

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

In the Matter of)	MX Group Numbers 9, 13, 140, 143, 170,
)	171, 215, 247, 254, 310, 444B, 446, 501,
Threshold Fair Distribution Analysis of 28)	503, 504, 507, 510, 511B, 514, 519, 521 529,
Groups of Mutually Exclusive Applications)	530, 533, 535, 537, 539, and 540
for Permits to Construct New or Modified)	
Noncommercial Educational FM Stations Filed)	
in October 2007 Window)	

MEMORANDUM OPINION AND ORDER

Adopted: October 5, 2009

Release: October 6, 2009

By the Chief, Audio Division, Media Bureau

I. BACKGROUND

1. The Media Bureau (“Bureau”) has before it for comparative consideration 28 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.¹ 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.²

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.³ These applicants have had an opportunity to settle among themselves⁴ and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).⁵ During the first step of this process, the

¹ The Bureau issued several Public Notices in 2008 identifying groups of mutually exclusive applications. Each application analyzed herein was included in such a notice. *See Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, 23 FCC Rcd 14730 (MB 2008) (Groups 501 to 546); *Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, 23 FCC Rcd 9508 (MB 2008) (Groups 300 to 448); *Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, 23 FCC Rcd 3914 (MB 2008) (Groups 1 to 263).

² *See* 47 C.F.R. § 73.7004(b).

³ 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).

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

⁵ 47 C.F.R. §§ 73.7000 – 7005.

Bureau, acting pursuant to delegated authority,⁶ uses service area population data and certifications provided by the applicants to conduct a threshold analysis.

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”),⁷ determines whether grant of any of the applications would best further the fair, efficient, and equitable distribution of radio service among communities.⁸ 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 such service is to at least 2,000 people.⁹ 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.¹⁰

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.¹¹ If more than one applicant in a mutually exclusive group qualifies for the preference, we compare each applicant’s first service population coverage totals.¹² An applicant will receive a dispositive fair distribution preference by proposing a first NCE aural service to at least 5,000 more potential listeners

⁶ See *Comparative Consideration of 76 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, 22 FCC Rcd 6101, n.16 (2007). See also 47 C.F.R. §§ 0.61 and 0.283.

⁷ 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*”) (subsequent history omitted).

⁸ 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).

⁹ 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 the time of filing (close of the filing window for applications filed prior to the window) and cannot be enhanced thereafter. See 47 C.F.R. § 73.7003(e) and (f)(3); *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures*, 22 FCC Rcd 15050, 15051 (MB 2007); *Reexamination of Comparative Standards for Noncommercial Applicants*, Memorandum Opinion and Order, 16 FCC Rcd 5074, 5082-83, 5086 (2001) (“*NCE MO&O*”) (subsequent history omitted). 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).

¹⁰ See FCC Form 340, Instructions for Section III, Questions 1 and 2; Exhibit 6.

¹¹ In such circumstances, the prevailing applicant need not satisfy the 5,000 person differential threshold. See *Deadline for NCE Settlements and Supplements Extended to July 19, 2001; Date for Calculating Comparative Qualifications Remains June 4, 2001; Mass Media Bureau Provides Examples of Application of NCE Section 307(b) Criteria*, Public Notice, 16 FCC Rcd 10892, 10894 (MB 2001).

¹² See 47 C.F.R. § 73.7002(b).

than the next highest applicant's first service total.¹³ 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.¹⁴

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.¹⁵

6. **Group 9.** The four applicants in Group 9 propose service to four different communities in Alabama. B. Jordan Communications Corporation ("Jordan") proposes to serve Andalusia. Breath of the Spirit Ministries ("BSM") proposes service to Gantt. Immanuel Broadcasting Network ("Immanuel") would serve Kinston, and Southeast Alabama Educational Broadcasting ("SAEB") would serve Sanford. Jordan claims to be eligible for a fair distribution preference.¹⁶ BSM, Immanuel, and SAEB do not and, therefore, are eliminated. Jordan is the tentative selectee in Group 9.

7. **Group 13.** The two applicants in this group propose service to different communities in New Mexico. New Wine Church of San Antonio ("NWC") would serve Nageezi, and Board of Regents of New Mexico Highlands ("Regents") would serve Newcomb. Regents claims that it is eligible for a fair distribution preference.¹⁷ NWC does not. Accordingly, NWC is eliminated, and Regents is the tentative selectee in Group 13.

8. **Group 140.** This group is comprised of four applicants for four different communities in Missouri. The applicants, each of which claims that it is eligible for a fair distribution preference, are: Serendipity Educational Broadcasting, Inc. ("Serendipity") for Bellflower; California Association for

¹³ *Id.*

¹⁴ 47 C.F.R. § 73.7005(b).

¹⁵ Specifically, information relating to the applicants' Section 307(b) claims including, where applicable, populations receiving first and/or second NCE radio services were reported in applicant responses to Questions III(1) and (2) and associated exhibits.

¹⁶ See Jordan's Application, Questions III(1), III(2), and associated exhibits. Jordan amended its showing several times, and we have used the lowest numbers reported for this analysis. Jordan's 60 dBu contour encompasses 16,237 people. Jordan's claimed aggregated first and second NCE service is 12,302 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

¹⁷ See Regents' Application, Questions III(1), III(2), and associated exhibits. Regents' 60 dBu contour encompasses 17,442 people. Regents claims aggregated first and second NCE service to 14,629 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

Research and Education, Inc. (“CARE”) for Middletown; Believer’s Broadcasting Corporation (“BBC”) for Troy; and Anchor Broadcasting Network (“Anchor”) for Wentzville.¹⁸

9. Each applicant in this group claims a first NCE service preference. Specifically, Serendipity, CARE, BBC, and Anchor would provide respective first NCE service to 16,711 people, 21,653 people, 23,391 people, and 21,418 people. These first service claims are comparable. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Serendipity would provide a first or second NCE service to 18,615 people (16,711 first service plus 1,904 second service); CARE to 21,653 people (21,653 first service plus no second service); BBC to 28,510 people (23,391 first service plus 5,119 second service); and Anchor to 23,190 people (21,418 first service plus 1,772 second service). Because BBC would provide new NCE service to at least 5,000 more people than Anchor’s next best proposal, BBC is the tentative selectee in Group 140.

10. **Group 143.** The two applicants in this group propose service to different communities in Missouri. Community Broadcasting, Inc. (“CBI”) would serve Dixon, and Lake Area Educational Broadcasting, Inc. (“Lake”) would serve Newburg. CBI claims that it is eligible for a fair distribution preference.¹⁹ Lake does not. Accordingly, Lake is eliminated, and CBI is the tentative selectee in Group 143.

11. **Group 170.** The two applicants in this group propose service to separate communities in New Hampshire. Bangor Baptist Church (“Bangor”) would serve Auburn, and Horizon Christian Fellowship (“Horizon”) would serve Derry. Horizon claims that it is eligible for a fair distribution preference.²⁰ Bangor does not. Accordingly, Bangor is eliminated, and Horizon is the tentative selectee in Group 170.

12. **Group 171.** The two applicants in this group propose service to different communities in Vermont and New Hampshire. Vermont Public Radio (“VPR”) proposes to serve Newbury, Vermont, and Franklin County Christian Ministries (“FCCM”) would serve Woodsville, New Hampshire. VPR claims that it is eligible for a fair distribution preference.²¹ FCCM does not. Accordingly, FCCM is eliminated, and VPR is the tentative selectee in Group 171.

¹⁸ See Serendipity, CARE, BBC, and Anchor Applications, Questions III(1), III(2), and associated exhibits. Serendipity’s 60 dBu contour encompasses 18,615 people, and it claims aggregated first and second NCE service to all 18,615 people. CARE’s 60 dBu contour encompasses 44,187 people, and it claims aggregated first and second NCE service to 21,653 people. BBC’s 60 dBu contour encompasses 34,786 people, and it claims aggregated first and second NCE service to 28,510 people. Anchor’s 60 dBu contour encompasses 61,929 people, and it claims aggregated first and second NCE service to 23,190 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

¹⁹ See CBI’s Application, Questions III(1), III(2), and associated exhibits. CBI’s 60 dBu contour encompasses 47,989 people, and its claimed aggregated first and second NCE service is 21,875 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

²⁰ See Horizon’s Application, Questions III(1), III(2), and associated exhibits. Horizon’s 60 dBu contour encompasses 75,762 people, and it claims aggregated first and second NCE service to 73,086 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

²¹ See VPR Application, Questions III(1), III(2), and associated exhibits. VPR’s 60 dBu contour encompasses 20,711 people, and it claims aggregated first and second NCE service to 20,199 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

13. **Group 215.** The two applicants in Group 215 propose service to different communities in Pennsylvania. Northeastern Pennsylvania Educational Television Association (“NPETA”) proposes to serve Blooming Grove, and Four Rivers Community Broadcasting Corporation (“Four Rivers”) proposes service to Palmyra Township. Each claims to be eligible for a fair distribution preference.²² Four Rivers claims a first NCE service preference based on first service to 2,034 people. NPETA certifies that it is not eligible for a first service preference. Accordingly, NPETA is eliminated, and Four Rivers is the tentative selectee in Group 215.

14. **Group 247.** This group is comprised of four applicants proposing to serve four different communities in Utah. The applicants are: Biblical Ministries Worldwide (“BMW”) for Levan; Meridian Non-Profit Corporation (“Meridian”) for Provo; Calvary Chapel of Twin Falls, Inc. (“Calvary”) for Santaquin; and Way-FM Media Group, Inc. (“Way-FM”) for Spanish Fork. BMW and Way-FM claim eligibility for a fair distribution preference.²³ Meridian and Calvary do not and are therefore eliminated.

15. In its original application, BMW claimed that it would provide combined first and second NCE service to all 53,575 people within its service area. The claim, however, was mistakenly based on service that BMW proposed to provide in a different application for a different community (Manti, Utah).²⁴ BMW submitted no timely support whatsoever for its claim to be eligible for a fair distribution preference at Levan, Utah. On January 4, 2008, BMW submitted an amendment purporting to show that it should receive a fair distribution preference based on combined first and second NCE service to 18,265 of the 71,894 people within the proposed Levan facility’s service contour. BMW’s post-filing window amendment is a prohibited attempt to enhance its comparative position.²⁵ Moreover, BMW’s amended showing relies on a revised proposal to use Channel 204 at Levan, a major change from its original proposal to serve Levan on Channel 217. Such a major amendment would require assignment of a new post-filing window file number to the application, thereby precluding consideration of BMW’s application as mutually exclusive with those filed within the window.²⁶ We find that Way-FM is the only

²² See NPETA and Four Rivers Applications, Questions III(1), III(2), and associated exhibits. NPETA’s 60 dBu contour encompasses 5,503 people, and its claimed aggregated first and second NCE service is 4,500 people. Four Rivers’ 60 dBu contour encompasses 18,770 people, and its claimed aggregated first and second NCE service is 9,611 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

²³ See BMW and Way-FM Applications, Questions III(1), III(2), and associated exhibits. Way-FM’s 60 dBu contour encompasses 159,231 people. Way-FM claimed aggregated first and second NCE service to 22,248 people. Thus, Way-FM would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people. As discussed further in the text, BMW failed to timely support its fair distribution claim. See *infra*, paragraph 15 and note 24.

²⁴ The required fair distribution exhibit that BMW submitted with its Levan application for Channel 217 (BNPED-20071022BJY) was based on facilities that BMW proposed in an application to serve Manti, Utah on Channel 213 (BNPED-20071022BKF). The application for Manti, Utah was dismissed for engineering defects.

²⁵ The Commission has repeatedly disallowed the late submission of requested information in comparative cases, finding that such an allowance would “inevitably lead to abuse of the Commission’s processes, applicant gamesmanship, and unfair advantage.” *Silver Springs Communications*, Memorandum Opinion and Order, 3 FCC Rcd 5049, 5050 (1988), *rev. denied*, 4 FCC Rcd 4917 (1989) (concluding that the rejection of an untimely filed notice of appearance in a comparative case is necessary in order to maintain the integrity of the Commission’s processes and to ensure that an applicant’s gamesmanship does not result in an unfair advantage). See also *LRB Broadcasting*, Memorandum Opinion and Order, 8 FCC Rcd 3076 (1993).

²⁶ See 47 C.F.R. § 73.3573(b)(3).

applicant in this group to timely demonstrate that it qualifies for a fair distribution preference. Way-FM is therefore the tentative selectee in Group 247.

16. **Group 254.** The two applicants in this group propose service to different communities in the Virgin Islands. Hispanic Broadcast System Puerto Rico, Inc. (“HBSPR”) proposes to serve Christiansted, and Crucian Educational Nonprofit Group, Inc. (“Crucian”) proposes service to Frederiksted. Each claims to be eligible for a fair distribution preference.²⁷ Crucian, however, fails to identify the number of people who would receive a first or second service.²⁸ Accordingly, Crucian is eliminated, and HBSPR is the tentative selectee in Group 254.

17. **Group 310.** This group consists of five mutually exclusive applications for four different communities in California. Calvary Chapel of Twin Falls, Inc. (“Calvary”) and One Ministries, Inc. (“OMI”) propose service to Napa. Centro Cristiano Sion (“Sion”), Centro Cristiano de Fe, Inc. (“Fe”), and Ozcat Entertainment (“Ozcat”) propose to serve Collins, Martinez, and Vallejo, respectively. Ozcat claims that it is eligible for a fair distribution preference.²⁹ The other applicants do not. Accordingly, Calvary, OMI, Sion, and Fe are eliminated. Ozcat is the tentative selectee in Group 310.

18. **Group 444B.**³⁰ The five applicants in this group propose service to four communities in Wisconsin. VCY America, Inc. (“VCY”) proposes to serve Two Rivers. Bethesda Christian Broadcasting (“Bethesda”) and Optima Enrichment, Inc. (Optima”) each propose service to Manitowoc. Bloomington Normal Broadcasting Corporation (“Bloomington”) would serve Sheboygan, and Shredding the Darkness (“SD”) would serve Mishicot. Bloomington and Optima claim eligibility for a fair distribution preference.³¹ VCY, Bethesda, and SD do not and, thus, are eliminated when compared to applicants for different communities.

19. Neither Bloomington nor Optima claims to be eligible for a preference based on provision of a new first NCE service. Accordingly, we consider combined first and second NCE service population totals. Bloomington would provide a first or second NCE service to 52,621 people (5,270 first service

²⁷ See HBSPR and Crucian Applications, Questions III(1), III(2), and associated exhibits. HBSPR’s 60 dBu contour encompasses 53,234 people, and it claims aggregated first and second NCE service to all 53,234 people. Thus, HBSPR would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people. As discussed further in the text, Crucian failed to timely support its fair distribution claim.

²⁸ Crucian submits a map with no numbers to support its claim.

²⁹ See Ozcat’s Application, Questions III(1), III(2), and associated exhibits. Ozcat’s 60 dBu contour encompasses 116,653 people. Ozcat’s claimed aggregated first and second NCE service is 97,624 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

³⁰ The applications in Group 444B were originally part of a single group of 10 applications. At least one applicant notified the Bureau that the group should be bifurcated because the overlap between the Michigan and Wisconsin applications occurred entirely over an unpopulated area of water (the Great Lakes). We agree that the Michigan and Wisconsin applications should be evaluated separately. We consider Group 444B herein. Group 444A, consisting of three Michigan applications, will be considered in a separate order.

³¹ See Bloomington and Optima Applications, Questions III(1), III(2), and associated exhibits. Bloomington’s 60 dBu contour encompasses 76,805 people, and its claimed aggregated first and second NCE service is 52,621 people. Optima’s 60 dBu contour encompasses 101,763 people, and its claimed aggregated first and second NCE service is 22,485 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

plus 47,351 second service). Optima would provide a new first or second NCE service to 22,485 people (no first service plus 22,485 second service). Because Bloomington would provide new NCE service to at least 5,000 people more than Optima, Bloomington is the tentative selectee in Group 444B.

20. **Group 446.** This group is comprised of four applications for four different communities in Virginia and West Virginia. New Beginning World Outreach, Inc. ("NBWO") has two applications in the group, one for Tazewell, Virginia, and the other for Welch, West Virginia. West Virginia Educational Broadcasting Authority ("WVEBA") proposes service to Bluefield, West Virginia, and The Syner Foundation, Inc. ("Syner") would serve Princeton, West Virginia. WVEBA and Syner claim eligibility for a fair distribution preference.³² NBWO does not and, thus, its two applications are eliminated.

21. Neither WVEBA nor Syner claims to be eligible for a preference based on provision of a new first NCE service. Accordingly, we consider combined first and second NCE service population totals. WVEBA would provide a first or second NCE service to 16,862 people (no first service plus 16,862 second service). Syner would provide a new first or second NCE service to 10,186 people (no first service plus 10,186 second service). Because WVEBA would provide new NCE service to at least 5,000 people more than Syner, WVEBA is the tentative selectee in Group 446.

22. **Group 501.** This group consists of 23 applications proposing service to 14 different communities in Alabama. Several applicants have more than one application in the group. Way-FM has three applications, proposing service to the communities of Northport, Jasper, and Decatur. Wilbur Gospel Communications and Foundation ("Wilbur") filed two applications, one to serve Jasper and the other for Carbon Hill. Joy Christian Communications, Inc. ("Joy") has two applications to serve Jasper, one on Channel 209 and the other on Channel 214. The Board of Trustees of the University of Alabama ("Alabama Trustees") also filed two applications, one for Tuscaloosa and the other for Courtland. Southern Cultural Foundation ("SCF") proposes service to Anderson and Moulton in its two separate applications. Glen Iris Baptist School ("Glen Iris") also has two applications in the group, proposing to serve Hamilton and Berry. The other applicants and the communities they propose to serve are: God's Final Call and Warning ("GFCW") for Tremont; Community Information and Education Radio, Inc. ("CIER") for Moulton; After His Heart Communications, Inc. ("Heart") for Hamilton; Old Time Gospel Ministries ("OTGM") for Decatur; Educational Media Foundation ("EMF") for Carbon Hill;³³ Trinity Christian Academy ("Trinity") for Arley; Family Stations, Inc. ("Family") for Tuscaloosa; Decatur Educational Association ("Decatur") for Hillsboro; Centro Comunitario Juvenil Mahanaim, Inc. ("Centro") also for Hillsboro; and Bible Christian Society ("BCS") for Cordova.

23. Twelve of the 23 applications claim and document eligibility for a fair distribution preference.³⁴ CIER also claims to be eligible based solely on second service but submits only a map with

³² See WVEBA and Syner Applications, Questions III(1), III(2), and associated exhibits. WVEBA's 60 dBu contour encompasses 100,227 people, and its claimed aggregated first and second NCE service is 16,862 people. Syner's 60 dBu contour encompasses 87,584 people, and its claimed aggregated first and second NCE service is 10,186 people.

³³ EMF proposes a major change to the construction permit for its existing NCE FM Station KRLE(FM). Accordingly, we consider only KRLE(FM)'s area of newly added service in our Section 307(b) analysis. All of the other applicants in the group propose new stations.

³⁴ See Way-FM-Jasper, Heart, Wilbur-Jasper and Carbon Hill, EMF, Alabama Trustees-Tuscaloosa and Courtland, Trinity, SCF-Anderson, Glen Iris-Hamilton, Decatur, and BCS Applications, Questions III(1), III(2), and associated exhibits. Way-FM claims that it would provide aggregated first and second NCE service to 47,030 of the 73,907 people encompassed within its proposed Jasper 60 dBu contour; Heart to 24,040 of the 27,667 people; Wilbur to 32,570 of the 51,761 people within its Jasper contour, and to 47,658 of the 81,285 people within its Carbon Hill contour; EMF to 37,637 of the 104,554 people within the newly added area; Alabama Trustees to 41,656 of the

no numbers to support its claim.³⁵ Accordingly, CIER is eliminated. The following 10 applications certify that they are not eligible for a preference, and accordingly, are also eliminated: GFCW, OTGM, Way-FM's Northport and Decatur proposals, both Joy proposals, SCF-Moulton, Glen Iris-Berry, Family, and Centro.

24. Nine of the remaining 12 applications claim a first NCE service preference. The other three applications (Alabama Trustees-Courtland, SCF, and Decatur) do not and, accordingly, are eliminated. Way-FM claims that it would provide first NCE service to 31,802 people with its Jasper proposal; Heart to 13,364 people; Wilbur to 17,907 people with its Jasper proposal and to 27,218 people with its Carbon Hill proposal; EMF to 37,637 people within the area of newly added service;³⁶ Alabama Trustees-Tuscaloosa to 25,267 people; Trinity to 17,372 people; Glen Iris-Hamilton to 9,753 people; and BCS to 24,461 people. EMF would provide first NCE service to at least 5,000 more people than Way-FM's next best proposal for Jasper. Accordingly, EMF is the tentative selectee in Group 501.

25. **Group 503.** This group is comprised of 17 applications proposing service to 14 different communities in Arkansas, Kansas, and Oklahoma. Two applicants, Bible Broadcasting Network, Inc. ("BBN") and Gentry Communications Network, Inc. ("Gentry"), propose to serve Gravette, Arkansas. Christian Broadcasting Group of Mountain Home ("CBMH") and KMZD Radio, Inc. ("KMZD") would each serve Harrison, Arkansas. The other Arkansas applicants are: Way-FM for Bentonville; John Brown University ("JBU") for Gentry; and Omni Center for Peace, Justice, and Ecology ("Omni") for Cave Springs. Two applications in the group propose service within Kansas: St. Bernard's Council No. 796, Knights of Columbus ("St. Bernard") for Fort Scott, and Joshua Springs Calvary Chapel ("JSCC") for Altoona. With respect to the Oklahoma proposals, Cherokee Nation ("Cherokee") and Church of God of Prophecy ("CGP") each proposes to serve Tahlequah. The remaining six applicants proposing service within Oklahoma are: Radio Nine Eleven, Inc. ("RNE") for Welch; Myaamia Foundation ("Myaamia") for Miami; Hispanic Family Christian Network, Inc. ("HFCN") for Ballard; Pearl Communications Group ("Pearl") for Pawhuska; Foundation for the Annunciation Monastery of Clear Creek ("FAMCC") for Oaks; and EMF for a major modification to the construction permit for its NCE FM Station KMLT(FM), Jay, Oklahoma.³⁷

26. Fourteen of the applicants claim and document eligibility for a fair distribution preference.³⁸ KMZD also claims to be eligible but submits only a map with no numbers to support its

236,140 people for its Tuscaloosa proposal, and to 11,428 of the 96,833 people within its Courtland contour; Trinity to 55,120 of the 72,799 people; SCF-Anderson to 9,178 of the 18,623 people; Glen Iris-Hamilton to 9,753 of the 20,631 people; Decatur to 4,563 of the 39,198 people; and BCS to 38,442 of the 71,193 people within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

³⁵ CIER states in its application that its 60 dBu contour would encompass 28,668 people, but it fails to identify the number of people who would receive a first or second service.

³⁶ As noted above, EMF proposes a major modification of KRLE(FM), rather than a new station. It properly excludes KRLE's current first service population of 2,192 people from its claim.

³⁷ The other applicants in the group all filed applications for new stations.

³⁸ See Way-FM, JBU, CBMH, Omni, BBN, Gentry, St. Bernard, RNE, Myaamia, Cherokee, EMF, Pearl, CGP, and FAMCC Applications, Questions III(1), III(2), and associated exhibits. Way-FM claims it would provide aggregated first and second NCE service to 50,275 of the 200,667 people within its 60 dBu contour; JBU to 48,049 of the 71,046 people; CBMH to all 17,791 of the 17,791 people; Omni to 34,112 of the 165,667 people; BBN to 69,930 of the 218,426 people; Gentry to 58,870 of the 73,313 people; St. Bernard to 32,537 of the 45,087 people; RNE to 26,551 of the 42,601 people; Myaamia to 22,984 of the 37,530 people; Cherokee to 83,793 of the 177,225

claim.³⁹ Accordingly, KMZD is eliminated. JSCC and HFCN are also eliminated because each acknowledges that it is not entitled to a fair distribution preference.

27. Ten of the remaining 14 applicants claim a first NCE service preference. The other four applicants (Way-FM, Omni, CBMH, and CGP) do not and, accordingly, are eliminated. The first service claims of the remaining ten applicants are: JBU, 24,318 people; BBN, 34,892 people; Gentry, 27,664 people; St. Bernard, 13,588 people; RNE, 5,920 people; Myaamia, 3,957 people; Cherokee, 43,346 people; EMF, 38,747 people within the area of newly added service; Pearl, 4,771 people; and FAMCC, 49,381. FAMCC would provide first NCE service to at least 5,000 more people than Cherokee's next best proposal for a different community. Accordingly, FAMCC is the tentative selectee in Group 503.

28. **Group 504.** This group is comprised of 31 applications proposing service to 17 different communities in Arizona and California. Several applicants propose to serve the same community. Specifically, five applicants propose service to Prescott, Arizona: Arizona Board of Regents for/on Behalf of Northern Arizona University ("Arizona Regents"), Centro Cristiano Vida Abundante ("CCVA"), Centro Evangelico Broadcasting Ministry ("CEBM"), Gospel Spots, Inc. ("Gospel"), and Prescott College ("PC"). Three applicants propose to serve Lake Havasu City, Arizona: Lake Havasu Charter School, Inc. ("LHCS"), Nevada Public Radio ("NPR"), and St. Paul Bible College ("St. Paul"). Three applicants would serve Kingman, Arizona: Calvary Chapel of Kingman ("Calvary Kingman"), Faith Communications Corp. ("Faith"), and Arizona Regents. Payson Council for the Musical Arts, Inc. ("Payson Council") and Payson Classical Music Association, Inc. ("PCMA") each propose to serve Payson, Arizona. The remaining Arizona applicants are: Calvary Chapel of Twin Falls, Inc. ("Calvary Twin Falls") for Humboldt; Murphy Communications Institute, Inc. ("Murphy") for Bullhead City; Calvary Kingman for Golden Valley; Western Inspirational Broadcasters, Inc. ("WIB") for Chino Valley; Ash Fork Unified School District ("AFUSD") for Ash Fork; Gospel for Lake Havasu; and St. Paul for Wilhoit. Eleven applications in the group propose service to communities in California. Specifically, three applicants would serve Mecca: Andres Serranos Ministries, Inc. ("Serranos"), Desert Alliance for Community Empowerment ("DACE"), and Holy Cross Radio ("HCR"). Two applicants, State of California, San Diego State University ("San Diego State") and Centro de Intercesion y Adoracion Internacional, Inc. ("CIAI"), propose service to Borrego Springs. Gospel and St. Paul each propose service to Needles. The remaining California applicants are: Borrego Springs Christian Center ("BSCC") for Bombay Beach; San Diego State for Calipatria; Gospel for Cactus City; and Centro Cristiano Cosecha Final ("CCCF") for Thermal.

29. Twelve of the 31 applications in the group timely claim and document eligibility for a fair distribution preference.⁴⁰ Serranos also claims to be eligible for a fair distribution preference. It

people; EMF to 38,747 of the 83,831 people within the newly added area; Pearl to 6,082 of the 21,393 people; CGP to 52,166 of the 105,945 people; and FAMCC to 86,206 of the 134,303 people within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

³⁹ KMZD states in its application that its 60 dBu contour would encompass 29,766 people, but it does not identify the number of people who would receive a first or second service.

⁴⁰ See Murphy, WIB, Arizona Regents-Kingman and Prescott, PCMA, CEBM, PC, BSCC, DACE, San Diego State-Borrego Springs and Calipatria, and HCR Applications, Questions III(1), III(2), and associated exhibits. Murphy claims that it would provide aggregated first and second NCE service to 110,295 of the 144,369 people encompassed within its 60 dBu contour; WIB to 15,634 of the 82,069 people; Arizona Regents to all 46,752 of the 46,752 people within its proposed Kingman contour, and to 19,166 of the 128,527 people within its Prescott contour; PCMA to 17,903 of the 18,365 people; CEBM to 15,492 of the 94,113 people; PC to 13,592 of the 96,134 people; BSCC to all 3,004 of the 3,004 people; DACE to 17,377 of the 19,729 people; San Diego State to all 2,510 of the 2,510 people within its Borrego Springs contour, and to 10,723 of the 10,779 people within its Calipatria

states that its 60 dBu contour would encompass 325,885 people, but fails to identify the number of people who would receive a first or second service.⁴¹ Serranos' proposal is therefore eliminated. The following applicants acknowledge that they are not eligible for a preference and, accordingly, are also eliminated: Calvary Twin Falls, Calvary Kingman (both proposals), Faith, AFUSD, CCVA, Gospel (all four proposals), LHCS, NPR, St. Paul (all three proposals), CCCF, and CIAI. Finally, Payson Council originally certified that it was ineligible for a fair distribution preference, but amended its application after the close of the filing window to claim a preference based solely on aggregated first and second service. Payson Council will not be credited for its prohibited attempt to enhance its comparative qualifications,⁴² and accordingly, is also eliminated from Group 504.⁴³

30. Five of the remaining 12 applications claim eligibility for a first NCE service preference. The other seven do not. Accordingly, WIB, Arizona Regents' Kingman and Prescott applications, PCMA, CEBM, PC, and DACE are eliminated. Murphy claims that it would provide a first NCE service to 110,100 people; BSCC to 2,949 people; San Diego State to 2,510 with its Borrego Springs proposal and to 10,723 people with its Calipatria proposal; and HCR to 2,015 people. Because Murphy's Bullhead City proposal would provide new NCE service to at least 5,000 people more than San Diego State's next best proposal for Calipatria, Murphy is the tentative selectee in Group 504.

31. **Group 507.** Group 507 consists of 26 applications proposing service to 12 different communities in California and Nevada. The following six applicants propose service to Barstow, California: Santa Monica Community College District ("Santa Monica"), University of Southern California ("USC"), Gospel, San Bernardino Community College District ("San Bernardino"), Misioneros Cristianos en Accion ("Misioneros"), and Harvest Time Apostolic Ministries ("Harvest"). Harvest filed two separate Barstow applications, one specifying Channel 210 and the other Channel 212. Two applicants, Santa Monica and Alma Vision Hispanic Network, Inc. ("Alma"), propose to serve Baker, California. The remaining California applicants are: Talk Radio of Pahrump, Inc. ("Talk Radio") for Tecopa; Mountain Pass Community Radio, Inc. ("MPCR") for Mountain Pass; Ridgecrest Seventh-Day Adventist Church ("RSDAC") for Ridgecrest; and CCCF for Boron. The other applicants in the group propose service to communities in Nevada. Specifically, five applicants propose service to Pahrump: Talk Radio, Faith, Hilltop Church ("Hilltop"), Misioneros, and Southern Nevada Educational Broadcasters ("SNEB"). Three applicants would serve Cactus Springs: Oscar Aguero Ministry ("OAM"), Talk Radio, and NPR. The remaining Nevada applicants are: Living Proof, Inc. ("Living Proof") for Primm; CIAI with two applications, one for Johnnie and the other for Glendale; and Silver Fish Broadcasting, Inc. ("SFB") for Indian Springs.

32. USC, San Bernardino, and Hilltop each claims to be eligible for a fair distribution preference and submits supporting documentation.⁴⁴ Each of the following applicants acknowledge that

contour; and HCR to all 14,295 of the 14,295 people encompassed within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁴¹ Serranos claims it is eligible for a fair distribution preference based on a new second NCE service, but submits only a map with no numbers to support its claim.

⁴² See *supra*, note 25.

⁴³ We note that even if we were to consider Payson Council's amendment, it would not change the resolution of MX Group 504.

⁴⁴ See USC, San Bernardino, and Hilltop Applications, Questions III(1), III(2), and associated exhibits. USC's 60 dBu contour encompasses 43,059 people, and it claims aggregated first and second NCE service to 8,735 people. San Bernardino's 60 dBu contour encompasses 43,697 people, and it claims aggregated first and second NCE

the specified applications are not eligible for a preference and, accordingly, are eliminated: Santa Monica, MPCR, RSDAC, Gospel, CCCF, Misioneros, Harvest, Alma, Talk Radio (Pahrump and Alamo applications), OAM, Living Proof, CIAI, SFB, SNEB, and NPR. Finally, Faith and Talk Radio, in its Tecopa and Cactus Springs applications, each claims to be eligible for a fair distribution preference. Neither applicant, however, identifies the number of people who would receive a first or second service or provides sufficient supporting documentation to support its claim. Accordingly, Faith's application for Pahrump and Talk Radio's applications for Tecopa and Cactus Springs are also eliminated.

33. None of the remaining three applicants claim a first NCE service preference. Accordingly, we consider combined first and second NCE service population totals. USC would provide a first or second NCE service to 8,735 people (83 first service plus 8,652 second service); San Bernardino to 7,980 people (no first service plus 7,980 second service); and Hilltop to 18,174 people (2,108 first service plus 16,066 second service). Because Hilltop's Pahrump application would provide new NCE service to at least 5,000 more people than USC's next best proposal for Barstow, Hilltop is the tentative selectee in Group 507.

34. **Group 510.** This group consists of 57 applications proposing service to many different communities in Hawaii. Eight applicants propose service to Hilo: Haola Inc. ("Haola"), Hoosier Public Radio Corporation ("HPRC"), The Marconi Broadcasting Foundation ("Marconi"), Tillandsia Radio Outreach, Inc. ("Tillandsia"), University of Hawaii at Hilo ("University"), Optima Enrichment, Inc. ("Optima"), Calvary Chapel Hilo ("Calvary Hilo"), which filed three separate Hilo applications for Channels 201, 205, and 208, and Hoosier Broadcasting Corporation ("Hoosier"). Hoosier has five additional applications in the group, proposing service to the communities of Kahana, Pearl City, Makena, Keokea, and Puunene. Four applicants propose to serve Mountain View: Vineyard Christian Fellowship of Honolulu, Inc. ("Vineyard"), Basalt of the Earth, Inc. ("Basalt"), Diverse Radio ("DR"), and Wren Communications, Inc. ("Wren"). DR has three other applications in the group, proposing service to Keaau, Kailua, and North Kona; Wren has two additional applications, one for Kalaoa and the other for Lahaina. Hilo Christian Broadcasting Corp. ("Hilo") also proposes to serve Kalaoa. North State Educational Broadcasting ("NSEB"), Electronic Applications Radio Service, Inc. ("EARS"), and New Life World Wide Church ("NLWWC") each would serve Lahaina. Hawaii Public Radio, Inc. ("HPR") has four applications in the group, proposing service to the communities of Kailua, Naalehu, Pepekeo, and Kulu. Three applicants propose to serve Kahului: Seek the Lamb, Inc. ("STL"), Family Life Broadcasting, Inc. ("Family"), and Maui County Community Television, Inc. ("MCCT"). Three applicants would serve Kaunakakai: Molokai Community Service Council ("MCSC"), Calvary Chapel of Molokai ("Calvary Molokai"), and Aina'e Co., Ltd. ("Aina'e"). Two applicants propose to serve each of the following communities: for Kailua-Kona, Cedar Cove Broadcasting, Inc. ("Cedar Cove") and Pacifica Broadcasting Company ("Pacifica"), which filed two separate applications for Channels 201 and 209; for Paukaa, Advance Ministries, Inc. ("AMI") and Caleb Radio Network ("Caleb"); for Kihei, Linda Jerome Foundation ("LJF") and Grays Harbor LP FM ("Grays"); for Lanai City, Calvary Twin Falls and Lanai High and Elementary School ("Lanai School"); for Wailuku, Na Leo Kako'o O Maui, Inc. ("Na Leo") and Vineyard; and for Waimea, Serendipity Educational Broadcasting, Inc. ("Serendipity") and Kanu O Ka Aina Learning Ohana ("Kanu"). The remaining applicants in Group 510 are: Center for Non Violent Education & Action - Malu Aina ("Malu Aina") for Kurtistown; North Kohala Community Resource Center ("NKCRC") for Hawi; Hilo SDA Church ("Hilo Church") for Pahoa; SD for Kaanapali; Treehouse One, Inc. ("Treehouse") for Papaikou; and NLWWC for Kapaau.

service to 7,980 people. Hilltop's 60 dBu contour encompasses 27,124 people, and it claims aggregated first and second NCE service to 18,174 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

35. Twenty-five of the 57 applications in the group claim and document eligibility for a fair distribution preference.⁴⁵ Hoosier (in its applications for Kahana, Pearl City, and Hilo), LJF, and HPR also claim to be eligible, but each submits only a map with no numbers to support its claim. Accordingly, these applications are eliminated. Also eliminated are the following applicants that state they are not eligible for a preference: STL, Hoosier (applications for Keokea, Makena, and Puunene), Haola, DR (all four proposals), Calvary Twin Falls, Molokai, HPR (Naalehu proposal), NSEB, MCCT, Calvary Molokai, Wren (all three proposals), Hilo Church, SD, Calvary Hill (all three proposals), Basalt, AMI, Treehouse, and Caleb.

36. In twelve of the 25 remaining applications, the applicant claims a first NCE service preference. The following twelve applications do not, and thus, are eliminated: NLWWC-Lahaina, Marconi, Tillandsia, Lanai School, Na Leo, University, Optima, NKCRC, Grays, Vineyard-Wailuku, and HPR's Pepeekeo and Kula applications. The first service claims of the remaining 12 applications are: Serendipity, 15,157 people; Cedar Cove, 45,517 people; NLWWC-Kapauu, 9,603 people; HPR-Kailua, 44,652 people; HCB, 34,894 people; Vineyard-Mountain View, 35,916 people; Malu Aina, 15,113 people; Pacifica, 37,210 with both of its Kailua-Kona proposals; Aina'e, 37,210 people; Kanu, 43,388 people; and EARS, 18,051 people.

37. Serendipity, NLWWC, HCB, Vineyard, Malu Aina, Pacifica, Aina'e, and EARS are eliminated because the next best proposal of Kanu would serve at least 5,000 more people. The remaining three applications (Cedar Cove, HPR-Kailua, and Kanu) are comparable with respect to first NCE service.

38. When no proposal prevails on first service, we consider combined first and second NCE service population totals. Cedar Cove would provide a first or second NCE service to 49,944 people (45,517 first service plus 4,427 second service); HPR to 55,784 people (44,652 first service plus 11,132 second service) with its Kailua proposal; and Kanu to 49,426 people (43,388 first service plus 6,038 second service). Because HPR would provide new NCE service to at least 5,000 more people than Cedar Cove's next best proposal, HPR-Kailua is the tentative selectee in Group 510.

⁴⁵ See Serendipity, Cedar Cove, NLWWC-Lahaina and Kapauu, HPR (Kailua, Pepeekeo, and Kula), Marconi, Tillandsia, Lanai School, HCB, University, Vineyard-Mountain View and Wailuku, Malu Aina, Pacifica, Aina'e, Na Leo, Kanu, Family, Optima, NKCRC, Grays, and EARS Applications, Questions III(1), III(2), and associated exhibits. Serendipity claims that it would provide aggregated first and second NCE service to all 24,326 of the 24,326 people encompassed within its 60 dBu contour; Cedar Cove to all 49,944 of the 49,944 people; NLWWC to all 15,582 of the 15,582 people within its Kapauu contour, and to all 143,947 of the 143,947 people within its proposed Lahaina contour; HPR to all 55,784 of the 55,784 people within its Kailua contour, to 9,613 of the 79,211 people within its Pepeekeo contour, and to all 137,903 of the 137,903 people within its Kula contour; Marconi to all 78,909 of the 78,909 people; Tillandsia to 18,174 of the 27,124 people; Lanai School to all 25,950 of the 25,950 people; HCB to 34,894 of the 40,967 people; University to 23,367 of the 64,292 people; Vineyard to 70,209 of the 114,346 people within its Mountain View contour, and to all 113,870 of the 113,870 people within its Wailuku contour; Malu Aina to 23,798 of the 68,033 people; Pacifica to 46,049 of the 46,059 people within both of its Kailua-Kona contours; Aina'e to 46,049 people of the 46,059 people; Na Leo to all 113,764 of the 113,764 people; Kanu to all 49,426 of the 49,426 people; Family to all 107,440 of the 107,440 people; Optima to 30,932 of the 75,052 people; NKCRC to all 5,545 of the 5,545 people; Grays to all 121,931 of the 121,931 people; and EARS to all 18,051 of the 18,051 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

39. **Group 511B.**⁴⁶ This group consists of two applications proposing to serve different communities in Missouri and Nebraska. Catholic Hour, Inc. (“CHI”) proposes service to Ravenwood, Missouri. Gospel American Network (“GAN”) would serve Davis City, Nebraska. CHI claims that it is eligible for a fair distribution preference.⁴⁷ GAN does not. Accordingly, GAN is eliminated, and CHI is the tentative selectee in Group 511B.

40. **Group 514.** The two applicants in this group propose service to different communities in Kansas. Templo Apostoles y Profetas Bethel (“Templo”) would serve Cassoday, and Catholic Hour, Inc. (“CHI”) would serve Eureka. CHI claims that it is eligible for a fair distribution preference.⁴⁸ Templo does not. Accordingly, Templo is eliminated, and CHI is the tentative selectee in Group 514.

41. **Group 519.** Group 519 consists of seven applications for five different communities in North Carolina. Northwood Assembly (“Northwood”), Pathway Christian Academy, Inc. (“Pathway”) and Richburg Educational Broadcasters, Inc. (“Richburg”) each proposes to serve Whiteville. The other applicants in the group are: Southwest Radio Church of the Air, Inc. (“SRCA”) for Council; Shining Light Ministries (“SLM”) for Lake Waccamaw; Columbus County Schools (“CCS”) for Chadbourne; and Educational Information Corporation (“EIC”) for Elizabethtown. Northwood, CCS, EIC, and Richburg each claims a fair distribution preference.⁴⁹ SRCA, SLM, and Pathway do not and, accordingly, are eliminated.

42. Northwood, CCS, EIC, and Richburg claim to provide new first NCE service to 14,711 people, 15,264 people, 12,957 people, and 3,128 people, respectively. Richburg is eliminated because the next best proposal of EIC would serve at least 5,000 more people. The proposals of Northwood, CCS, and EIC, however, would provide a comparable first service and proceed to consideration of their combined first and second NCE service population totals. Northwood would provide a first or second NCE service to 60,494 people (14,711 first service plus 45,783 second service); CCS to 73,487 people (15,264 first service plus 58,223 second service); and EIC to 29,826 people (12,957 first service plus 16,869 second service). Because CCS’s proposal for Chadbourne would provide new NCE service to at

⁴⁶ Group 511, which originally contained 20 applications, was bifurcated by settlements in which 10 applications were voluntarily dismissed and four applications were detached or amended to singletons. We consider Group 511B herein. Group 511A, consisting of four applications, will be considered in a separate order.

⁴⁷ See CHI’s Ravenwood Application, Questions III(1), III(2), and associated exhibits. CHI’s 60 dBu contour encompasses 51,189 people. It claims aggregated first and second NCE service to 45,080 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁴⁸ See CHI’s Eureka Application, Questions III(1), III(2), and associated exhibits. CHI’s 60 dBu contour encompasses 22,406 people, and it claims aggregated first and second NCE service to 7,819 people. Thus, it would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁴⁹ See Northwood, CCS, EIC, and Richburg Applications, Questions III(1), III(2), and associated exhibits. Northwood’s 60 dBu contour encompasses 88,227 people, and it claims to provide 60,494 people with aggregated first and second NCE service. CCS’s 60 dBu contour encompasses 106,024 people, and it claims aggregated first and second NCE service to 73,487 people. EIC’s 60 dBu contour encompasses 36,236 people, and it claims aggregated first and second NCE service to 29,826 people. Richburg’s 60 dBu contour encompasses 26,652 people, and it claims aggregated first and second NCE service to 5,246 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

least 5,000 people more than Northwood's next best proposal for Whiteville, CCS is the tentative selectee in Group 519.

43. **Group 521.** The two applicants in this group propose service to different communities in New Hampshire. New Hampshire Public Radio, Incorporated ("NHPR") proposes to serve Littleton, and Granite State Educational Fellowship ("Granite") proposes service to Bethlehem. Each claims to be eligible for a fair distribution preference⁵⁰ and entitled to a first service preference. Granite's claim, however, is erroneous because its claimed first service total of 3,797 people is less than ten percent of the 43,622 people within its 60 dBu contour. NHPR, in contrast, would provide new first service to 5,325 people, satisfying both the ten percent and 2,000 person-minimum criterion. Accordingly, Granite is eliminated, and NHPR is the tentative selectee in Group 521.

44. **Group 529.** The 28 applicants in this group propose to serve several different communities throughout Pennsylvania. Four Rivers has four applications for four different communities in Pennsylvania: Elysburg, Freeburg, Bechtelsville, and Newburg. The following applicants have two Pennsylvania applications in the group: Beaver Springs Faith Baptist Church, Inc. ("BSFBC") for Beaver Springs and Selinsgrove; WITF, Inc. ("WITF") for Selinsgrove and Sunbury; Family Life Ministries ("Family") for Kratzerville and Williamsburg; Apostolic Faith Network, Inc. ("AFN") for Kulpmont and Northumberland; and Invisible Allies Ministries ("IAM") for Allport and Everett. Duquesne University ("Duquesne") also proposes to serve Everett. Kutztown University ("KU") and Lehigh Valley Community Broadcasters Association, Inc. ("Lehigh") each proposes to serve Kutztown. Berks Radio Association ("Berks") and Northeastern Pennsylvania Educational Television Association ("NPETA") would each serve Laureldale. The remaining applicants are: Priority Radio, Inc. ("Priority") for Tipton; Salt & Light Media Ministries, Inc. ("SLMM") for Shamokin; Alabaster, Inc. ("Alabaster") for Clearfield; Central Pennsylvania Christian Institute, Inc. ("CPCI") for Huntingdon; Pensacola Christian College, Inc. ("PCC") for Bellwood; Cedar Ridge Children's Home & School Inc. ("Cedar") for Newville; Muncy Hills Broadcasting, Inc. ("Muncy") for Turbotville; JCM Radio of NY, Inc. ("JCM") for Ashland; and KC Club, Inc. ("KC Club") for Bellefonte.

45. In 21 of the applications, the applicant claims and documents eligibility for a fair distribution preference.⁵¹ JCM also claims to be eligible for a preference, but does not identify the

⁵⁰ See NHPR and Granite Applications, Questions III(1), III(2), and associated exhibits. NHPR's 60 dBu contour encompasses 28,339 people, and it claims aggregated first and second NCE service to 16,325 people. Granite's 60 dBu contour encompasses 43,622 people, and it claims aggregated first and second NCE service to 23,551 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁵¹ See SLMM, BSFBC-Selinsgrove and Beaver Springs, Alabaster, KU, Four Rivers (Elysburg, Bechtelsville, and Newburg proposals), CPCI, IAM-Allport and Everett, PCC, Cedar, Berks, AFN-Kulpmont and Northumberland, Duquesne, Muncy, Lehigh, WITF, and KC Club Applications, Questions III(1), III(2), and associated exhibits. SLMM claims that it would provide aggregated first and second NCE service to 29,399 of the 29,615 people encompassed within its 60 dBu contour; BSFBC to 10,000 of the 63,297 people within its Selinsgrove contour, and to 4,000 of the 26,088 people within its Beaver Springs contour; Alabaster to 49,934 of the 56,623 people; KU to all 19,935 of the 19,935 people; Four Rivers to 34,449 of the 58,701 people within its Elysburg contour, to 243,036 of the 292,338 people within its Bechtelsville contour, and to 28,354 of the 71,961 people within its Newburg contour; CPCI to 86,241 of the 149,171 people; IAM to 65,912 of the 95,936 people within its Allport contour, and to 5,359 of the 18,455 people within its Everett contour; PCC to all 88,677 of the 88,677 people; Cedar to 23,725 of the 54,068 people; Berks to 211,055 of the 227,633 people; AFN to 56,868 of the 63,810 people within its Kulpmont contour, and to 11,650 of the 49,128 people within its Northumberland contour; Duquesne to 20,591 of the 61,901 people; Muncy to 9,913 of the 39,761 people; Lehigh to all 31,000 of the 31,000 people; WITF-Sunbury to all 43,753 of the 43,753 people within its Sunbury contour; and KC Club to 33,936 of the 69,505 people within its 60

number of people who would receive a first or second service.⁵² Accordingly, JCM is eliminated. The following applicants, which certify that they are not eligible for a preference, are also eliminated: Priority, Four River-Freeburg, Family Life-Kratzerville and Williamsburg, WITF-Selingsgrove, and NPETA.

46. Eleven of the remaining 21 applications claim eligibility for a preference based on provision of new first NCE service. The following ten do not and are thus eliminated: SLMM, BSFBC-Selingsgrove, Four Rivers-Elysburg, CPCI, IAM-Everett, PCC-Bellwood, AFN's Kulpmont and Northumberland proposals, Duquesne, and Muncy. The first service claims of the remaining 11 applicants are: BSFBC, 3,500 people; Alabaster, 44,234 people; KU, 19,935 people; Four Rivers, 84,102 with its Bechtelsville proposal and 10,140 people with its Newburg proposal; IAM-Allport, 47,816 people;⁵³ Cedar, 7,573 people; Berks, 59,588 people; Lehigh, 30,782 people; WITF-Sunbury, 8,310 people; and KC Club, 24,432 people. Because Four Rivers's Bechtelsville proposal would provide new NCE service to at least 5,000 people more than Berks's next best proposal for Laureldale, Four Rivers-Bechtelsville is the tentative selectee in Group 529.

47. **Group 530.** This group consists of 23 applications for 20 different communities in New York and Pennsylvania. State University of New York ("State") has two applications in the group, one for Boonville, and the other for Norwich. WAMC also proposes to serve Norwich. The other applicants proposing service in New York are: Central New York Citizens in Action, Inc. ("CNYCA") for Utica; Seneca Nation of Indians ("Seneca") for Salamanca; Mars Hill Broadcasting Co., Inc. ("Mars") for Richfield Springs; Dominican Monastery of Mary the Queen ("Dominican") for Elmira; and St. Anthony of Padua Roman Catholic Parish ("St. Anthony") for Greene. Three applicants in the group propose service to Titusville, Pennsylvania: Public Broadcasting of Northwest Pennsylvania, Inc. ("PBNP"), Muncy, and Family. The other Pennsylvania applicants are: Calvary Chapel of Russell ("Calvary") for Tidioute; Franklin Baptist Temple ("Franklin") for Franklin; Forest Area Baptist Church ("Forest") for Marienville; Thiel College ("Thiel") for Greenville; Solid Rock Broadcasting, Inc. ("SRB") for Grove City; Duquesne with two applications, one for Cranberry Township, and the other for Marion Center; Stabat Mater ("Stabat") for Clarion; Muncy for Scandia; NPETA for Sylvania; Archangel Broadcasting Corporation ("Archangel") for Saxonburg; and Oil City Columbian Home Building Association ("OCCHB") for Oil City.

48. Twenty-one of the applications claim and document eligibility for a fair distribution preference.⁵⁴ Both Muncy-Scandia and Forest certify that they are ineligible for a preference and,

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

⁵² JCM claims to be eligible but submits only a map with no numbers to support its claim.

⁵³ IAM amended its showing, and we have used the lowest numbers reported for this analysis.

⁵⁴ See CNYCA, Seneca, State-Boonville and Norwich, WAMC, Mars, Dominican, St. Anthony, Calvary, Franklin, Thiel, SRB, PBNP, Muncy-Titusville, Duquesne-Cranberry Township and Marion Center, Stabat, Family, NPETA, Archangel, and OCCHBA Applications, Questions III(1), III(2), and associated exhibits. CNYCA claims that it would provide aggregated first and second NCE service to 15,304 of the 103,958 people encompassed within its 60 dBu contour; Seneca to 2,921 of the 8,284 people; State to 5,871 of the 11,024 people within its proposed Boonville contour, and to all 31,946 of the 31,946 people within its Norwich contour; WAMC to 40,485 of the 41,871 people; Mars to 31,630 of the 45,340 people; Dominican to 38,683 of the 147,437 people; St. Anthony to 48,303 of the 90,612 people; Calvary to 99,286 of the 101,360 people; Franklin to 17,067 of the 58,778 people; Thiel to all 24,250 of the 24,250 people; SRB to 18,465 of the 19,499 people; PBNP to all 43,961 of the 43,961 people; Muncy-Titusville to 12,112 of the 13,599 people; Duquesne to 121,180 of the 123,767 people within its Cranberry Township contour, and to 146,186 of the 227,235 people within its Marion Center contour; Stabat to 41,690 of the

accordingly, are eliminated. Of the remaining applications, 16 claim a preference based on a first NCE service. The following five applicants do not and, therefore, are eliminated: CNYCA, Seneca, SRB, Franklin, and NPETA. The first service claims of the remaining 16 applicants are: State, 3,813 people with its Boonville proposal and 15,030 people for Norwich; WAMC, 18,133 people; Mars, 8,391 people; Dominican, 14,972 people; St. Anthony, 17,413 people; Calvary, 19,679 people; Thiel, 16,555 people; PBNP, 18,632 people; Muncy-Titusville, 12,112; Duquesne, 30,788 people with its Cranberry Township proposal and 100,983 people for Marion Center; Stabat, 4,601 people; Family, 23,022 people; Archangel, 19,371 people; and OCCHBA, 5,670 people. Duquesne's Marion Center proposal would provide first NCE service to at least 5,000 more people than its own next best proposal for Cranberry Township, and Duquesne-Marion Center is therefore the tentative selectee in Group 530.

49. **Group 533.** The four applications in this group propose to serve four different communities in Texas. Specifically, Dalhart Community Radio ("DCR"), Great Plains Christian Radio, Inc. ("GPCR"), Centro de Milagros Congregation, Inc. ("Centro"), and Disciples of the Lord Jesus Christ ("Disciples") propose service to Dalhart, Dumas, Vega, and Channing, respectively. GPCR and Disciples each claims to be eligible for a fair distribution preference and submits supporting documentation.⁵⁵ Although DCR claims that it is eligible for a fair distribution preference based on a new second NCE service, it did not submit any numbers to support its claim. DCR is therefore eliminated. Further, Centro acknowledges that it is not eligible for a fair distribution preference and, accordingly, also is eliminated.

50. Disciples asserts that it is entitled to a first NCE service preference because it would provide a new first NCE service to 3,468 people. GPCR states that no people would receive a new first NCE service from its proposed station. Accordingly, GPCR is eliminated, and Disciples is the tentative selectee in Group 533.

51. **Group 535.** This group is comprised of 14 applications proposing to serve 10 different communities in Texas. Gospel Radio Network ("GRN"), Grace Public Radio ("GPR"), Top O Texas Educational Broadcasting Foundation ("TOTEB"), and Primera Iglesia Evangelica de Apostoles y Profetas ("Primera") each propose to serve Abilene. Leon Joplin Ministries ("Leon") and Educom each propose to serve Clyde. Centro has two applications in the group, one for Roby and the other for Petosi. Hispanic Outreach Ministry, Inc. ("HOM") also has two applications, proposing service to Latam and Albany. The remaining applicants are: CSSI Non-profit Educational Broadcasting Corporation ("CSSI") for Baird; La Promesa Foundation ("Promesa") for Sweetwater; Templo Piedra Angular ("Templo") for Cisco; and Grace Community Church of Amarillo ("GCCA") for Hawley.

52. Only two of the applicants, Leon and Promesa, claim that they are eligible for a fair distribution preference.⁵⁶ The two Centro proposals, the two HOM proposals, GRN, CSSI, GPR,

41,989 people; Family to 81,007 of the 83,402 people; NPETA to 3,500 of the 20,165 people; Archangel to 75,198 of the 109,526 people; and OCCHBA to all 42,671 of the 42,671 people within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁵⁵ See GPCR and Disciples Applications, Questions III(1), III(2), and associated exhibits. GPCR's 60 dBu contour encompasses 14,506 people, and it claims aggregated first and second NCE service to all 14,506 people. Disciples's 60 dBu contour encompasses 31,057 people, and it claims aggregated first and second NCE service to all 31,057 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁵⁶ See Leon and Promesa Applications, Questions III(1), III(2), and associated exhibits. Leon's 60 dBu contour encompasses 185,858 people, and it claims aggregated first and second NCE service to 24,080 people. Promesa's 60 dBu contour encompasses 23,319 people, and it claims aggregated first and second NCE service to 18,047

TOTEB, Primera, Educom, Templo, and GCCA all acknowledge that they are not entitled to a fair distribution preference. Accordingly, each of these applications is eliminated. Promesa claims that it would provide a new first NCE service to 19,689 people. Leon acknowledges that it is not entitled to a first service preference and is thus eliminated. Promesa, the only applicant to provide a new first service, is therefore the tentative selectee in Group 535.

53. **Group 537.** This group is comprised of 19 applications proposing to serve 10 different communities in New Mexico and Texas. Iglesia Shekira (“Iglesia”), Hispanic Outreach Ministry, Inc. (“HOM”), and Hobbs Seventh-Day Adventist Church (“HSDA”) each proposes service to Hobbs, New Mexico. Six applicants propose to serve Plainview, Texas: TOTEB, The Johnson Foundation (“Johnson”), Maranatha Church of Laredo Incorporated (“Maranatha”), Oasis of Faith, Inc. (“Oasis”), Educational Music Foundation (“EMusic”), and Grace. Scurry County Junior College District (“Scurry”) and Templo would each serve Snyder, Texas. Templo and HOM each proposes service to Stanton, Texas. The remaining applicants, all proposing service to communities in Texas, are: Iglesia Jesucristo es mi Refugio, Inc. (“IJR”) for Crosbyton; Johnson for Aiken; Christian Ministries of the Valley, Inc. (“CMV”) for Brownfield; Promesa for Seminole; Grace for Denver City; and CARE for Rotan.

54. Six applicants claim that they are eligible for a fair distribution preference.⁵⁷ Shekira, HOM, IJR, TOTEB, Johnson, Maranatha, Oasis, Templo, EMusic, and Grace-Plainview each acknowledges that its respective application is not entitled to a fair distribution preference. Accordingly, each of these applications is eliminated. Of the remaining applications, only HSDA certifies that it is not eligible for a first NCE service preference. HSDA is therefore eliminated. Scurry claims that it would provide a new first NCE service to 24,342 people;⁵⁸ CMV to 6,685 people; Promesa to 11,728 people; Grace-Denver City to 7,378 people; and CARE to 6,718 people. Scurry would provide first NCE service to at least 5,000 more people than Promesa’s next best proposal.⁵⁹ Scurry is therefore the tentative selectee in Group 537.

55. **Group 539.** This group consists of 36 applications for 26 different communities in Texas. Several applicants have more than one application in the group. Specifically, First Assembly of God Church of Waco, TX (“First Assembly”) has three applications to serve Waco on Channels 209, 212, and 213. Lufkin Educational Broadcasting Foundation (“Lufkin”) also has three applications, which propose service to Crockett, Corrigan, and Jasper. South Central Oklahoma Christian Broadcasting Inc.

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

⁵⁷ See HSDA, Scurry, CMV, Promesa, Grace-Denver City, and CARE Applications, Questions III(1), III(2), and associated exhibits. HSDA claims that it would provide aggregated first and second NCE service to 7,111 of the 36,926 people encompassed within its 60 dBu contour; Scurry to all 24,342 of the 24,342 people; CMV to 20,988 of the 39,256 people; Promesa to 18,101 of the 18,189 people; Grace-Denver City to 7,378 of the 21,823 people; and CARE to 6,718 of the 11,035 people encompassed within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁵⁸ On July 7, 2009, Scurry amended its application to specify a nondirectional antenna at a reduced effective radiated power of 24 kW. Scurry correctly noted that this technical change reduced the number of people it would serve with first or second NCE service and updated its Section 307(b) analysis to reflect this change. We have used the updated, lower numbers reported for this analysis.

⁵⁹ We note that Scurry neglected to consider the service provided by its own NCE FM Station KGWB(FM), Snyder, Texas, in its analysis. By correctly including this station in the analysis, however, we have determined that Scurry would still provide a combined first NCE service to at least 5,000 more people than Promesa’s next best proposal.

("SCOCB") also proposes to serve Crocket while CCS Radio Inc. ("CCS") proposes to serve Jasper. The following applicants have two applications in the group: Lake Livingston Broadcasting, Inc. ("Lake") for Huntsville and Livingston; Houston Christian Broadcasters, Inc. ("HCB") for Huntington and Topsey; IJR for Mexia and Angus; Iglesia Jesucristo es mi Refugio de San Antonio, Inc. ("IJRSA") for Long Lake and Marlin; and Maranatha for Gatesville and Calvert. Monarch Ministries ("Monarch") and Digital Chapel Educational Media Foundation ("DCEMF") also propose service to Calvert. The Day of his Power ("DHP") and American Educational Broadcasting, Inc. ("AEB") each proposes to serve Marlin. Three applicants would serve Lufkin: Bridgebuilders International Leadership Network ("Bridgebuilders"), KMZD Radio, Inc. ("KMZD"), and Calvary Broadcasting, Inc. ("CBI"). The remaining applicants in the group are: Community Public Radio, Inc. ("CPR") for Corsicana; Community Radio, Inc. ("CRI") for Montgomery; Centro Cristiano de Vida Eterna ("CCVE") for Magnolia Hills; KXVI Communications ("KXVI") for Trinity; Texas Educational Broadcasting Co-Operative, Inc. ("TEBC") for Hewitt; Gospel American Network ("GAN") for Weimar; Organic Media, Inc. ("OMI") for Cameron; KSBJ Educational Foundation ("KSBJ") for Bay City; New Streams Ministry, Inc. ("NSM") for Thorndale; Joshua Springs Calvary Chapel ("JSCC") for Point Blank; and Vineyard for La Grange.

56. Nine of the 36 applications in the group claim and document eligibility for a fair distribution preference.⁶⁰ Three additional applicants, Lake-Livingston, First Assembly, with its Channel 209 and 213 Waco proposals, and CCS Radio, claim to be eligible for a preference, but each fails to identify the number of people who would receive a first or second service.⁶¹ Accordingly, these applications are eliminated. Also eliminated are the following applications which certify that they are not eligible for a preference: DHP, Lake-Huntsville, First Assembly's Channel 212 Waco proposal, CRI, Lufkin-Corrigan, both IJR proposals, CCVE, Bridgebuilders, both HCB proposals, both Maranatha proposals, TEBC, GAN, KSBJ, both IJRSA proposals, KMZD, NSM, JSCC, CBI, and AEB.

57. Each of the remaining nine applications certifies that it is entitled to a new first NCE service preference. Specifically, Monarch claims it would provide a first NCE service to 4,317 people; CPR to 8,384 people; Lufkin to 5,327 people with its Crockett proposal and to 16,393 people with its Jasper proposal; DCEMF to 5,602 people; KXVI to 13,560 people; OMI to 4,819 people; SCOCB to 8,344 people; and Vineyard to 20,288 people. Monarch, CPR, Lufkin-Crockett, DCEMF, OMI, and SCOCB are eliminated because the next best proposal of KXVI would serve at least 5,000 more people.

58. The remaining three applications (Lufkin-Jasper, KXVI, and Vineyard) are comparable with respect to first NCE service, and accordingly, we consider combined first and second NCE service population totals. Lufkin's Jasper proposal would provide a first or second NCE service to 20,131 people (16,393 first service plus 3,738 second service); KXVI to 46,721 people (13,560 first service plus 33,161 second service); and Vineyard to 20,288 people (20,288 first service plus no second service). Because KXVI would provide new NCE service to at least 5,000 people more than Vineyard's next best proposal, KXVI is the tentative selectee in Group 539.

⁶⁰ See Monarch, CPR, Lufkin-Crockett and Jasper, DCEMF, KXVI, OMI, SCOCB, and Vineyard Applications, Questions III(1), III(2), and associated exhibits. Monarch claims that it would provide aggregated first and second NCE service to all 5,826 of the 5,826 people encompassed within its 60 dBu contour; CPR to 10,438 of the 43,458 people; Lufkin to 12,055 of the 22,273 people within its Crockett contour, and to 20,131 of the 20,253 people within its Jasper contour; DCEMF to 26,753 of the 54,027 people; KXVI to 46,721 of the 128,782 people; OMI to 22,395 of the 33,108 people; SCOCB to 16,520 of the 30,610 people; and Vineyard to 20,288 of the 31,619 people within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁶¹ Each applicant submits a map but no numbers to verify its claim.

59. **Group 540.** This final group consists of 26 applications for 19 different communities in Virginia. Four applicants propose service to Spotsylvania: PCC, Mariamante Academy, Inc. (“Mariamante”), Executive Committee of the Board of Trustees of American University (“AU Trustees”), and Positive Alternative Radio, Inc. (“PAR”). PAR also has an application in the group to serve Stevensburg. Three applicants would serve Orange: Stucomm, Inc. (“Stucomm”), Hartland Institute of Health and Education, Inc. (“Hartland”), and Holy Family Communications (“HFC”). God’s Final Call & Warning, Inc. (“GFCW”) and Calvary Chapel of Staunton (“Calvary Staunton”) each proposes to serve Staunton. Virginia Tech Foundation, Inc. (“VTF”) and AU Trustees would each serve Culpeper. James Madison University Board of Visitors (“JMU Board”) has two applications, one for Amissville and the other for Churchville. The remaining applicants in the group are: Virginia Organizing Project (“VOP”) for Stanardsville; The Orange Band Initiative (“OBI”) for Verona; Stucomm for Afton; Calvary Chapel of Fredericksburg (“CCF”) for Locust Grove; Trumpet Broadcasting, Inc. (“Trumpet”) for Washington; Educational Media Corporation (“EMC”) for Grottoes; Missionaries of Our Lady of Divine Mercy (“Missionaries”) for Warrenton; Praise Communications, Inc. (“PCI”) for Brandy Station; Verdun Adventure Bound, Inc. (“Verdun”) for Rixeyville; JKJ Educational Foundation (“JKJ”) for Five Mile Fork; Airwaves for Jesus, Inc. (“Airwaves”) for Fisherville; and Mary V. Harris Foundation (“MVHF”) for Waynesboro.

60. Sixteen of the 26 applications in the group claim and document eligibility for a fair distribution preference.⁶² Trumpet also claims to be eligible for a fair distribution preference. It states that its 60 dBu contour would encompass 20,918 people, but fails to identify the number of people who would receive a first or second service. Trumpet’s application is therefore eliminated. The following applicants acknowledge that they are not eligible for a preference and, accordingly, are also eliminated: GFCW, Calvary Staunton, AU Trustees-Spotsylvania, OBI, Stucomm-Afton, PCC, EMC, Airwaves, and MVHF.

61. Five of the remaining 16 applications claim eligibility for a first NCE service preference. The following 11 applications do not, and are therefore eliminated: PAR (both proposals), VOP, AU Trustees-Culpeper, Missionaries, JMU Board (both proposals), Verdun, JKJ, Mariamante, and VTF. Stucomm-Orange claims that it would provide a first NCE service to 7,923 people; CCF to 8,397 people; Hartland to 9,479 people; PCI to 7,631; and HFC to 8,228 people. Because these five proposals would provide a comparable first service, we proceed to consideration of their combined first and second NCE service population totals. Stucomm-Orange would provide a first or second NCE service to 14,419 people (7,923 first service plus 6,496 second service); CFC to 14,510 people (8,397 first service plus 6,113 second service); Hartland to 10,706 people (9,479 first service plus 1,227 second service); PCI to 40,754 people (7,631 first service plus 33,123 second service); and HFC to 14,414 people (8,228 first

⁶² See PAR-Stevensburg and Spotsylvania, VOP, AU Trustees-Culpeper, Stucomm-Orange, CCF, Hartland, Missionaries, JMU Board-Amissville and Churchville, PCI, Verdun, JKJ, Mariamante, VTF, and HFC Applications, Questions III(1), III(2), and associated exhibits. PAR claims that it would provide aggregated first and second NCE service to 28,161 of the 50,270 people encompassed within its Stevensburg 60 dBu contour, and to 9,825 of the 56,320 people within its proposed Spotsylvania contour; VOP to 24,625 of the 143,609 people; AU Trustees-Culpeper to 33,964 of the 62,539 people; Stucomm-Orange to 14,419 of the 26,064 people; CCF to 14,510 of the 34,513 people; Hartland to 10,706 of the 16,899 people; Missionaries to 33,910 of the 62,720 people; JMU to 26,357 of the 49,905 people within its proposed Amissville contour, and to 2,583 of the 18,441 people within its Churchville contour; PCI to 40,754 of the 64,430 people; Verdun to 25,944 of the 45,916 people; JKJ to 7,598 of the 40,138 people; Mariamante to 8,477 of the 71,225 people; VTF to 26,507 of the 52,474 people; and HFC to 14,414 of the 30,906 people encompassed within its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

service plus 6,186 second service).⁶³ Because PCI would provide new NCE service to at least 5,000 people more than CFC's next best proposal, PCI is the tentative selectee in Group 540.

IV. ADDITIONAL MATTERS

62. **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.⁶⁴ 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.

63. The Bureau has studied the applications of each of the tentative selectees identified herein and has determined that each is acceptable for filing. Each tentative selectee identified in this Order appears to be fully qualified to become the licensee of the new or modified NCE FM stations it has 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.

64. **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

65. 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 court appeals.⁶⁵ 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.

⁶³ We note that PCI neglected to consider the service provided by NCE FM Station WMRA(FM), Harrisonburg, Virginia, in its analysis. By correctly including this station in the analysis, however, we have determined that PCI would still provide a combined first or second NCE service to at least 5,000 more people than CFC's next best proposal.

⁶⁴ 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. The amendment must be minor and may not alter the fair distribution preference. See 47 C.F.R. § 73.3522(b)(1). The staff will not reinstate the application of a tentative selectee that is unable to cure all defects.

⁶⁵ See 5 U.S.C. §§ 702, 704, and 706; 47 U.S.C. §§ 309(d), 402(b), and 405; 47 C.F.R. §§ 1.106-08, 1.115, 1.120, and 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).

66. **Group 9.** IT IS FURTHER ORDERED, That the Application filed by B. Jordan Communications Corporation (File No. BNPED-20071019ALK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Andalusia, Alabama. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Breath of the Spirit Ministries (File No. BNPED-20071022BQW), Immanuel Broadcasting Network (File No. BNPED-20071019ARH), and Southeast Alabama Educational Broadcasting (File No. BNPED-20071022BVR), and TO GRANT the application of B. Jordan Communications Corporation (File No. BNPED-20071019ALK) 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 13.** IT IS FURTHER ORDERED, That the Application filed by Board of Regents of New Mexico Highlands (File No. BNPED-20071022BBP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Newcomb, New Mexico. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of New Wine Church of San Antonio (File No. BNPED-20071022ACE) and TO GRANT the application of Board of Regents of New Mexico Highlands (File No. BNPED-20071022BBP) 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 140.** IT IS FURTHER ORDERED, That the Application filed by Believer's Broadcasting Corporation (File No. BNPED-20071016AFW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Troy, Missouri. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ADD), California Association for Research and Education, Inc. (File No. BNPED-20071022BRG), and Anchor Broadcasting Network (File No. BNPED-20071015AFP), and TO GRANT the application of Believer's Broadcasting Corporation (File No. BNPED-20071016AFW) 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 143.** IT IS FURTHER ORDERED, That the Application filed by Community Broadcasting, Inc. (File No. BNPED-20071018ADK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dixon, Missouri. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Lake Area Educational Broadcasting Foundation (File No. BNPED-20071018AGH), and TO GRANT the application of Community Broadcasting, Inc. (File No. BNPED-20071018ADK) 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 170.** IT IS FURTHER ORDERED, That the Application filed by Horizon Christian Fellowship (File No. BNPED-20071019AHG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Derry, New Hampshire. 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 Bangor Baptist Church (File No. BNPED-20071012AOO), and TO GRANT the application of Horizon Christian Fellowship (File No. BNPED-

20071019AHG) 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 171.** IT IS FURTHER ORDERED, That the Application filed by Vermont Public Radio (File No. BNPED-20071018BBQ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Newbury, Vermont. 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 Franklin County Christian Ministries (File No. BNPED-20071019AQL), and TO GRANT the application of Vermont Public Radio (File No. BNPED-20071018BBQ) 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 215.** IT IS FURTHER ORDERED, That the Application filed by Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Palmyra Township, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Northeastern Pennsylvania Educational Television Association (File No. BNPED-20071022AQP), and TO GRANT the application of Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXN) 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 247.** IT IS FURTHER ORDERED, That the Application filed by Way-FM Media Group, Inc. (File No. BNPED-20071012ATI) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Spanish Fork, 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 Biblical Ministries Worldwide (File No. BNPED-20071022BJY), Meridian Non-Profit Corporation (File No. BNPED-20071019APB), and Calvary Chapel of Twin Falls, Inc. (File No. BNPED-20071016AFR), and TO GRANT the application of Way-FM Media Group, Inc. (File No. BNPED-20071012ATI) 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 254.** IT IS FURTHER ORDERED, That the Application filed by Hispanic Broadcast System Puerto Rico, Inc. (File No. BNPED-20071019ADD) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Christianstead, Virgin Islands. 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 Crucian Educational Nonprofit Group Inc. (File No. BNPED-20071019AYQ) and TO GRANT the application of Hispanic Broadcast System Puerto Rico, Inc. (File No. BNPED-20071019ADD) 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 310.** IT IS FURTHER ORDERED, That the Application filed by Ozcat Entertainment (File No. BNPED-20071022AEJ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Vallejo, California. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually

exclusive applications of Calvary Chapel of Twin Falls, Inc. (File No. BNPED-20071012ACG), Centro Cristiano Sion (File No. BNPED-20071018AWG), One Ministries, Inc. (File No. BNPED-20071019AVJ), and Centro Cristiano de Fe, Inc. (File No. BNPED-20071022AAV), and TO GRANT the application of Ozcat Entertainment (File No. BNPED-20071022AEJ) 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 444B.** IT IS FURTHER ORDERED, That the Application filed by Bloomington Normal Broadcasting Corporation (File No. BNPED-20071019AHO) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sheboygan, Wisconsin. 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 VCY America, Inc. (File No. BNPED-20071012ABY), Bethesda Christian Broadcasting (File No. BNPED-20071019AXV), Optima Enrichment, Inc. (File No. BNPED-20071022AMX), and Shredding the Darkness (File No. BNPED-20071022BCF), and TO GRANT the application of Bloomington Normal Broadcasting Corporation (File No. BNPED-20071019AHO) 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 446.** IT IS FURTHER ORDERED, That the Application filed by West Virginia Educational Broadcasting Authority (File No. BNPED-20071019ADN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bluefield, West Virginia. 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 New Beginning World Outreach Inc. (File Nos. BNPED-20071017ADO and 20071015AHB), and The Syner Foundation, Inc. (File No. BNPED-20071022BBR), and TO GRANT the application of West Virginia Educational Broadcasting Authority (File No. BNPED-20071019ADN) 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 501.** IT IS FURTHER ORDERED, That the Application filed by Educational Media Foundation (File No. BMAPED-20071018AKM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a major modification to its NCE FM Station KRLE(FM), Carbon Hill, Alabama. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of God's Final Call & Warning, Inc. (File No. BNPED-20071012AIH), Community Information and Education Radio, Inc. (File No. BNPED-20071012ARM), Way-FM Media Group, Inc. (File Nos. BNPED-20071012ATW, 20071015AHN, and 20071018ALO), After His Heart Communications, Inc. (File No. BNPED-20071015ABY), Old Time Gospel Ministries (File No. BNPED-20071015AEJ), Wilbur Gospel Communications and Foundation (File Nos. BNPED-20071015AGR and 20071015AGU), Joy Christian Communications, Inc. (File Nos. BNPED-20071017AEJ and 20071017AER), The Board of Trustees of the University of Alabama (File Nos. BNPED-20071018AQA and 20071018AQB), Southern Cultural Foundation (File Nos. BNPED-20071019AGY and 20071019AXY), Trinity Christian Academy (File No. BNPED-20071019AUU), Glen Iris Baptist School (File Nos. BNPED-20071022ALA and 20071022ALB), Family Stations, Inc. (File No. BNPED-20071022ALG), Decatur Educational Association (File No. BNPED-20071022AVZ), Bible Christian Society (File No. BNPED-20071022BGD), and Centro Comunitario Juvenil Mahanaim, Inc. (File No. BNPED-20071022BOV), and TO GRANT the application of Educational Media Foundation (File No. BMAPED-20071018AKM) 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 503.** IT IS FURTHER ORDERED, That the Application filed by Foundation for the Annunciation Monastery of Clear Creek (File No. BNPED-20071022BUI) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Oaks, 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 Way-FM Media Group, Inc. (File No. BNPED-20071015AHO), John Brown University (File No. BNPED-20071018AQV), Christian Broadcasting Group of Mountain Home (File No. BNPED-20071019AHJ), Omni Center for Peace, Justice, and Ecology (File No. BNPED-20071019AOH), Bible Broadcasting Network, Inc. (File No. BNPED-20071019APU), Gentry Communications Network, Inc. (File No. BNPED-20071022ASM), KMZD Radio, Inc. (File No. BNPED-20071022AUA), St. Bernard's Council No. 796, Knights of Columbus (File No. BNPED-20071022BBA), Joshua Springs Calvary Chapel (File No. BNPED-20071022BIY), Radio Nine Eleven, Inc. (File No. BNPED-20071015ACA), Myaamia Foundation (File No. BNPED-20071017AEQ), Cherokee Nation (File No. BNPED-20071018ASS), Educational Media Foundation (File No. BMAPED-20071019BDC), Hispanic Family Christian Network, Inc. (File No. BNPED-20071022ALU), Pearl Communications Group (File No. BNPED-20071022AXC), and Church of God of Prophecy (File No. BNPED-20071022BAF), and TO GRANT the application of Foundation for the Annunciation Monastery of Clear Creek (File No. BNPED-20071022BUI) 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 504.** IT IS FURTHER ORDERED, That the Application filed by Murphy Communications Institute, Inc. (File No. BNPED-20071012AKA) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bullhead City, Arizona. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Calvary Chapel of Twin Falls, Inc. (File No. BNPED-20071012ABH), Payson Council for the Musical Arts, Inc. (File No. BNPED-20071012AJO), Calvary Chapel of Kingman (File Nos. BNPED-20071012ASS and 20071012AST), Western Inspirational Broadcasters, Inc. (File No. BNPED-20071015AIG), Faith Communications Corp. (File No. BNPED-20071015DMH), Arizona Board of Regents for/on Behalf of Northern Arizona University (File Nos. BNPED-20071017AAL and 20071017ACJ), Ash Fork Unified School District (File No. BNPED-20071017ACS), Centro Cristiano Vida Abundante (File No. BNPED-20071018ABM), Payson Classical Music Association, Inc. (File No. BNPED-20071018ANZ), Centro Evangelico Broadcasting Ministry (File No. BNPED-20071019AAY), Gospel Spots, Inc. (File Nos. BNPED-20071019AOS, 20071019APN, 20071022AAH, and 20071022BHD), Lake Havasu Charter School, Inc. (File No. BNPED-20071022BBG), Nevada Public Radio (File No. BNPED-20071022BHO), St. Paul Bible College (File Nos. BNPED-20071022BLW, 20071022BNZ, and 20071022BMH), Prescott College (File No. BNPED-20071022BTI), Borrego Springs Christian Center (File No. BNPED-20071012ASO), Andres Serranos Ministries, Inc. (File No. BNPED-20071015ADD), Desert Alliance for Community Empowerment (File No. BNPED-20071018AUB), State of California, San Diego State University (File Nos. BNPED-20071018AVJ and 20071018AVL), Holy Cross Radio (File No. BNPED-20071019AVN), Centro Cristiano Cosecha Final (File No. BNPED-20071022ABQ), Centro de Intercesion y Adoracion Internacional, Inc. (File No. BNPED-20071022AIR), and TO GRANT the application of Murphy Communications Institute, Inc. (File No. BNPED-20071012AKA) 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 507.** IT IS FURTHER ORDERED, That the Application filed by Hilltop Church (File No. BNPED-20071018ARH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pahrump, Nevada. 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 Santa Monica Community College District (File Nos. BNPED-20071012APS and 20071012APT), University of Southern California (File No. BNPED-20071017ABL), Talk Radio of Pahrump, Inc. (File Nos. BNPED-20071018AAE, 20071012ADJ, 20071012ADT, and 20071017AAG), Mountain Pass Community Radio, Inc. (File No. BNPED-20071018ARR), Ridgecrest Seventh-Day Adventist Church (File No. BNPED-20071019ABM), Gospel Spots, Inc. (File No. BNPED-20071019AOD), San Bernardino Community College District (File No. BNPED-20071019AXE), Centro Cristiano Cosecha Final (File No. BNPED-20071022ABZ), Misioneros Cristianos en Accion (File Nos. BNPED-20071022ADB and 20071022ADL), Harvest Time Apostolic Ministries (File Nos. BNPED-20071022AII and 20071022AIJ), Alma Vision Hispanic Network, Inc. (File No. BNPED-20071022BKX), Faith Communications Corp. (File No. BNPED-20071015AAS), Oscar Aguero Ministry (File No. BNPED-20071015AGG), Living Proof, Inc. (File No. BNPED-20071018AIZ), Centro de Intercesion y Adoracion Internacional, Inc. (File Nos. BNPED-20071022AIQ and 20071022AIS), Silver Fish Broadcasting, Inc. (File No. BNPED-20071022AJY), Southern Nevada Educational Broadcasters (File No. BNPED-20071022BED), and Nevada Public Radio (File No. BNPED-20071022BHZ), and TO GRANT the application of Hilltop Church (File No. BNPED-20071018ARH) 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 510.** IT IS FURTHER ORDERED, That the Application filed by Hawaii Public Radio, Inc. (File No. BNPED-20071018ANN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kailua, Hawaii. 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 Seek the Lamb, Inc. (File No. BNPED-20071012AAD), Hoosier Broadcasting Corporation (File Nos. BNPED-20071012AAJ, 20071012AEH, 20071012AHS, 20071012AHT, 20071012AHU, and 20071012AIC), Linda Jerome Foundation (File No. BNPED-20071012AEF), Haola Inc. (File No. BNPED-20071012AXT), Diverse Radio (File Nos. BNPED-20071015AEB, 20071015AEC, 20071015AEE, and 20071015AEF), Hoosier Public Radio Corporation (File No. BNPED-20071015AKC), Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ADC), Calvary Chapel of Twin Falls, Inc. (File No. BNPED-20071016AIM), Molokai Community Service Council (File No. BNPED-20071017AHK), Cedar Cove Broadcasting, Inc. (File No. BNPED-20071018AAQ), New Life World Wide Church (File Nos. BNPED-20071018AKO and 20071018ALW), Hawaii Public Radio, Inc. (File Nos. BNPED-20071018ANT, 20071018ANU, and 20071018ANV), The Marconi Broadcasting Foundation (File No. BNPED-20071018AOH), Tillandsia Radio Outreach, Inc. (File No. BNPED-20071018ARJ), Lanai High and Elementary School (File No. BNPED-20071018ARX), North State Educational Broadcasting (File No. BNPED-20071018ASJ), Maui County Community Television, Inc. (File No. BNPED-20071018AYI), Hilo Christian Broadcasting Corp. (File No. BNPED-20071018BCJ), University of Hawaii at Hilo (File No. BNPED-20071019ABJ), Vineyard Christian Fellowship of Honolulu Inc. (File Nos. BNPED-20071019AMO and 20071022BPH), Center for Nonviolent Education & Action (Malu Aina) (File No. BNPED-20071019ANO), Calvary Chapel of Molokai (File No. BNPED-20071019AOQ), Pacific Broadcasting Company (File Nos. BNPED-20071019AQN and 20071019ARO), Aina'e Co., Ltd. (File No. BNPED-200710119ASE), Na Leo Kako'o O Maui, Inc. (File No. BNPED-20071019AXB), Kanu O Ka Aina Learning Ohana (File No. BNPED-20071022AAI), Family Life Broadcasting, Inc. (File No. BNPED-20071022AFW), Wren Communications, Inc. (File Nos. BNPED-20071022ASX, 20071022ATS, and 20071022ATU), Optima Enrichment, Inc. (File No. BNPED-20071022AUN), North Kohala Community Resource Center (File No. BNPED-20071022AXW), Hilo SDA Church (File No. BNPED-20071022AZZ), Shredding the Darkness (File No. BNPED-20071022BBS), Calvary Chapel Hilo (File No. BNPED-20071022BCO, 20071022BCZ, and 20071022BDF), Grays Harbor LP FM (File No. BNPED-20071022BDI), Basalt of the Earth, Inc. (File No. BNPED-20071022BIS), Advance Ministries, Inc. (File No. BNPED-20071022BLM), Treehouse One, Inc. (File No. BNPED-20071022BRK), Caleb Radio Network (File No. BNPED-20071022BSC), and Electronic Applications Radio Service, Inc. (File No. BNPED-

20071012AEI), and TO GRANT the application of Hawaii Public Radio, Inc. (File No. BNPED-20071018ANN) 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 511B.** IT IS FURTHER ORDERED, That the Application filed by Catholic Hour, Inc. (File No. BNPED-20071019AZZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Ravenwood, Missouri. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Gospel American Network (File No. BNPED-20071018AOY) and TO GRANT the application of Catholic Hour, Inc. (File No. BNPED-20071019AZZ) 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 514.** IT IS FURTHER ORDERED, That the Application filed by Catholic Hour, Inc. (File No. BNPED-20071019BAW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Eureka, Kansas. 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 Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BBJ) and TO GRANT the application of Catholic Hour, Inc. (File No. BNPED-20071019BAW) 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 519.** IT IS FURTHER ORDERED, That the Application filed by Columbus County Schools (File No. BNPED-20071017AKC) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Chadbourn, North Carolina. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Northwood Assembly (File No. BNPED-20071012AAI), Southwest Radio Church of the Air, Inc. (File No. BNPED-20071012AFA), Shining Light Ministries (File No. BNPED-20071012AHL), Educational Information Corporation (File No. BNPED-20071018AEU), Pathway Christian Academy, Inc. (File No. BNPED-20071018AJO), and Richburg Educational Broadcasters, Inc. (File No. BNPED-20071018APU), and TO GRANT the application of Columbus County Schools (File No. BNPED-20071017AKC) 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 521.** IT IS FURTHER ORDERED, That the Application filed by New Hampshire Public Radio, Incorporated (File No. BNPED-20071019ALA) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Littleton, New Hampshire. 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 Granite State Educational Fellowship (File No. BNPED-20071019AZS), and TO GRANT the application of New Hampshire Public Radio, Incorporated (File No. BNPED-20071019ALA) 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 529.** IT IS FURTHER ORDERED, That the Application filed by Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXD) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in

Bechtelsville, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Priority Radio, Inc. (File No. BNPED-20071012AJE), Salt & Light Media Ministries, Inc. (File No. BNPED-20071012ATQ), Beaver Springs Faith Baptist Church, Inc. (File Nos. BNPED-20071017ABA and 20071017ABC), Alabaster, Inc. (File No. BNPED-20071018ACK), Kutztown University (File No. BNPED-20071018ADR), Four Rivers Community Broadcasting Corporation (File Nos. BNPED-20071018AWX, 20071018AWY, and 20071018AXL), Central Pennsylvania Christian Institute, Inc. (File No. BNPED-20071018AYH), Invisible Allies Ministries (File Nos. BNPED-20071018BCG and 20071018BCQ), Pensacola Christian College, Inc. (File No. BNPED-20071018DET), Cedar Ridge Children's Home & School, Inc. (File No. BNPED-20071019AAD), Berks Radio Association (File No. BNPED-20071019ACD), Apostolic Faith Network, Inc. (File Nos. BNPED-20071019AJO and 20071019AJU), Duquesne University (File No. BNPED-20071019AYZ), Muncy Hills Broadcasting, Inc. (File No. BNPED-20071019AZF), JCM Radio of NY, Inc. (File No. BNPED-20071019BES), Lehigh Valley Community Broadcasters Association, Inc. (File No. BNPED-20071022AHD), Family Life Ministries, Inc. (File Nos. BNPED-20071022AJG and 20071022AVF), WITF, Inc. (File Nos. BNPED-20071022BCC and 20071022BCD), KC Club, Inc. (File No. BNPED-20071022BGP), and Northeastern Pennsylvania Educational Television Association (File No. BNPED-20071022BLD), and TO GRANT the application of Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXD) 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 530.** IT IS FURTHER ORDERED, That the Application filed by Duquesne University (File No. BNPED-20071019AYW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Marion Center, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Central New York Citizens in Action, Inc. (File No. BNPED-20071015ALS), Seneca Nation of Indians (File No. BNPED-20071018AAO), State University of New York (File Nos. BNPED-20071018ADU and 20071018AJE), WAMC (File No. BNPED-20071019ATI), Muncy Hills Broadcasting, Inc. (File Nos. BNPED-20071019AYG and 20071019AZE), Mars Hill Broadcasting Co., Inc. (File No. BNPED-20071022AKT), Dominican Monastery of Mary the Queen (File No. BNPED-20071022ARS), St. Anthony of Padua Roman Catholic Parish (File No. BNPED-20071022BON), Calvary Chapel of Russell (File No. BNPED-20071012AUA), Franklin Baptist Temple (File No. BNPED-20071016AAG), Forest Area Baptist Church (File No. BNPED-20071016ABT), Thiel College (File No. BNPED-20071017ABX), Solid Rock Broadcasting, Inc. (File No. BNPED-20071018DEF), Public Broadcasting of Northwest Pennsylvania, Inc. (File No. BNPED-20071019AGH), Duquesne University (File No. BNPED-20071019AYS), Stabat Mater (File No. BNPED-20071022AGY), Family Life Ministries, Inc. (File No. BNPED-20071022AMO), Northeastern Pennsylvania Educational Television Association (File No. BNPED-20071022APM), Archangel Broadcasting Corporation (File No. BNPED-20071022ARQ), and Oil City Columbian Home Building Association (File No. BNPED-20071022AVA), and TO GRANT the application of Duquesne University (File No. BNPED-20071019AYW) 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 533.** IT IS FURTHER ORDERED, That the Application filed by Disciples of the Lord Jesus Christ, Incorporation (File No. BNPED-20071022AFD) 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-20071012APH), Great Plains of Christian Radio, Inc. (File No. BNPED-20071018AMC), and Centro de

Milagros Congregation, Inc. (File No. BNPED-20071022ABR), and TO GRANT the application of Disciples of the Lord Jesus Christ, Incorporated (File No. BNPED-20071022AFD) 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.

90. **Group 535.** IT IS FURTHER ORDERED, That the Application filed by La Promesa Foundation (File No. BNPED-20071019ADM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sweetwater, 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 Gospel Radio Network (File No. BNPED-20071012AJD), CSSI Non-profit Educational Broadcasting Corporation (File No. BNPED-20071012AOH), Grace Public Radio (File No. BNPED-20071016AAK), Top O Texas Educational Broadcasting Foundation (File No. BNPED-20071018AFU), Leon Joplin Ministries (File No. BNPED-20071018AVC), Primera Iglesia Evangelica de Apostoles y Profetas (File No. BNPED-20071018BAP), Educom (File No. BNPED-20071019AIT), Centro de Milagros Congregation, Inc. (File Nos. BNPED-20071022ABW and 20071022ABY), Templo Piedra Angular (File No. BNPED-20071022AMJ), Hispanic Outreach Ministry, Inc. (File Nos. BNPED-20071022ANS and 20071022ANT), and Grace Community Church of Amarillo (File No. BNPED-20071022BRL), and TO GRANT the application of La Promesa Foundation (File No. BNPED-20071019ADM) 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.

91. **Group 537.** IT IS FURTHER ORDERED, That the Application filed by Scurry County Junior College District (File No. BNPED-20071018AAH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Snyder, 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 Iglesia Shekira (File No. BNPED-20071018AYU), Hispanic Outreach Ministry, Inc. (File Nos. BNPED-20071022ANQ and 20071022ANM), Hobbs Seventh-Day Adventist Church (File No. BNPED-20071022AYY), Iglesia Jesucristo es mi Refugio, Inc. (File No. BNPED-20071017AIH), Top O Texas Educational Broadcasting Foundation (File No. BNPED-20071017AIS), The Johnson Foundation (File Nos. BNPED-20071018AMX and 20071018ANI), Maranatha Church of Laredo Incorporated (File No. BNPED-20071018ATX), Christian Ministries of the Valley, Inc. (File No. BNPED-20071019ABQ), La Promesa Foundation (File No. BNPED-20071019ACK), Oasis of Faith, Inc. (File No. BNPED-20071019ACS), Templo Piedra Angular (File Nos. BNPED-20071022AMQ and 20071022AMR), Educational Music Foundation (File No. BNPED-20071022BEZ), Grace Community Church of Amarillo (File Nos. BNPED-20071022BQI and 20071022BQR), and California Association for Research and Education, Inc. (File No. BNPED-20071022BUT), and TO GRANT the application of Scurry County Junior College District (File No. BNPED-20071018AAH) 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.

92. **Group 539.** IT IS FURTHER ORDERED, That the Application filed by KXVI Communications (File No. BNPED-20071018ANS) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Trinity, 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 Monarch Ministries (File No. BNPED-20071012AGT), The Day of His Power (File No. BNPED-20071012AHF), Lake Livingston Broadcasting, Inc. (File Nos. BNPED-20071012AIN and 20071012AIP), First Spanish Assembly of God Church of Waco, TX (File Nos. BNPED-20071015AAK, 20071015AAQ, and 20071015AAW), Community Public Radio, Inc. (File No. BNPED-

20071015ABJ), CCS Radio Inc. (File No. BNPED-20071015ADA), Community Radio, Inc. (File No. BNPED-20071015AJC), Lufkin Educational Broadcasting Foundation (File Nos. BNPED-20071017ABK, 20071017ABP, and 20071017ABU), Iglesia Jesucristo es mi Refugio, Inc. (File Nos. BNPED-20071017AIJ and 20071017AIK), Centro Cristiano de Vida Eterna (File No. BNPED-20071018ABW), Bridgebuilders International Leadership Network (File No. BNPED-20071018AHL), Houston Christian Broadcasters, Inc. (File Nos. BNPED-20071018AJK and 20071019AHX), Digital Chapel Educational Media Foundation (File No. BNPED-20071018AMI), Maranatha Church of Laredo Incorporated (File Nos. BNPED-20071018AUC and 20071018AUF), Texas Educational Broadcasting Co-Operative, Inc. (File No. BNPED-20071018BCK), Gospel American Network (File No. BNPED-20071019AEQ), Organic Media, Inc. (File No. BNPED-20071019AWK), KSBJ Educational Foundation (File No. BNPED-20071019DGI), Iglesia Jesucristo es mi Refugio de San Antonio, Inc. (File Nos. BNPED-20071022ABH and 20071022ABJ), KMZD Radio, Inc. (File No. BNPED-20071022AJJ), South Central Oklahoma Christian Broadcasting Inc. (File No. BNPED-20071022AMS), New Streams Ministry, Inc. (File No. BNPED-20071022ARX), Joshua Springs Calvary Chapel (File No. BNPED-20071022BJF), Calvary Broadcasting, Inc. (File No. BNPED-20071022BJK), American Educational Broadcasting, Inc. (File No. BNPED-20071022BQD), and Vineyard Christian Fellowship of Honolulu Inc. (File No. BNPED-20071022BUL), and TO GRANT the application of KXVI Communications (File No. BNPED-20071018ANS) 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.

93. **Group 540.** IT IS FURTHER ORDERED, That the Application filed by Praise Communications, Inc. (File No. BNPED-20071019DGB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Brandy Station, Virginia. 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 God's Final Call & Warning, Inc. (File No. BNPED-20071012AHQ), Calvary Chapel of Staunton (File No. BNPED-20071012AUD), Positive Alternative Radio, Inc. (File Nos. BNPED-20071015AEK and 20071015AIE), Virginia Organizing Project (File No. BNPED-20071015ALL), Executive Committee of the Board of Trustees of American University (File Nos. BNPED-20071018AFQ and 20071018AFR), The Orange Band Initiative (File No. BNPED-20071018AOV), Stucomm, Inc. (File No. BNPED-20071018ATY and 20071018AUJ), Pensacola Christian College, Inc. (File No. BNPED-20071018DFH), Calvary Chapel of Fredericksburg (File No. BNPED-20071019AEM), Trumpet Broadcasting, Inc. (File No. BNPED-20071019AFD), Educational Media Corporation (File No. BNPED-20071019AHP), Hartland Institute of Health and Education, Inc. (File No. BNPED-20071019AJA), Missionaries of Our Lady of Divine Mercy (File No. BNPED-20071019ASX), James Madison University Board of Visitors (File No. BNPED-20071019BBF and 20071019BBG), Verdun Adventure Bound, Inc. (File No. BNPED-20071022AEU), JKJ Educational Foundation (File No. BNPED-20071022AHV), Mariamante Academy, Inc. (File No. BNPED-20071022ARL), Virginia Tech Foundation, Inc. (File No. BNPED-20071022ASN), Holy Family Communications (File No. BNPED-20071022AWU), Airwaves for Jesus, Inc. (File No. BNPED-20071022BGW), and Mary V. Harris Foundation (File No. BNPED-20071022BOU), and TO GRANT the application of Praise Communications, Inc. (File No. BNPED-20071019DGB) 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
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