

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

In the Matter of	)	MX Group Numbers 306, 308, 321, 324,
	)	330, 335, 343, 348, 352, 355, 358, 361, 369,
<b>Threshold Fair Distribution Analysis of 26</b>	)	370, 372, 373, 376, 378, 386, 402, 419, 420,
<b>Groups of Mutually Exclusive Applications</b>	)	424, 427, 429, and 435
<b>for Permits to Construct New or Modified</b>	)	
<b>Noncommercial Educational FM Stations Filed</b>	)	
<b>in October 2007 Window</b>	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: December 16, 2008**

**Released: December 17, 2008**

By the Chief, Audio Division, Media Bureau

**I. BACKGROUND**

1. The Media Bureau (“Bureau”) has before it for comparative consideration 26 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 June 18, 2008, the Bureau issued a public notice identifying 148 groups, all of which contained thirteen or fewer mutually exclusive NCE FM applications. *See Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, DA 08-1437 (MB rel. Jun. 18, 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> performs a threshold determination as to 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> An applicant must support its fair distribution claim with an exhibit identifying the population residing within the proposed station’s 60 dBu service contour and the number of people that would receive a new first or second NCE aural service.<sup>10</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>11</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>12</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>13</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 at 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 FCC Form 340, Instructions for Section III, Questions 1 and 2; Exhibit 6.

<sup>11</sup> See 47 C.F.R. § 73.7002(b).

<sup>12</sup> *Id.*

<sup>13</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>14</sup>

6. **Group 306.** This group consists of four applications proposing to serve three communities. Greene/Sumter Enterprise Community (“G/S”) and the Board of Trustees of the University of Alabama (“University”) both propose service to Livingston, Alabama. Catholic Radio Network (“CRN”) and Internation Religious and Cultural Exchange, Inc. (“IRCE”) propose to serve the respective Mississippi communities of Dekalb and Meridian. All claim that they are eligible for fair distribution preferences.<sup>15</sup>

7. All assert that they are entitled to a first NCE service preference. The claims of G/S, University, CRN and IRCE to bring a new first NCE service to populations of 7,016, 6891, 3,653, and 5,120, respectively, are comparable. If no proposal prevails on first service, we consider combined first and second NCE service population totals. G/S would provide a first or second NCE service to 7,601 people (7,016 first service plus 585 second service). University would provide a first or second NCE service to 8,118 people (6,891 first service plus 1,227 second service). CRN would provide a first or second NCE service to 13,484 people (3,653 first service plus 9,801 second service). IRCE would provide a first or second NCE service to 5,120 people (5,120 first service plus no second service). Because CRN would provide new NCE service to at least 5,000 people more than University’s next best proposal, CRN is the tentative selectee in Group 306.

8. **Group 308.** This group is comprised of six applicants for different communities in Arkansas. The following three applicants claim that they are eligible for fair distribution preferences: Hope Radio (“Hope”) for West Helena; Enterprise Corporation of the Delta (“ECD”) for Wheatley; and Mondy Educational Foundation (“Mondy”) for Southland.<sup>16</sup> The other applicants, which claim no preference, are Appalachian Performing Arts Institute, Inc. (“APAI”) for Cabot; Hispanic Family Christian Network (“HFCN”) for Austin; and Praise Temple Way of the Church of Christ, Inc. (“Praise”) for Georgetown. APAI, HFCN, and Praise are eliminated.

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<sup>14</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>15</sup> G/S’s 60 dBu contour encompasses 7,601 people. G/S’s claimed aggregated first and second NCE service is all 7,601 people. University’s 60 dBu contour encompasses 8,118 people. University’s claimed aggregated first and second NCE service is all 8,118 people. CRN’s 60 dBu contour encompasses 21,213 people. CRN’s claimed aggregated first and second NCE service is 13,484 people. *See* CRN’s Application, Questions III(1), III(2), and associated exhibits. IRCE’s 60 dBu contour encompasses 43,390 people. IRCE’s claimed aggregated first and second NCE service is 5,120 people. *See* IRCE’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>16</sup> Hope’s 60 dBu contour encompasses 24,997 people. Hope’s claimed aggregated first and second NCE service is 23,923 people. *See* Hope’s Application, Questions III(1), III(2), and associated exhibits. ECD’s 60 dBu contour encompasses 13,965 people. ECD’s claimed aggregated first and second NCE service is 13,880 people. *See* ECD’s Application, Questions III(1), III(2), and associated exhibits. Mondy’s 60 dBu contour encompasses 21,263 people. Mondy’s claimed aggregated first and second NCE service is 9,801 people. *See* Mondy’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.

9. None of the remaining applicants claims a first NCE service preference. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Hope would provide a first or second NCE service to 23,923 people (43 first service plus 23,880 second service). ECD would provide a first or second NCE service to 13,880 people (no first service plus 13,880 second service). Mondy would provide a first or second NCE service to 9,801 people (no first service plus 9,801 second service). Because Hope would provide new NCE service to at least 5,000 more people than ECD's next best proposal, Hope is the tentative selectee in Group 308.

10. **Group 321.** This group is comprised of 5 applicants for different communities in three states. Three applicants propose service in Colorado: San Miguel Educational Fund ("SMEF") for Norwood; Catholic Hour, Inc. ("CHI") for De Beque; and Community Radio Project ("CRP") for Dove Creek. Kute, Inc. ("Kute") proposes service to Silverton, New Mexico. The University of Utah ("UU") proposes to serve Castle Valley, Utah.

11. SMEF, CRP, and UU claim that they are eligible for fair distribution preferences.<sup>17</sup> CHI and Kute do not. Accordingly, they are eliminated.

12. CRP, the only applicant to make a first NCE service preference claim, claims 9,883 people. SMEF and UU state that they are not eligible for a first service preference. Accordingly, SMEF and UU are eliminated. CRP is the tentative selectee in Group 321.

13. **Group 324.** The four applicants in Group 324 propose service to different Colorado communities. RV Ministries, Inc. ("RV") would serve Fraser. Fraser Valley Community Media, Inc. ("FVCM") proposes to serve Winter Park. The North Fork Angling Society ("NFAS") proposes service to Pine. Clear Creek Radio, Inc. ("CCR") proposes service to Idaho Springs.

14. As a preliminary matter, we deny the Joint Request for Waiver of CCR, FVCM, NFAS, and RV (the "Joint Parties"). The Joint Parties request a waiver of Section 73.509 of the Rules<sup>18</sup> to treat Group 324 as three separate groups based on terrain shielding. They claim that as a result of the terrain and topography around the proposed transmitter sites, no interference would occur among these proposed stations except between the facilities proposed by FVCM and RV. Accordingly, the Joint Parties argue that we should treat CCR and NFAS as singleton applications, and treat FVCM and RV as a two-application group.

15. An applicant for waiver "faces a high hurdle, even at the starting gate."<sup>19</sup> While the Commission must consider carefully all waiver requests, such requests must be supported by a compelling showing in order to be granted.<sup>20</sup> Joint Parties have not made this showing. Terrain shielding, whether resulting from the Continental Divide or any other mountain range or ridge line, is a common aspect of FM signal propagation. It is a phenomenon which affects hundreds of stations. Thus,

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<sup>17</sup> SMEF's 60 dBu contour encompasses 3,725 people. SMEF's claimed aggregated first and second NCE service is 2,577 people. See SMED's Application, Questions III(1), III(2), and associated exhibits. CRP's 60 dBu contour encompasses 9,883 people. CRP's claimed aggregated first and second NCE service is 9,883 people. See CRP's Application, Questions III(1), III(2), and associated exhibits. UU's 60 dBu contour encompasses 8,454 people. UU's claimed aggregated first and second NCE service is all 8,454 people. See UU'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>18</sup> 47 C.F.R. § 73.509.

<sup>19</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

<sup>20</sup> *Greater Media Radio Co., Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7090 (1999).

the waiver sought by Joint Parties could have far reaching consequences in terms of the Commission's enforcement of Section 73.509. Accordingly, this proposal would be better considered in the context of notice and comment rulemaking procedures. Moreover, Joint Parties reliance on *The Board of Trustees of the Leland Stanford Jr. University, Stanford, CA*,<sup>21</sup> is misplaced. The Section 73.509 waiver in that case was not based on terrain shielding. Moreover, the holding of *Stanford University* conflicts with subsequent Commission pronouncements rejecting the creation of new Section 73.509 overlap caused where none existed previously.<sup>22</sup> Accordingly, we will apply our traditional fair distribution analysis to this four-application group.

16. RV and CCR state that they are not eligible for a fair distribution preference. Accordingly, they are eliminated. NFAS claims, but does not document that it is entitled to a fair distribution preference. NFAS's fair distribution exhibit states only that "the station will cover the village of Pine with a 60 dBu field strength and therefore will reach 100 percent of the population." NFAS does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria, or to make a comparative determination. In contrast, FVCM asserts and timely documents that it is eligible for a fair distribution preference.<sup>23</sup> Accordingly, NFAS is eliminated and FVCM is the tentative selectee in Group 324.

17. **Group 330.** This group consists of five applications proposing to serve three different communities in Florida. Indiana Community Radio Corporation ("ICR"), Back Woods Communications ("BWC"), and Serendipity Educational Broadcasting, Inc. ("Serendipity") all propose service to Jasper. Oscar Aguerro Ministry ("OAM") would serve Lee, and Reach Communications, Inc. ("Reach") would serve Live Oak. Each applicant, except BWC, claims that it is eligible for a fair distribution preference.<sup>24</sup> Accordingly, BWC is eliminated. ICRC, while claiming that it is eligible for a fair distribution preference, submits only a map with no numbers to support its claim. ICRC states elsewhere in its application that its 60 dBu contour encompasses 30,169 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria, or to make a comparative determination. ICRC is, thus, eliminated.

18. All of the remaining applicants assert that they are entitled to a first NCE service preference. OAM, Serendipity, and Reach propose first NCE services to respective populations of 8,496, 7,862, and 10,117. These claims are comparable and we, therefore, proceed to examine combined first and second NCE service population totals. OAM would provide a new first or second NCE service to 17,808 people

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<sup>21</sup> 67 FCC 2d 431 (1978) ("*Stanford University*").

<sup>22</sup> See, e.g., *Educational Information Corporation*, Memorandum Opinion and Order, 12 FCC Rcd 6917, 6918-19 (1997).

<sup>23</sup> FVCM's 60 dBu contour encompasses 7,651 people. FVCM's claimed aggregated first and second NCE service is all 7,651 people. See FVCM's Application, Questions III(1), III(2), and associated exhibits. Thus, FVCM 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> OAM's 60 dBu contour encompasses 19,692 people. OAM's claimed aggregated first and second NCE service is 17,808 people. See OAM's Application, Questions III(1), III(2), and associated exhibits. Serendipity's 60 dBu contour encompasses 11,915 people. Serendipity's claimed aggregated first and second NCE service is 11,674 people. See Serendipity's Application, Questions III(1), III(2), and associated exhibits. Reach's 60 dBu contour encompasses 67,521 people. Reach's claimed aggregated first and second NCE service is 46,370 people. See Reach's Point Supplement, 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.

(8,496 first service plus 9,312 second service). Serendipity would provide a new first or second NCE service to 11,674 people (7,862 first service plus 3,812 second service); and Reach to 40,370 people (10,017 first service plus 36,353 second service). Because Reach proposes new service to at least 5,000 more people than OAM's next best proposal for a different community, Reach is the tentative selectee in Group 330.

19. **Group 335.** This group consists of seven applications proposing to serve five different communities in Florida. Templo Apostoles y Profetas Bethel ("TAPB") proposes service to Flamingo. Call Communications ("Call") has two applications in this group, one for Duck Key and the other for Key Largo. Calvary Fellowship, Inc. ("CFI") and Reach Communications, Inc. ("Reach") both propose to serve Layton. Educational Public Radio, Inc. ("EPR") and Cultural Renewal Radio, UA ("CRR") both propose service to Islamorada. EPR, Reach, and CRR claim that they are eligible for a fair distribution preference. The other four applicants do not and are eliminated when compared to eligible applicants for different communities. EPR, while claiming that it is eligible for a fair distribution preference, submits only a map with no numbers to support its claim. EPR states elsewhere in its application that its 60 dBu contour encompasses 3,763 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria, or to make a comparative determination. Accordingly, EPR is eliminated. The only two applications eligible to proceed to the next stage of the fair distribution analysis are Reach's Layton proposal and CRR's Islamorada proposal.<sup>25</sup>

20. Reach and CRR both assert that they are entitled to a first NCE service preference. Reach is mistaken because its proposed first service to 1,827 people does not meet the 2,000 minimum criterion. CRR proposed a first NCE service to 2,298 people, which satisfies both the 10 percent threshold and 2,000-person minimum criteria. Accordingly, Reach is eliminated and CRR is the tentative selectee in Group 335.

21. **Group 343.** There are 11 applications for different communities in Group 343. Eight of the applicants propose to serve communities in Iowa. Those applicants are Refuge Media Group ("Refuge") for Spirit Lake; Shining Light Ministries ("SLM") for Spencer; Minn-Iowa Christian Broadcasting, Inc. ("Minn-Iowa") for Thompson; Iowa Lakes Community College ("ILCC") for Estherville; Iowa State University of Science and Technology ("Iowa State") for Storm Lake; Western Iowa Tech Community College ("WIT") for Merville; Calvary Iowa City ("CIC") for Correctionville; and Shredding the Darkness ("STD") for Pierson. The other three applicants in Group 343 propose to serve communities in Minnesota. Minnesota Public Radio ("MPR") would serve Jackson. United Food and Commercial Workers Local 1161 ("UFCW") would serve Brewster. Martin County Knights of Columbus, Inc. ("Knights") would serve Fairmont. Eight of the applicants claim to be eligible for a fair distribution preference and submit supporting documentation.<sup>26</sup> STD and UFCW do not claim to be eligible for a preference and, thus, are eliminated. SLM, while claiming that it is eligible for a fair distribution

<sup>25</sup> Reach's 60 dBu contour encompasses 17,756 people. Reach's claimed aggregated first and second NCE service is 3,194 people. See Reach's Americus Application, Questions III(1), III(2), and associated exhibits. CRR's 60 dBu contour encompasses 15,882 people. CRR's claimed aggregated first and second NCE service is 3,933 people. See CRR'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>26</sup> The 60 dBu contours of Refuge, Minn-Iowa, ILCC, Iowa State, WIT, CIC, MPR, and Knights respectively encompass 27,106 people; 13,193 people; 46,119 people; 49,176 people, 12,452 people; 61,765 people; 4,892 people, and 26,431 people. Refuge's claimed aggregated first and second NCE service is 14,190 people; Minn-Iowa's 7,165 people; ILCC's 16,448 people; Iowa State's 43,739 people; WIT's 10,048 people; CIC's 7,685 people; MPR's 4,861 people, and Knights' 26,080 people. See Applications, 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.

preference based on a second service, submits only a map with no numbers to support its claim. SLM states elsewhere in its application that its 60 dBu contour encompasses 71,328 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria, or to make a comparative determination. SLM is, thus, eliminated.

22. Iowa State, CIC, and Knights assert that they are entitled to a first NCE service preference. Refuge, Minn-Iowa, ILCC, MPR, and WIT do not and, thus, are eliminated. Iowa State, CIC, and Knights propose a first NCE service to 6,597 people, 7,685 people, and 18,622 people, respectively. Because Knights would provide new NCE service to 5,000 more listeners than CIC, the next best proposal, Knights is the tentative selectee in Group 343.

23. **Group 348.** This group consists of six applicants for different communities in Illinois and Kentucky. The Illinois applicants are: Saving Children, Inc. (“SCI”) for Kincaid; Network of Glory, LLC (“Glory”) for Hillsboro; Bloomington Normal Broadcasting Corporation (“Bloomington”) for Pana; Donnellson SDA Church (“Donnellson”) for Nokomis; and Nassuna Broadcasting, Inc. (“Nassuna”) for Panama. The Kentucky applicant is East West Crossculture Education (“EWCE”) for Union. All of the applicants, except Nassuna, claim that they are eligible for a fair distribution preference<sup>27</sup> and a preference based on new first NCE service. Accordingly, Nassuna is eliminated.

24. SCI, Glory, Bloomington, Donnellson, and EWCE respectively claim to provide a new first NCE service to 7,092 people, 6,197 people, 6,263 people, 5,123 people, and 7,204 people. These claims are comparable and we, therefore, proceed to examine combined first and second NCE service population totals. SCI would provide a new first or second NCE service to 34,756 people (7,092 first service plus 27,664 second service). Glory would provide a new first or second NCE service to 25,943 people (6,197 first service plus 19,746 second service). Bloomington would provide a new first or second NCE service to 14,592 people (6,263 first service plus 8,329 second service). Donnellson would provide a new first or second NCE service to 25,367 people (5,123 first service plus 20,244 second service). EWCE would provide a new first or second NCE service to 7,204 people (7,204 first service plus no second service). Because SCI proposes new service to at least 5,000 more people than Glory, the next best proposal, SCI is the tentative selectee in Group 348.

25. **Group 352.** Group 352 consists of ten applications for seven different communities in Indiana. The applicants and their proposed communities are: Community Impact Foundation, Inc. (“CIF”) for Seymour; Linda Jerome Foundation (“Jerome”) for North Vernon; Indiana Community Radio Corporation (“ICR”) for Seymour; Hoosier Broadcasting Corporation (“HBC”) for Bloomington; Good Samaritan Educational Radio, Inc. (“GSER”) for Brownstown; Covenant Network (“Covenant”) for Seymour; Community Radio for Hoosiers, Inc. (“CRH”) for Seymour; Bloomington Knights of Columbus Home Association (“BKC”) for Spencer; Basalt of the Earth, Inc. (“Basalt”) for Crothersville; and Brycc House, Inc. (“Brycc”) for Marysville.

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<sup>27</sup> The 60 dBu contours of SCI, Glory, Bloomington, Donnellson, and EWCE respectively encompass 69,779 people; 51,136 people; 38,728 people; 50,917 people, and 70,395 people. SCI’s claimed aggregated first and second NCE service is 34,756 people; Glory’s 25,943 people; Bloomington’s 14,592 people; and Donnellson’s 7,204 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.

26. Five of the applicants claim that they are eligible for a fair distribution preference but only three of the five (GSER, Covenant, and BKC) support their claims.<sup>28</sup> Although ICR and HBC also claim to be eligible for a fair distribution preference based on new first service, neither states how many people it would provide with its claimed first service, and thus we are not able to determine whether either satisfies the 10 percent threshold and 2000-person minimum criteria. ICR and HBC are eliminated. Similarly eliminated are five applicants that claimed no fair distribution preference: CIF; Jerome; CRH; Basalt; and Brycc.

27. Of the three remaining applicants, only GSER claims a preference based on first service. GSER's is mistaken, however, because its proposed first service to 1,731 people does not satisfy the 2,000-person minimum. If no proposal prevails on first service, we consider combined first and second NCE service population totals. GSER would provide a first or second NCE service to 4,855 people (1,731 first service plus 3,124 second service); Covenant to 35,865 people (2,371 first service plus 33,494 second service); and BKC to 26,173 people (292 first service plus 25,781 second service). Because Covenant's proposal would provide new NCE service to at least 5,000 people more than BKC, the next best proposal, Covenant is the tentative selectee in Group 352.

28. **Group 355.** Six of the seven applicants in Group 355 specify communities in Kentucky: Mountain Radio Media ("MRM") for Manchester; Bowling Green Community Broadcasting, Inc. ("BGCB") for Somerset; Corbin Independent Schools ("CIS") for Corbin; Educational Media Foundation ("EMF") for McKee; Goodnews Outreach, Go, Inc. ("GO") for London; and Whitley County Board of Education ("WCBE") for Williamsburg. The seventh applicant in the group, Corporation for Radio Education ("CRE") proposes service to Jellico, Tennessee.

29. Four applicants claim that they are eligible for a fair distribution preference, but only three of them (CIA, EMF, and WCBE) document their claims.<sup>29</sup> Although MRM also claims to be eligible, it does not state how many people it would provide with first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2000-person minimum criteria or to make a comparative determination.<sup>30</sup> Accordingly, MRM is eliminated. Also eliminated are BGCB, GO, and CRE, all of which acknowledge that they are not eligible for a fair distribution preference.

30. Of the remaining applicants, only CIS and EMF claim a preference based on first service. WCBE does not. Accordingly, WCBE is eliminated. CIS would provide a new first NCE service to 8,704 people. EMF proposes a new first NCE service to 24,526 people. Because EMF's proposal would

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<sup>28</sup> See GSER, Covenant, and BKC Applications, Questions III(1), III(2), and associated exhibits. GSER's 60 dBu contour encompasses 4,855 people. GSER's claimed aggregated first and second NCE service is all 4,855 people. Covenant's 60 dBu contour encompasses 42,522 people. Covenant's claimed aggregated first and second NCE service is 35,865 people. BKC's 60 dBu contour encompasses 31,181 people. BKC's claimed aggregated first and second NCE service is 26,178 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>29</sup> See CIS, EMF, and WCBE Applications, Questions III(1), III(2), and associated exhibits. CIS's 60 dBu contour encompasses 65,124 people. CIS's claimed aggregated first and second NCE service is 21,063 people. EMF's 60 dBu contour encompasses 160,325 people. EMF's claimed aggregated first and second NCE service is 24,526 people. WCBE's 60 dBu contour encompasses 60,561 people. WCBE's claimed aggregated first and second NCE service is 17,844 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>30</sup> MRM's original application attempted to support its claim in Exhibit 11, consisting of the simple statement that MRM would provide a second NCE service to the community of Hazard. Although MRM amended that exhibit twice to identify the licensee currently providing first service and to explain MRM's educational purpose, its application contains no useful first or second population numbers.



provide new first NCE service to at least 5,000 people more than CIS's proposal, EMF is the tentative selectee in Group 355.

31. **Group 358.** In this group of nine applications, six propose to serve different communities in Louisiana: Serendipity Educational Broadcasting, Inc. ("Serendipity") for Empire; Educational Media Foundation ("EMF") for Bogalusa; Centro Cristiano de Vida Eterna ("CCVE") for Home Place; Louisiana Educational Television Authority ("Authority") for Covington; New Horizon Christian Fellowship ("NHCF") for Pearl River; and Southeastern Louisiana University ("SLU") for Abita Springs. The other three applications in this group propose to serve different communities in Mississippi: Community Impact Foundation, Inc. ("CIF") for Orange Grove; Moore Community House, Inc. ("Moore") for Picayune; and Family Life Broadcasting, Inc. ("FLB") for Long Beach.

32. EMF, Authority, NHCF, SLU, and Moore claim that they are eligible for a fair distribution preference.<sup>31</sup> Serendipity, CCVE, CIF, and FLB do not and are eliminated. The respective new first NCE services claimed by EMF, Authority, NHCF, SLU, and Moore are 26,779 people, 15,483 people, 32,375 people, 14,109 people, and 16,694 people. Because NHCF proposes new first NCE service to at least 5,000 people more than EMF's next best proposal, NHCF is the tentative selectee in Group 358.

33. **Group 361.** In this group, eight applicants propose service to five different communities in Louisiana. Louisiana Community Development Capital Fund, Inc. ("Fund") proposes service to Central City. Educational Media Foundation ("EMF") would serve Morgan City. Grace Educational Group, Inc. ("Grace") specifies White Castle. Community Broadcasting, Inc. ("CBI"), Baton Rouge Progressive Network ("BRPN"), and Louisiana Educational Television Authority ("Authority") all propose service to Walker. Baton Rouge Acorn ("Acorn") and The Foundation of Mary ("FM") both propose service to Denham Springs.

34. EMF, and Grace claim eligibility for a fair distribution preference.<sup>32</sup> The others do not. Accordingly, Fund, CBI, BRPN, Authority, Acorn, and FM are eliminated. EMF and Grace would provide a comparable new first service to 53,963 people and 54,374 people, respectively. If no proposal prevails on first service, we consider combined first and second NCE service population totals. EMF would provide a first or second NCE service to 69,743 people (55,963 first service plus 15,780 second service); and Grace to 77,114 people (54,374 first service plus 22,840 second service). Because Grace's proposal would provide new NCE service to at least 5,000 people more than EMF, the next best proposal, Grace is the tentative selectee in Group 361.

35. **Group 369.** This group consists of six applications for different communities in Michigan: Lansing Community College ("LCC") for Durand; Pensacola Christian College, Inc. ("PCC") for Gaines;

<sup>31</sup> See EMF, Authority, NHCF, SLU, and Moore Applications, Questions III(1), III(2), and associated exhibits. EMF's 60 dBu contour encompasses 50,739 people. EMF's claimed aggregated first and second NCE service is 29,250 people. Authority's 60 dBu contour encompasses 105,625 people. Authority's claimed aggregated first and second NCE service is 42,294 people. NHCF's 60 dBu contour encompasses 275,074 people. NHCF's claimed aggregated first and second NCE service is 58,854 people. SLU's 60 dBu contour encompasses 79,000 people. SLU's claimed aggregated first and second NCE service is 37,347 people. Moore's 60 dBu contour encompasses 64,936 people. Moore's claimed aggregated first and second NCE service is 17,535 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>32</sup> See EMF, and Grace Applications, Questions III(1), III(2), and associated exhibits. EMF's 60 dBu contour encompasses 100,504 people. EMF's claimed aggregated first and second NCE service is 69,743 people. Grace's 60 dBu contour encompasses 111,560 people. Grace's claimed aggregated first and second NCE service is 77,114 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.

Smile FM (“Smile”) for Harbor Beach; Flint Acorn (“Acorn”) for Flint; Marian Catechists of Michigan (“Marian”) for Milford; and American Educational Broadcasting, Inc. (“AEB”) for Swartz Creek. Smile and Marian claim that they are eligible for a fair distribution preference.<sup>33</sup> The others do not. Accordingly, LCC, PCC, Acorn, and AEB are eliminated. Smile would provide a first NCE service to 10,517 people. Marian does not propose any first service. Accordingly, Marian is eliminated. Smile is the tentative selectee in Group 369.

36. **Group 370.** In this group, five applicants seek to serve different communities in Michigan. Saidnewsfoundation (“SNF”) proposes to serve Hastings. Lansing Community College (“LCC”) proposes to serve Nashville. Bridgebuilders International Leadership Network (“BILN”) proposes service to Battle Creek. Veritas Communications Corporation (“Veritas”) would serve Athens. Larlen Communications, Inc. (“Larlen”) proposes to serve Assyria. LCC, BILN, Veritas, and Larlen claim that they are eligible for a fair distribution preference.<sup>34</sup> SNF does not and is eliminated. LCC and Veritas assert that they are entitled to a first NCE service preference. BILN and Larlen do not. Accordingly, BILN and Larlen are eliminated.

37. LCC would provide a new first NCE service to 3,538 people, and Veritas to 3,245 people. These first service claims are comparable. If no proposal prevails on first service, we consider combined first and second NCE service population totals. LCC would provide a first or second NCE service to 20,361 people (3,538 first service plus 16,823 second service) and Veritas to 28,179 people (3,245 first service plus 24,934 second service). Because Veritas would provide new NCE service to at least 5,000 people more than LCC, Veritas is the tentative selectee in Group 370.

38. **Group 372.** This group consists of seven applications for six different communities in Minnesota. Southern Minnesota Catholic Radio (“SMCR”) has two applications in the group, one for Owatonna and the other for Saint Peter. Shining Light Ministries (“SLM”) and Minnesota Public Radio (“MPR”) both propose to serve Mankato. The other applicants are Interactive Ministry (“IM”) for Le Sueur, Minn-Iowa Christian Broadcasting (“Minn-Iowa”) for Waseca, and Refuge Media Group (“Refuge”) for Belle Plaine.

39. Minn-Iowa, Refuge, and both SMCR applications claim eligibility for a fair distribution preference.<sup>35</sup> The others do not. Accordingly, IM, SLM, and MPR are eliminated. Minn-Iowa would

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<sup>33</sup> See Smile and Marian Applications, Questions III(1), III(2), and associated exhibits. Smile’s 60 dBu contour encompasses 46,828 people, and its claimed aggregated first and second NCE service is 38,385 people. Marian’s 60 dBu contour encompasses 47,146 people, and its claimed aggregated first and second NCE service is 18,484 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>34</sup> See LCC, BILN, Veritas, and Larlen Applications, Questions III(1), III(2), and associated exhibits. LCC’s 60 dBu contour encompasses 32,233 people. LCC’s claimed aggregated first and second NCE service is 20,361 people. BILN’s 60 dBu contour encompasses 102,153 people. BILN’s claimed aggregated first and second NCE service is 80,093 people. Veritas’s 60 dBu contour encompasses 30,492 people. Veritas’s claimed aggregated first and second NCE service is 28,179 people. Larlen’s 60 dBu contour encompasses 32,174 people. Larlen’s claimed aggregated first and second NCE service is 21,103 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>35</sup> See Minn-Iowa, Refuge, and SMCR Applications, Questions III(1), III(2), and associated exhibits. Minn-Iowa’s 60 dBu contour encompasses 47,312 people. Minn-Iowa’s claimed aggregated first and second NCE service is 28,344 people. Refuge’s 60 dBu contour encompasses 31,044 people. Refuge’s claimed aggregated first and second NCE service is 3,234 people. SMCR’s 60 dBu contour for Owatonna encompasses 67,359 people, with a claimed aggregated first and second NCE service of 49,623 people. SMCR’s 60 dBu contour for Saint Peter encompasses 63,198 people, with a claimed aggregated first and second NCE service of 6,746 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.

provide a new first NCE service to 18,318 people. SMCR's Owatonna proposal would provide a new first service to 7,098 people. Refuge and SMCR's Saint Peter proposal do not claim to provide new first service and, thus, are eliminated. Because Minn-Iowa's proposal would provide new first NCE service to at least 5,000 people more than SMCR's proposal for Owatonna, Minn-Iowa is the tentative selectee in Group 372.

40. **Group 373.** In this group, four applicants seek to serve three different communities in Minnesota. Crown College ("Crown") proposes to serve Young America. Key to Life Center ("Key") proposes to serve Waconia.<sup>36</sup> We Have This Hope Christian Radio, Inc. ("Hope") and Nassuna Broadcasting, Inc. ("Nassuna") both propose service to Hutchinson. All of the applicants claim that they are eligible for a fair distribution preference.<sup>37</sup> Key, Hope, and Nassuna assert that they are entitled to a first NCE service preference. Crown does not and is eliminated. Key would provide a new first NCE service to 5,189 people, Hope to 3,442 people, and Nassuna to 7,904 people. These first service claims are comparable.

41. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Key would provide a first or second NCE service to 25,437 people (5,189 first service plus 20,248 second service). Hope would provide a new first or second NCE service to 13,788 people (3,442 first service plus 10,346 second service) and Nassuna to 7,904 people (all first service). Because Key would provide new NCE service to at least 5,000 people more than Hope, the next best proposal, Key is the tentative selectee in Group 373.

42. **Group 376.** This group consists of eight applications for six different communities in Illinois and Missouri. The Illinois applicants are Covenant Network ("CN") for Sparta; Educational Media Foundation ("EMF") for Red Bud; and Joshua Springs Calvary Chapel ("JSCC") for Prairie Du Rocher. Among the Missouri applicants, Believer's Broadcasting Corporation ("BBC") and Colina Alta Ministries ("Colina") both propose to serve Farmington. Serendipity Educational Broadcasting, Inc. ("Serendipity") and Missouri New Culture Center ("MNCC") both propose service to Deslodge, Missouri. Friends in Radio Evangelism, Inc. ("FRE") would serve Leadington, Missouri. All of the applicants propose new stations, except for EMF which proposes a major change to its licensed station KHRI(FM). CN, EMF, and MNCC claim that they are eligible for a fair distribution preference.<sup>38</sup> The others do not. Accordingly, JSCC, BBC, Serendipity, FRD, and Colina are eliminated. CN and EMF assert that they are

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<sup>36</sup> An additional applicant, Spirit Communications, Inc. that was originally included in this group was dismissed on August 20, 2008 as exceeding the maximum of ten applications in which any party could have an attributable interest. The inclusion of Spirit's application would not have altered the result of this group.

<sup>37</sup> See Crown, Key, Hope, and Nassuna Applications, Questions III(1), III(2), and associated exhibits. Crown's 60 dBu contour encompasses 43,215 people. Crown's claimed aggregated first and second NCE service is 23,518 people. Key's 60 dBu contour encompasses 49,596 people. Key's claimed aggregated first and second NCE service is 25,437 people. Hope's 60 dBu contour encompasses 15,381 people. Hope's claimed aggregated first and second NCE service is 13,788 people. Nassuna's 60 dBu contour encompasses 55,799 people. Nassuna's claimed aggregated first and second NCE service is 7,904 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>38</sup> See CN, EMF, and MNCC Applications, Questions III(1), III(2), and associated exhibits. CN's 60 dBu contour encompasses 58,803 people. CN's claimed aggregated first and second NCE service is 36,659 people. EMF's 60 dBu contour encompasses 90,550 people. EMF's claimed aggregated first and second NCE service is 28,981 people. MNCC's 60 dBu contour encompasses 83,209 people. MNCC's claimed aggregated first and second NCE service is 8,700 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.

entitled to a first NCE service preference. MNCC does not and is eliminated. CN would provide a new first NCE service to 27,458 people and EMF to 28,981 people. These first service claims are comparable.

43. If no proposal prevails on first service, we consider combined first and second NCE service population totals. CN would provide a first or second NCE service to 36,659 people (27,458 first service plus 9,201 second service). EMF would provide a new first or second NCE service to 28,981 people (all first service). Because CN would provide new NCE service to at least 5,000 people more than EMF's next best proposal, CN is the tentative selectee in Group 376.

44. **Group 378.** The three applicants in this group propose service to different communities in Montana. Mission Valley Christian Fellowship of San Diego ("MVCF") proposes service to Bridger, Better Public Broadcasting Association ("BPBA") to Pryor; and University of Wyoming ("UW") to Big Horn. MVCF and BPBA claim that they are eligible for a fair distribution preference.<sup>39</sup> UW does not and is eliminated.

45. Both of the remaining applicants assert that they are entitled to a first NCE service preference. MVCF and BPBA would provide a new first NCE service to 7,098 people, and 17,053 people, respectively. Because BPBA would provide a new first NCE service to at least 5,000 people more than MVCF, BPBA is the tentative selectee in Group 378.

46. **Group 386.** In this group seven applicants propose service to five different communities in New Jersey. WYRS Broadcasting ("WYRS") and Hispanic Family Christian Network, Inc. ("HFCN") respectively propose service to Lakehurst and Lake Hurst, apparently the same community. Princeton Community Television ("PCTV") and Al Dia Foundation ("Al Dia") both propose service to Princeton. Pensacola Christian College ("PCC"), Domestic Church Media Foundation ("DCM"), and Hope Christian Church of Marlton, Inc. ("Hope") respectively propose service to Hightstown, Roosevelt, and New Egypt. WYRS, PCC, DCM, and Hope claim that they are eligible for a fair distribution preference.<sup>40</sup> The others do not. Accordingly, PCTV, Al Dia, and HFCN are eliminated when compared to eligible applicants for different communities.

47. WYRS, DCM, and Hope assert that they are entitled to a first NCE service preference. PCC does not. Accordingly, PCC is eliminated. WYRS, DCM, and Hope claim respective first NCE service to 31,529 people, 24,389 people, and 12,774 people. Because WYRS would provide a new first NCE service to at least 5,000 people more than DCM, the next best proposal, WYRS is the tentative selectee in Group 386.

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<sup>39</sup> See MVCF and BPBA Applications, Questions III(1), III(2), and associated exhibits. MVCF's 60 dBu contour encompasses 35,844 people. MVCF's claimed aggregated first and second NCE service is 11,143 people. BPBA's 60 dBu contour encompasses 88,407 people. BPBA's claimed aggregated first and second NCE service is 33,360 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>40</sup> See WYRS, PCC, DCM, and Hope Applications, Questions III(1), III(2), and associated exhibits. WYRS amended its technical proposal, thereby reducing the first and second service originally claimed, and we have used the lower numbers in this analysis. WYRS's 60 dBu contour encompasses 74,996 people. WYRS's claimed aggregated first and second NCE service is all 74,996 people. PCC's 60 dBu contour encompasses 35,519 people. PCC's claimed aggregated first and second NCE service is 9,925 people. Hope's 60 dBu contour encompasses 61,352 people. Hope's claimed aggregated first and second NCE service is 53,857 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. DCM claims that its 60 dBu contour encompasses 52,141 people and that its aggregated first and second NCE service slightly exceeds this number (24,389 first service plus 28,391 second service equals 52,780 people). DCM would not have been the tentative selectee, even had we used the higher aggregated numbers it claimed.

48. **Group 402.** In this group, the KBOO Foundation (“KBOO”) proposes service to The Dalles, Oregon, and Washington State University (“WSU”) proposes service to Goldendale, Washington. Both claim eligibility for a fair distribution preference and propose a new first NCE service.<sup>41</sup> KBOO proposes a new first NCE service to 20,757 people. WSU states that it would provide a new first NCE service to 26,528 people. Because WSU would provide a new first NCE service to at least 5,000 people more than KBOO, WSU is the tentative selectee in Group 402.

49. **Group 419.** This group is comprised of six applications proposing service to three different communities in Tennessee. Corporation for Radio Education, Inc. (“CRE”) and Roane State Community College (“Roane”) both propose to serve Crossville. Cookeville Christian Broadcasting (“CCB”), American Family Association (“AFA”), and Catholic Social Club of Putnam County Tennessee (“CSC”) all propose service to Cookeville. Way-FM Media Group, Inc. (“Way-FM”) would serve Algood. Only Way-FM and CSC claim eligibility for a fair distribution preference.<sup>42</sup> CRW, Roane, CCB, and AFA are eliminated when compared to eligible applicants for different communities.

50. Neither Way-FM nor CSC claims to be eligible for a preference based on first service. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Way-FM would provide a first or second NCE service to 18,297 people (no first service plus 18,297 second service). CSC would provide a new first or second NCE service to 23,413 people (816 first service plus 22,597 second service). Because CSC would provide new NCE service to at least 5,000 people more than Way-FM’s next best proposal, CSC is the tentative selectee in Group 419.

51. **Group 420.** This is a group of five applications proposing service to four communities. Southern Cultural Foundation (“SCF”) proposes to serve Burkesville, Kentucky. Nashville Public Radio (“NPR”) and Rural Tennessee Educational Foundation (“RTEF”) both propose to serve Crossville, Tennessee. Corporation for Radio Education, Inc. (“CRE”) would serve Spring City, Tennessee and Calvary Chapel of Knoxville (“CCK”) would serve Sunbright, Tennessee. NPR and CCK claim eligibility for a fair distribution preference.<sup>43</sup> The others do not. Accordingly, SCF, CRE, and RTEF are eliminated when compared to eligible applicants for different communities.

52. Neither NPR nor CCK claims to be eligible for a preference based on first service. If no proposal prevails on first service, we consider combined first and second NCE service population totals. NPR would provide a first or second NCE service to 11,500 people (1,900 first service plus 9,600 second service). CCK would provide a new first or second NCE service to 55,147 people (931 first service plus

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<sup>41</sup> See KBOO and WSU Applications, Questions III(1), III(2), and associated exhibits. KBOO’s 60 dBu contour encompasses 24,367 people. KBOO’s claimed aggregated first and second NCE service is 22,569 people. WSU’s 60 dBu contour encompasses 30,292 people. WSU’s claimed aggregated first and second NCE service is all 30,292 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>42</sup> See Way-FM and CSC Applications, Questions III(1), III(2), and associated exhibits. Way-FM’s 60 dBu contour encompasses 85,363 people. Way-FM’s claimed aggregated first and second NCE service is 18,297 people. CSC’s 60 dBu contour encompasses 95,956 people. CSC’s claimed aggregated first and second NCE service is 23,413 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. We note that the numbers reported for CSC are the lowest that it reported in downward amendments.

<sup>43</sup> See NPR and CCK Applications, Questions III(1), III(2), and associated exhibits. NPR’s 60 dBu contour encompasses 24,736 people. NPR’s claimed aggregated first and second NCE service is 11,500 people. CCK’s 60 dBu contour encompasses 84,402 people. CCK’s claimed aggregated first and second NCE service is 55,147 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.

54,216 second service). Because CCK would provide new NCE service to at least 5,000 people more than NPR, CCK is the tentative selectee in Group 420.

53. **Group 424.** This group consists of three applications for two different communities in Texas. Dalhart Community Radio (“DCR”) and Centro de Milagros Congregation, Inc. (“CMC”) both propose to serve Dalhart. Catholic Radio of the Texas High Plains (“CRT”) proposes to serve Channing. Only CRT claims eligibility for a fair distribution preference.<sup>44</sup> The others do not. Accordingly, DCR and CMC are eliminated. CRT is the tentative selectee in Group 424.

54. **Group 427.** This is a group of 12 applications. Four of the applicants propose to serve different communities in Oklahoma: the University of Oklahoma (“UO”) for McAlester; Eastern Oklahoma State College (“EOSC”) for Wilburton; One Creek Valley Church, Inc. (“One Creek”) for Hugo; and Russell Ministries, Inc. (“Russell”) for Savanna. The other eight applications propose to serve three communities in Texas. Millennium Broadcasting Corporation (“Millennium”) has two applications in this group, one for Paris and the other for Sulphur Springs. Iglesia Jesucristo es Mi Refugio, Inc. (“IJMR”) also proposes to serve Sulphur Springs. The following applicants also propose service to Paris: The Old Paths Broadcast, Inc. (“Paths”), Iglesia Cristiana Ebenezer (“ICE”), Bible Broadcasting Network, Inc. (“BBN”), and the City of Paris, Texas (“City”). The Johnson Foundation (“Johnson”) proposes to serve Bonham.

55. Seven of the applicants (UO, EOSC, One Creek, Russell, Paths, BBN, and City) claim to be eligible for a fair distribution preference and provide information to support their claims.<sup>45</sup> IJMR, Johnson, and ICE do not claim eligibility, and are dismissed when compared to applicants for other communities. Millennium, while claiming that both of its applications are eligible for a fair distribution preference and providing maps, does not identify the number of people that would receive a first or second service. Thus, we are not able to determine whether either Millennium application satisfies the 10 percent threshold and 2,000-person minimum criteria, or to make a comparative determination. We are, thus, eliminating both of Millennium’s applications.

56. Of the remaining applicants, UO, EOSC, One Creek, and Russell claim that they are eligible for preferences based on new first NCE service to the following respective populations: 6,545 people; 6,599 people; 15,894 people; and 9,567 people. Paths, BBN, and City do not claim to provide new first service and, thus, are eliminated. Because One Creek would provide new first NCE service to at least 5,000 people more than Russell, the next best proposal, One Creek is the tentative selectee in Group 427.

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<sup>44</sup> See CRT’s Application, Questions III(1), III(2), and associated exhibits. CRT’s 60 dBu contour encompasses 31,147 people. CRT’s claimed aggregated first and second NCE service is 31,145 people. Thus, CRT 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> See UO, EOSC, One Creek, Russell, Paths, BBN, and City Applications, Questions III(1), III(2), and associated exhibits. UO’s 60 dBu contour encompasses 48,708 people, and its claimed aggregated first and second NCE service is 19,732 people. EOSC’s 60 dBu contour encompasses 50,557 people and its claimed aggregated first and second NCE service is 24,155 people. One Creek’s 60 dBu contour encompasses 37,659 people and its claimed aggregated first and second NCE service is all 37,659 people. Russell’s 60 dBu contour encompasses 78,335 people and its claimed aggregated first and second NCE service is 32,511 people. Paths’ 60 dBu contour encompasses 38,144 people and its claimed aggregated first and second NCE service is 36,469 people. BBN’s 60 dBu contour encompasses 35,159 people and its claimed aggregated first and second NCE service is 32,220 people. City’s 60 dBu contour encompasses 33,374 people and its claimed aggregated first and second NCE service is 31,204 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.

57. **Group 429.** The seven applicants in this group propose to serve six different communities in Texas. Oscar Aguero Ministry (“OAM”) and Radio Bilingue, Inc. (“RBI”) both propose service to Batesville. The other applicants in this group are Texas Public Radio (“TPR”) for Uvalde; He’s Alive, Inc. (“HAI”) for Big Wells; New Wine Church of San Antonio (“New Wine”) for Sabinal; Misioneros Cristianos En Accion (“MCA”) for Pearsall; and New Streams Ministry, Inc. (“Streams”) for Hondo. Four of the applicants (OAM, RBI, TPR, and HAI) claim to be eligible for a fair distribution preference.<sup>46</sup> The others do not. Accordingly, New Wine, MCA, and Streams are eliminated.

58. Of the remaining applicants, OAM, RBI, and TPR claim that they are eligible for preferences based on new first NCE service. HAI does not and is eliminated. OAM would provide a new first NCE service to 19,535 people; RBI to 58,218 people; and TPR to 22,033 people. Because RBI would provide new first NCE service to at least 5,000 people more than TPR, the next best proposal, RBI is the tentative selectee in Group 429.

59. **Group 435.** The four applicants in this group propose service to three different communities in Utah.<sup>47</sup> Way-FM Media Group, Inc. (“Way-FM”) proposes service to Provo. Mission Valley Christian Fellowship (“MVCF”) proposes service to Mona. First Baptist Church of Nephi, Utah (“FBCN”) and Biblical Ministries Worldwide (“BMW”) both seek authorizations to serve Nephi. All of the applicants claim to be eligible for a fair distribution preference<sup>48</sup> and to provide a new first NCE service. Way-FM would provide a new first NCE service to 35,298 people, MVCF to 49,798 people, FBCN to 58,266 people, and BMW to 48,873 people. Because FBCN would provide new first NCE service to at least 5,000 people more than MVCF, the next best proposal, FBCN is the tentative selectee in Group 435.

#### IV. ADDITIONAL MATTERS

60. **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>49</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.

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<sup>46</sup> See OAM, RBI, TPR, and HAI Applications, Questions III(1), III(2), and associated exhibits. OAM’s 60 dBu contour encompasses 20,464 people, and its claimed aggregated first and second NCE service is 19,626 people. RBI’s 60 dBu contour encompasses 58,701 people and its claimed aggregated first and second NCE service is 58,322 people. TPR’s 60 dBu contour encompasses 22,033 people and its claimed aggregated first and second NCE service is all 22,033 people. HAI’s 60 dBu contour encompasses 18,673 people and its claimed aggregated first and second NCE service is all 18,673 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>47</sup> An additional applicant, Spirit Communications, Inc. that was originally included in this group was dismissed on August 20, 2008 as exceeding the maximum of ten applications in which any party could have an attributable interest. The inclusion of Spirit’s application would not have altered the result of this group.

<sup>48</sup> See Way-FM, MVCF, FBCN, and BMW Applications, Questions III(1), III(2), and associated exhibits. Way-FM’s 60 dBu contour encompasses 426,774 people, and its claimed aggregated first and second NCE service is 75,590 people. MVCF’s 60 dBu contour encompasses 422,521 people and its claimed aggregated first and second NCE service is 49,798 people. FBCN’s 60 dBu contour encompasses 455,408 people and its claimed aggregated first and second NCE service is 63,005 people. BMW’s 60 dBu contour encompasses 53,575 people and its claimed aggregated first and second NCE service is all 53,575 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>49</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.

61. 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 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.

**62. 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

63. 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>50</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.

**64. Group 306.** IT IS FURTHER ORDERED, That the Application filed by Catholic Radio Network, Inc. (File No. BNPED-20071019AKZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dekalb, Mississippi. 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 Greene/Sumter Enterprise Community (File No. BNPED-20071017AFJ), the Board of Trustees of the University of Alabama (File No. BNPED-20071018AQC), and Internation Religious and Cultural Exchange, Inc. (File No. BNPED-20071019BDM), and TO GRANT the application of Catholic Radio Network, Inc. (File No. BNPED-20071019AKZ) 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 308.** IT IS FURTHER ORDERED, That the Application filed by Hope Radio (File No. BNPED-20071019ASB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in West Helena, Arkansas. 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 Enterprise Corporation of the Delta (File No. BNPED-20071019AWD), Mondy Educational Foundation (File No. BNPED-20071022BHG), Appalachian Performing Arts Institute, Inc. (File No. BNPED-20071012ADH), Hispanic Family Christian Network (File No. BNPED-20071022AMD), and Praise Temple Way of the Church of Christ, Inc. (File No. BNPED-20071022BSJ),

<sup>50</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).



and TO GRANT the application of Hope Radio (File No. BNPED-20071019ASB) 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 321.** IT IS FURTHER ORDERED, That the Application filed by Community Radio Project (File No. BNPED-20071022BIU) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dove Creek, 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 applications of San Miguel Educational Fund (File No. BNPED-20071018AQK), Catholic Hour, Inc. (File No. BNPED-20071019BBH), Kute, Inc. (File No. BNPED-20071017AGM), and the University of Utah (File No. BNPED-20071019AAO), and TO GRANT the application of Community Radio Project (File No. BNPED-20071022BIU) 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 324.** IT IS FURTHER ORDERED, That the parties' Joint Request for Waiver IS DENIED and that the Application filed by Fraser Valley Community Media, Inc. (File No. BNPED-20071018BDM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Winter Park, 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 applications of RV Ministries, Inc. (File No. BNPED-20071017AHY), the North Fork Angling Society (File No. BNPED-20071022AZK), and Clear Creek Radio, Inc. (File No. BNPED-20071019AIY), and TO GRANT the application of Fraser Valley Community Media, Inc. (File No. BNPED-20071018BDM) 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 330.** IT IS FURTHER ORDERED, That the Application filed by Reach Communications, Inc. (File No. BNPED-20071022AKN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Live Oak, Florida. 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 Indiana Community Radio Corporation (File No. BNPED-20071012AEZ), Back Woods Communications (File No. BNPED-20071012AJA), Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ACJ), and Oscar Aguero Ministry (File No. BNPED-20071015AFW), and TO GRANT the application of Reach Communications, Inc. (File No. BNPED-20071022AKN) 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 335.** IT IS FURTHER ORDERED, That the Application filed by Cultural Renewal Radio, UA (File No. BNPED-20071022ALP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Islamorada, Florida. 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 Templo Apostoles y Profetas Bethel . (File No. BNPED-20071018BBH), Call Communications (File Nos. BNPED-20071019ADK and 20071019ADL), Calvary Fellowship, Inc. (File No. BNPED-20071022AGM), Reach Communications, Inc. (File No. BNPED-20071022AKF), and Educational Public Radio, Inc. (File No. BNPED-20071022AJO) and TO GRANT the application of Cultural Renewal Radio, UA (File No. BNPED-20071022ALP) 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 343.** IT IS FURTHER ORDERED, That the Application filed by Martin County Knights of Columbus, Inc. (File No. BNPED-20071022BRF) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Fairmont, Minnesota. 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 Refuge Media Group (File No. BNPED-20071012AHX), Shining Light Ministries (File No. BNPED-20071012AIX), Minn-Iowa Christian Broadcasting, Inc. (File No. BNPED-20071012AJQ), Iowa Lakes Community College (File No. BNPED-20071017AGD), Iowa State University of Science and Technology (File No. BNPED-20071018AJA), Western Iowa Tech Community College (File No. BNPED-20071019AGA), Calvary Iowa City (File No. BNPED-20071022BPF), Shredding the Darkness (File No. BNPED-20071022BRS), Minnesota Public Radio (File No. BNPED-20071016AHO), and United Food and Commercial Workers Local 1161 (File No. BNPED-20071022AFH), and TO GRANT the application of Martin County Knights of Columbus, Inc. (File No. BNPED-20071022BRF) 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 348.** IT IS FURTHER ORDERED, That the Application filed by Saving Children, Inc. (File No. BNPED-20071018AQY) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kincaid, Illinois. 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-20071019AFJ), Bloomington Normal Broadcasting Corporation (File No. BNPED-20071022AFJ), Donnellson SDA Church (File No. BNPED-20071022BDO), Nassuna Broadcasting, Inc. (File No. BNPED-20071022BMM), and East West Crossculture Education (File No. BNPED-20071019AQY), and TO GRANT the application of Saving Children, Inc. (File No. BNPED-20071018AQY) 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 352.** IT IS FURTHER ORDERED, That the Application filed by Covenant Network (File No. BNPED-20071018BDV) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Seymour, Indiana. 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 Community Impact Foundation, Inc. (File No. BNPED-20071012ADG), Linda Jerome Foundation (File No. BNPED-20071012ADR), Indiana Community Radio Corporation (File No. BNPED-20071012AGN), Hoosier Broadcasting Corporation (File No. BNPED-20071012APM), Good Samaritan Educational Radio, Inc. (File No. BNPED-20071015ADY), Community Radio for Hoosiers, Inc. (File No. BNPED-20071022AHC), Bloomington Knights of Columbus Home Association (File No. BNPED-20071022ASS), Basalt of the Earth, Inc. (File No. BNPED-20071022BIP), and Brycc House, Inc. (File No. BNPED-20071022BUM), and TO GRANT the application of Covenant Network (File No. BNPED-20071018BDV) 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 355.** IT IS FURTHER ORDERED, That the Application filed by Educational Media Foundation (File No. BNPED-20071019AJS) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in McKee, Kentucky. 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 Mountain Radio Media (File No. BNPED-20071012APG), Bowling Green

Community Broadcasting, Inc. (File No. BNPED-20071012ASD), Corbin Independent Schools (File No. BNPED-20071015AHP), Goodnews Outreach, Go, Inc. (File No. BNPED-20071019ALF), Whitley Country Board of Education (File No. BNPED-20071022BJN), and Corporation for Radio Education, Inc. (File No. BNPED-20071012AFK), and TO GRANT the application of Educational Media Foundation (File No. BNPED-20071019AJS) 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 358.** IT IS FURTHER ORDERED, That the Application filed by New Horizon Christian Fellowship (File No. BNPED-20071022BAN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pearl River, Louisiana. 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 Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ADA), Educational Media Foundation (File No. BNPED-20071017ACK), Centro Cristiano de Vida Eterna (File No. BNPED-20071018ABY), Louisiana Educational Television Authority (File No. BNPED-20071019APC), Southeastern Louisiana University (File No. BNPED-20071022BCQ), Community Impact Foundation, Inc. (File No. BNPED-20071012ACS), Moore Community House, Inc. (File No. BNPED-20071018ADJ), and Family Life Broadcasting, Inc. (File No. BNPED-20071022AJA) and TO GRANT the application of New Horizon Christian Fellowship (File No. BNPED-20071022BAN) 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 361.** IT IS FURTHER ORDERED, That the Application filed by Grace Educational Group, Inc. (File No. BNPED-20071017ADE) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in White Castle, Louisiana. 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 Louisiana Community Development Capital Fund, Inc. (File No. BNPED-20071017ACI), Educational Media Foundation (File No. BNPED-20071017ACO), Community Broadcasting, Inc. (File No. BNPED-20071017ADE), Baton Rouge Progressive Network (File No. BNPED-20071018AQH), Louisiana Educational Television Authority (File No. BNPED-20071019AOU), Baton Rouge Acorn (File No. BNPED-20071022AIY), and The Foundation of Mary (File No. BNPED-20071022AZB), and TO GRANT the application of Grace Educational Group, Inc. (File No. BNPED-20071017ADE) 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.

**76. Group 369.** IT IS FURTHER ORDERED, That the Application filed by Smile FM (File No. BNPED-20071022AQS) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Harbor Beach, 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 Lansing Community College (File No. BNPED-20071017AEV), Pensacola Christian College, Inc. (File No. BNPED-20071018DFQ), Flint Acorn (File No. BNPED-20071022BDC), Marian Catechists of Michigan (File No. BNPED-20071022BKR), and American Educational Broadcasting, Inc. (File No. BNPED-20071022BPU) and TO GRANT the application of Smile FM (File No. BNPED-20071022AQS) 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.

**77. Group 370.** IT IS FURTHER ORDERED, That the Application filed by Veritas Communications Corporation (File No. BNPED-20071022AXJ) is ACCEPTED FOR FILING and

TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Athens, 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 Saidnewsfoundation (File No. BNPED-20071017AIQ), Lansing Community College (File No. BNPED-20071019ADY), Bridgebuilders International Leadership Network (File No. BNPED-20071022AKI), and Larlen Communications, Inc. (File No. BNPED-20071022BBM), and TO GRANT the application of Veritas Communications Corporation (File No. BNPED-20071022AXJ) 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.

78. **Group 372.** IT IS FURTHER ORDERED, That the Application filed by Minn-Iowa Christian Broadcasting, Inc. (File No. BNPED-20071012AJP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Waseca, Minnesota. 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 Southern Minnesota Catholic Radio (File Nos. BNPED-20071022AOB and 20071022AOE), Shining Light Ministries (File No. BNPED-20071012AXN), Minnesota Public Radio (File No. BNPED-20071016AHQ), Interactive Ministry (File No. BNPED-20071012AEB), and Refuge Media Group (File No. BNPED-20071015AFM), and TO GRANT the application of Minn-Iowa Christian Broadcasting, Inc. (File No. BNPED-20071012AJP) 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.

79. **Group 373.** IT IS FURTHER ORDERED, That the Application filed by Key to Life Center (File No. BNPED-20071016AFZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Waconia, Minnesota. 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 Crown College (File No. BNPED-20071015AEU), We Have This Hope Christian Radio, Inc. (File No. BNPED-20071022AWQ), and Nassuna Broadcasting, Inc. (File No. BNPED-20071022BAV), and TO GRANT the application of Key to Life Center (File No. BNPED-20071016AFZ) 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.

80. **Group 376.** IT IS FURTHER ORDERED, That the Application filed by Covenant Network (File No. BNPED-20071018BDT) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sparta, Illinois. 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 Educational Media Foundation (File No. BNPED-20071019AZA), Joshua Springs Calvary Chapel (File No. BNPED-20071022BJH), Believer's Broadcasting Corporation (File No. BNPED-20071016AFX), Colina Alta Ministries (File No. BNPED-20071022AHS), Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071018AHU), Missouri New Culture Center (File No. BNPED-20071019AOX), and Friends in Radio Evangelism, Inc. (File No. BNPED-20071019AFI), and TO GRANT the application of Covenant Network (File No. BNPED-20071018BDT) 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.

81. **Group 378.** IT IS FURTHER ORDERED, That the Application filed by Better Public Broadcasting Association (File No. BNPED-20071018ALX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pryor,

Montana. 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 Mission Valley Christian Fellowship of San Diego (File No. BNPED-20071017ACU), and University of Wyoming (File No. BNPED-20071017AEW), and TO GRANT the application of Better Public Broadcasting Association (File No. BNPED-20071018ALX) 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.

**82. Group 386.** IT IS FURTHER ORDERED, That the Application filed by WYRS Broadcasting (File No. BNPED-20071018AWR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Lakehurst, New Jersey. 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 Hispanic Family Christian Network, Inc. (File No. BNPED-20071022AMC), Princeton Community Television (File No. BNPED-20071018AXM), Al Dia Foundation (File No. BNPED-20071019ARM), Pensacola Christian College (File No. BNPED-20071018DEZ), Domestic Church Media Foundation (File No. BNPED-20071022ARF), and Hope Christian Church of Marlton, Inc. (File No. BNPED-20071022BEN) and TO GRANT the application of WYRS Broadcasting (File No. BNPED-20071018AWR) 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.

**83. Group 402.** IT IS FURTHER ORDERED, That the Application filed by Washington State University (File No. BNPED-20071022AWR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Goldendale, 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 the KBOO Foundation (File No. BNPED-20071019ARR) and TO GRANT the application of Washington State University (File No. BNPED-20071022AWR) 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.

**84. Group 419.** IT IS FURTHER ORDERED, That the Application filed by Catholic Social Club of Putnam County Tennessee (File No. BNPED-20071022BSO) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Cookville, 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 Corporation for Radio Education, Inc. (File No. BNPED-20071012AFX), Roane State Community College (File No. BNPED-20071022AEL), Cookeville Christian Broadcasting (File No. BNPED-20071018AHZ), American Family Association (File No. BNPED-20071018DEJ), and Way-FM Media Group, Inc. (File No. BNPED-20071018DEH), and TO GRANT the application of Catholic Social Club of Putnam County Tennessee (File No. BNPED-20071022BSO) 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.

**85. Group 420.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Knoxville (File No. BNPED-20071022BAX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sunbright, 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 Southern Cultural Foundation (File No. BNPED-20071022AKX), Nashville Public Radio (File No. BNPED-20071017AEY), Rural Tennessee Educational Foundation (File No.

BNPED-20071022AAA) and Corporation for Radio Education, Inc. (File No. BNPED-20071012AHC), and TO GRANT the application of Calvary Chapel of Knoxville (File No. BNPED-20071022BAX) 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.

86. **Group 424.** IT IS FURTHER ORDERED, That the Application filed by Catholic Radio of the Texas High Plains (File No. BNPED-20071022AOQ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Channing, 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 Dalhart Community Radio (File No. BNPED-20071012ASM), and Centro de Milagros Congregation, Inc. (File No. BNPED-20071022ACG), and TO GRANT the application of Catholic Radio of the Texas High Plains (File No. BNPED-20071022AOQ) 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.

87. **Group 427.** IT IS FURTHER ORDERED, That the Application filed by One Creek Valley Church, Inc. (File No. BNPED-20071022AON) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hugo, 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 the University of Oklahoma (File No. BNPED-20071018ACW), Eastern Oklahoma State College (File No. BNPED-20071018ATM), Russell Ministries, Inc. (File No. BNPED-20071022AQF), Millennium Broadcasting Corporation (File Nos. BNPED-20071019ACB and BNPED-20071022AAR), Iglesia Jesuscristo es Mi Refugio, Inc. (File No. BNPED-20071017AIE), The Old Paths Broadcast, Inc. (File No. BNPED-20071015AES), Iglesia Cristiana Ebenezer (File No. BNPED-20071018AZV), Bible Broadcasting Network, Inc. (File No. BNPED-20071019APX), the City of Paris, Texas (File No. BNPED-20071019AYA), and the Johnson Foundation (File No. BNPED-20071018AMY), and TO GRANT the application of One Creek Valley Church, Inc. (File No. BNPED-20071022AON) 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.

88. **Group 429.** IT IS FURTHER ORDERED, That the Application filed by Radio Bilingue, Inc. (File No. BNPED-20071016AFD) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Batesville, 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 Oscar Aguero Ministry (File No. BNPED-20071015AGI), Texas Public Radio (File No. BNPED-20071016AIP), He's Alive, Inc. (File No. BNPED-20071019ATN), New Wine Church of San Antonio (File No. BNPED-20071022ACQ), Misioneros Cristianos En Accion (File No. BNPED-20071022ACY), and New Streams Ministry, Inc. (File No. BNPED-20071022BBK), and TO GRANT the application of Radio Bilingue, Inc. (File No. BNPED-20071016AFD) 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.

89. **Group 435.** IT IS FURTHER ORDERED, That the Application filed by First Baptist Church of Nephi, Utah (File No. BNPED-20071022AMV) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Nephi, 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 Way-FM Media Group, Inc. (File No. BNPED-20071012ATH), Mission Valley Christian Fellowship (File No. BNPED-20071017ACZ), and Biblical

Ministries Worldwide (File No. BNPED-20071022BKF), and TO GRANT the application of First Baptist Church of Nephi, Utah (File No. BNPED-20071022AMV) 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