GRANT the application of The Praise Network Inc. (File No. BNPED-20071018ASV) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

68. **Group 226.** IT IS FURTHER ORDERED, That the Application filed by VCY America, Inc. (File No. BNPED-20071012ABK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wasta, South Dakota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Vineyard Christian Fellowship of Honolulu, Inc. (File No. BNPED-20071022BUB) and TO GRANT the application of VCY America, Inc. (File No. BNPED-20071012ABK) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

69. **Group 228.** IT IS FURTHER ORDERED, That the Application filed by Solid Foundation Broadcasting Corporation (File No. BNPED-20071015AGP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Tusculum, Tennessee. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Victor Broadcasting, Inc. (File No. BNPED-20071012AAP) and New Beginning World Outreach, Inc. (File No. BNPED-20071017ADN), and TO GRANT the application of Solid Foundation Broadcasting Corporation (File No. BNPED-20071015AGP) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

70. **Group 231.** IT IS FURTHER ORDERED, That the Application filed by Weatherford Christian School (File No. BNPED-20071022AKG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Graford, Texas. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Bridge Broadcasting, Inc. (File No. BNPED-20071019AKS) and TO GRANT the application of Weatherford Christian School (File No. BNPED-20071022AKG) CONDITIONED

UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

71. **Group 244.** IT IS FURTHER ORDERED, That the Application filed by Oasis of Faith, Inc. (File No. BNPED-20071019AVO) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Falfurrias, Texas. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Misioneros Cristianos En Accion (File No. BNPED-20071022ADG) and TO GRANT the application of Oasis of Faith, Inc. (File No. BNPED-20071019AVO) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

72. **Group 248.** IT IS FURTHER ORDERED, That the Application filed by Oscar Aguero Ministry (File No. BNPED-20071015AGK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Park City, Utah. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Iglesia Cristiana Ebenezer (File No. BNPED-20071018AZO), University of Wyoming (File No. BNPED-20071017ADJ), Silver Fish Broadcasting, Inc. (File No. BNPED-20071022AJW), and TO GRANT the application of Oscar Aguero Ministry (File No. BNPED-20071015AGK) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

73. **Group 250.** IT IS FURTHER ORDERED, That the Application filed by Utah State University of Agriculture and Applied Science (File No. BNPED-20071018AMT) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Moab, Utah. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Pearl Communications Group (File No. BNPED-20071022BKE) and TO GRANT the application of Utah State University of Agriculture and Applied Science (File No. BNPED-20071018AMT) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

74. **Group 251.** IT IS FURTHER ORDERED, That the Application filed by Mountain Air Radio, Inc. (File No. BNPED-20071019AXH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Orderville, Utah. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Calvary Chapel Cedar City, Inc. (File No. BNPED-20071022BEK) and TO GRANT the application of Mountain Air Radio, Inc. (File No. BNPED-20071019AXH) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

75. **Group 259.** IT IS FURTHER ORDERED, That the Application filed by Port Townsend Seventh-Day Adventist Church (File No. BNPED-20071022BDU) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Port Townsend, Washington. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Athens Christian Radio, Inc. (File No. BNPED-20071015ACP), and TO GRANT the application of Port Townsend Seventh-Day Adventist

Church (File No. BNPED-20071022BDU) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau