

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

In the Matter of	)	MX Group Numbers 14, 71, 157, 214, 262,
	)	331, 339, 367A, 367B, 387, 388, 405, 407,
<b>Threshold Fair Distribution Analysis of 22</b>	)	422, 425, 434, 436, 509, 520, 523, 531, 546A
<b>Groups of Mutually Exclusive Applications</b>	)	
<b>for Permits to Construct New or Modified</b>	)	
<b>Noncommercial Educational FM Stations Filed</b>	)	
<b>in October 2007 Window</b>	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: December 14, 2009**

**Released: December 15, 2009**

By the Chief, Audio Division, Media Bureau

**I. BACKGROUND**

1. The Media Bureau (“Bureau”) has before it for comparative consideration 22 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.<sup>1</sup> By this Memorandum Opinion and Order (“Order”), the Bureau performs threshold analyses and identifies the tentative selectee in each group. Petitions to deny the application of any of these tentative selectees must be filed within 30 days of the date of release of this Order.<sup>2</sup>

2. The groups addressed in this Order consist of applications that were filed or amended in October 2007, during the first filing window for NCE FM applications.<sup>3</sup> These applicants have had an opportunity to settle among themselves<sup>4</sup> and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).<sup>5</sup> During the first step of this process, the

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<sup>1</sup> 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).

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

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

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

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

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

## II. THRESHOLD FAIR DISTRIBUTION PROCEDURES

3. A threshold “fair distribution” analysis is performed on mutually exclusive NCE FM groups only if applicants within the group propose to serve different communities and will provide a new first and/or second NCE aural service to a substantial population. In such cases, the Bureau, consistent with Section 307(b) of the Communications Act of 1934, as amended (the “Act”),<sup>7</sup> determines whether grant of any of the applications would best further the fair, efficient, and equitable distribution of radio service among communities.<sup>8</sup> An NCE FM applicant is eligible to receive a Section 307(b) preference if it would provide a first or second reserved band channel NCE aural service to at least ten percent of the population (in the aggregate), within the proposed station’s service area, provided that such service is to at least 2,000 people.<sup>9</sup> An applicant must support its fair distribution claim with an exhibit identifying the population residing within the proposed station’s 60 dBu service contour and the number of people that would receive a new first or second NCE aural service.<sup>10</sup>

4. If only one applicant qualifies for a “fair distribution” preference, the preference is dispositive with respect to applications in the group that would serve different communities.<sup>11</sup> If more than one applicant in a mutually exclusive group qualifies for the preference, we compare each applicant’s first service population coverage totals.<sup>12</sup> An applicant will receive a dispositive fair distribution preference by proposing a first NCE aural service to at least 5,000 more potential listeners

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<sup>6</sup> 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.

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

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

<sup>9</sup> See 47 C.F.R. § 73.7002(b). Applicants were required to use the most recently available, *i.e.*, 2000 Census, population data. See FCC Form 340, Instructions for Section III. An applicant’s fair distribution showing must be computed as of 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).

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

<sup>11</sup> 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).

<sup>12</sup> See 47 C.F.R. § 73.7002(b).

than the next highest applicant's first service total.<sup>13</sup> If no applicant is entitled to a first service preference, we consider combined first and second NCE aural service population totals and apply the same 5,000-listener threshold. At each stage of the Section 307(b) analysis, any applicant that is comparatively disfavored in terms of eligibility or service totals is eliminated. The process ends when the Bureau determines that one applicant is entitled to a preference or that none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference. In the latter case, all remaining applicants proceed to a point system analysis. Applicants that have received a Section 307(b) preference are required to construct and operate technical facilities substantially as proposed, and cannot downgrade service to the area on which the preference was based for a period of four years of on-air operations.<sup>14</sup>

### III. GROUP-BY-GROUP ANALYSIS

5. This Section contains narrative descriptions of our analyses, organized chronologically by group number. Unless otherwise noted, each component of the analysis is based on information provided by each of the respective applicants.<sup>15</sup>

6. **Group 14.** The two applicants in Group 14 propose service to different communities in Arizona. Arizona Western College ("AWC") proposes to serve Wellton. Centro Cristiano de Fe, Inc. ("Centro") proposes service to Yuma. AWC claims to be eligible for a fair distribution preference.<sup>16</sup> Centro does not and, therefore, is eliminated. AWC is the tentative selectee in Group 14.

7. **Group 71.** The two applicants in this group propose service to different communities in Hawaii. Les Seraphim ("LS") would serve Lahaina, and Mana'O Radio ("MOR") would serve Wailuku. LS claims that it is eligible for a fair distribution preference.<sup>17</sup> MOR did not make any fair distribution claim in its original application but attempts to make such a claim based on an amendment filed in January 2008, approximately 3 months after close of the filing window. MOR's amendment did not modify its technical proposal, but changed the answer of MOR's fair distribution certification from "no" to "yes." MOR also provided at that time a new exhibit purporting to show that MOR would provide aggregated new first and second NCE service to all 87,055 of the 87,055 people within its proposed 60 dBu contour. MOR's amendment is a prohibited attempt to enhance its comparative claim after the close of the filing window.<sup>18</sup> Accordingly, MOR is not eligible for a fair distribution preference. We find that

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.* § 73.7005(b).

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

<sup>16</sup> See AWC Application, Questions III(1), III(2), and associated exhibits. AWC's 60 dBu contour encompasses 2,973 people and AWC claims that it would provide a first NCE service to the entire population. 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.

<sup>17</sup> See LS Application, Questions III(1), III(2), and associated exhibits. LS's 60 dBu contour encompasses 21,603 people. LS claims aggregated first and second NCE service to all 21,603 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.

<sup>18</sup> See *supra* n.9. We have repeatedly disallowed the enhancement of qualifications in NCE comparative cases, consistent with Section 73.7003(e) and the Commission's historical concern that attempts to submit late information in comparative proceedings would "inevitably lead to abuse of the Commission's processes, applicant

LS is the only applicant in this group to timely demonstrate that it qualifies for a fair distribution preference. LS is therefore the tentative selectee in Group 71.

8. **Group 157.** The two applicants in this group propose service to different communities in North Carolina. Radio Hatteras, Inc. (“RHI”) would serve Buxton, and Spirit Broadcasting Group (“SBG”) would serve Engelhard. RHI claims that it is eligible for a fair distribution preference.<sup>19</sup> SBG did not make any fair distribution claim in its original application but attempts to make such a claim based on an amendment filed on October 29, 2007, approximately one week after close of the filing window. SBG’s amendment did not modify its technical proposal, but changed the answer of SBG’s fair distribution certification from “no” to “yes.” SBG also at that time revised a technical exhibit to purport to show that it would provide aggregated first and second NCE service to 5,852 of the 9,715 people within its proposed 60 dBu contour. SBG’s amendment is a prohibited attempt to enhance comparative claims after the close of the filing window.<sup>20</sup> Accordingly, SBG is not eligible for a fair distribution preference. We find that RHI is the only applicant in this group to timely demonstrate that it qualifies for a fair distribution preference. RHI is therefore the tentative selectee in Group 157.

9. **Group 214.** The three applicants in this group propose service to different communities in Pennsylvania. Berks Radio Association (“BRA”), Four Rivers Community Broadcasting Corporation (“FRCB”), and Pensacola Christian College, Inc. (“PCC”) propose, respectively, to serve Hamburg, Mohrsville, and New Tripoli. Each claims that it is eligible for a fair distribution preference.<sup>21</sup> Each applicant in this group claims to be eligible for a preference based on provision of a new first NCE service. BRA, FRCB, and PCC propose a new first NCE service to populations of 38,300, 40,356, and 54,195 respectively. PCC’s first service claim is erroneous because it fails to consider service provided by WCIM, WXLV, WVIA-FM, WBYX, and WRTY. PCC would provide the least first service of all of the applicants in this group and is not comparable to the other two applicants. Accordingly, PCC is eliminated. The first service claims of BRA and FRCB are comparable because neither exceeds the other by at least 5,000 people. Accordingly, we consider their combined first and second NCE service population totals. BRA would provide a first or second NCE service to 54,180 people (38,300 first service plus 15,880 second service). FRCB would provide a new first or second NCE service to 143,166

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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 Threshold Fair Distribution Analysis of 28 Groups*, Memorandum Opinion and Order, DA 09-2172, n.25 (MB rel. Oct 6, 2009); *Threshold Fair Distribution Analysis of 21 Groups*, Memorandum Opinion and Order, 24 FCC Rcd 3873, 3881 (MB 2009). *See also LRB Broadcasting*, Memorandum Opinion and Order, 8 FCC Rcd 3076 (1993). *See generally, Royce International Broadcasting Co.*, Memorandum Opinion and Order, 24 FCC Rcd 5880, 5888 n.52 (2009).

<sup>19</sup> *See* RHI Application, Questions III(1), III(2), and associated exhibits. RHI’s 60 dBu contour encompasses 3,823 people. RHI claims aggregated first and second NCE service to all 3,823 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.

<sup>20</sup> *See supra* n.18.

<sup>21</sup> *See* BRA, FRCB, and PCC Applications, Questions III(1), III(2), and associated exhibits. BRA’s 60 dBu contour encompasses 55,802 people. BRA claims aggregated first and second NCE service to 54,180 people. FRCB’s 60 dBu contour encompasses 175,920 people. FRCB claims aggregated first and second NCE service to 143,166 people. PCC’s 60 dBu contour encompasses 54,195 people. PCC claims aggregated first and second NCE service to all 54,195 people. Thus, each claims that 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. As discussed in the text, we find that PCC’s claim is erroneous.

people (40,356 first service plus 102,810 second service). Because FRCB would provide new NCE service to at least 5,000 people more than BRA's next best proposal, FRCB is the tentative selectee in Group 214.

10. **Group 262.** This group is comprised of three applicants for different communities. The applicants, each claiming to be eligible for a fair distribution preference, are: Family Stations, Inc. ("FSI") for Martins Ferry, Ohio; Educational Media Foundation ("EMF") for Moundsville, West Virginia; and International Society for Krishna Consciousness New Marthura Vrindavan ("ISKC") for New Vrindaban, West Virginia.<sup>22</sup>

11. FSI and ISKC each certify that they are not eligible for a preference based on first service. EMF claims that it is eligible for a preference because it would provide first NCE service to 11,138 people. However, that figure is less than ten percent of EMF's overall population of 111,528. Accordingly, EMF is not eligible for a first service preference. Its first service will, however, be considered along with any second service it might provide.

12. FSI would provide aggregated first and second NCE service to 13,673 people (no first service plus 13,673 second service); EMF to 35,916 people (11,138 first service plus 24,778 second service);<sup>23</sup> and ISKC to 2,929 people (no first service plus 2,929 second service). Because EMF would serve at least 5,000 people more than FSI's next best proposal, EMF is the tentative selectee in Group 262.

13. **Group 331.** This group is comprised of four applicants proposing to serve different communities in Florida. Christian Radio Media, Inc. ("CRM") proposes to serve High Point. Community Radio Foundation of Florida, Inc. ("CRFF") proposes to serve West Wachee. Reach Communications, Inc. ("Reach") proposes to serve South Brooksville, and Westminster Academy ("WA") would serve Brooksville. Reach claims that it is eligible for a fair distribution preference.<sup>24</sup> CRM, CRFF, and WA do not. Accordingly, those three are eliminated, and Reach is the tentative selectee in Group 331.

14. **Group 339.** This group is comprised of six applicants proposing to serve different communities in Georgia. The applicants are: Christian Radio Media, Inc. ("CRM") for Fitzgerald; Athens Christian Radio, Inc. ("ACR") for Dublin; Wilbur Gospel Communications and Foundation ("Wilbur") for Byromville; Catholic Radio Network, Inc. ("CRN") for Cochran; Shredding the Darkness ("STD") for

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<sup>22</sup> See FSI, EMF, and ISKC Applications, Questions III(1), III(2), and associated exhibits. FSI's 60 dBu contour encompasses 103,331 people, and it claims aggregated first and second NCE service to 13,673 people. EMF's 60 dBu contour encompasses 111,528 people, and it claims aggregated first and second NCE service to 35,916 people. ISKC's 60 dBu contour encompasses 4,835 people, and it claims aggregated first and second NCE service to 2,929 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.

<sup>23</sup> EMF submitted this information in the context of its first service claim. EMF did not claim an independent preference for second NCE service.

<sup>24</sup> See Reach Application, Questions III(1), III(2), and associated exhibits. Reach's 60 dBu contour encompasses 24,080 people, and it claims aggregated first and second NCE service to 2,417 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.

Lilly; and Edgewater Broadcasting, Inc. (“EBI”) for Alma. CRM, ACR, Wilbur, and CRN claim eligibility for a fair distribution preference.<sup>25</sup> EBI and STD do not and are therefore eliminated.

15. No applicant in this group 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. CRM would provide a first or second NCE service to 15,993 people (541 first service plus 15,452 second service). ACR would provide a new first or second NCE service to 4,102 people (no first service plus 4,102 second service). Wilbur would provide a new first or second NCE service to 4,074 people (193 first service plus 3,881 second service). CRN would provide a new first or second NCE service to 31,736 people (no first service plus 31,736 second service). Because CRN would provide new NCE service to at least 5,000 people more than CRM’s next best proposal, CRN is the tentative selectee in Group 339.

16. **Group 367A.**<sup>26</sup> This group is comprised of five applicants proposing to serve different communities in Maine. The applicants are: Standish Citizens Educational Organization, Inc. (“SCEO”) for Standish; Columbus Home Association (“Columbus”) for Augusta; Pensacola Christian College, Inc. (“PCC”) for Skowhegan; Light of Life Ministries, Inc. (“Light”) for Bowdoin; and University of Maine System (“UM”) for Hallowell. Columbus, PCC, Light, and UM claim eligibility for a fair distribution preference.<sup>27</sup> SCEO does not and is, therefore, eliminated.

17. Each remaining applicant in this group claims to be eligible for a preference based on provision of a new first NCE service: Columbus to 10,636 people; PCC to 36,790 people; Light to 31,362 people; and UM to 21,640 people. PCC’s first service claim is erroneous because it fails to consider service provided by WMDR-FM, WMEW, and WMHB. PCC would provide the least first service of all of the applicants in this group. Because Light would provide new first NCE service to at least 5,000 people more than UM’s next best proposal, Light is the tentative selectee in Group 367A.

18. **Group 367B.** This group consists of three mutually exclusive applications for different communities in New Hampshire. Light of Life Ministries, Inc. (“Light”) proposes service to Wakefield. New Hampshire Public Radio, Inc. (“NHPR”) proposes service to Laconia. Foothills Public Radio, Inc.

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<sup>25</sup> See CRMI, ACR, Wilbur, and CRN Applications, Questions III(1), III(2), and associated exhibits. CRMI’s 60 dBu contour encompasses 49,217 people. CRMI claims aggregated first and second NCE service to 15,993 people. ACR’s 60 dBu contour encompasses 37,424 people. ACR claims aggregated first and second NCE service to 4,102 people. Wilbur’s 60 dBu contour encompasses 12,615 people. Wilbur claims aggregated first and second NCE service to 4,074 people. CRN’s 60 dBu contour encompasses 107,307 people. Using the smallest numbers provided, CRN claims aggregated first and second NCE service to 31,736 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.

<sup>26</sup> Group 367, which originally contained 10 applications, was bifurcated by a settlement which allowed two of the applications to be granted as singletons. We consider herein the remaining five applications in Group 367A and the remaining three applications in Group 367B.

<sup>27</sup> See Columbus, PCC, Light, and UM Applications, Questions III(1), III(2), and associated exhibits. Columbus’s 60 dBu contour encompasses 33,909 people. Columbus claims aggregated first and second NCE service to 32,150 people. PCC’s 60 dBu contour encompasses 36,790 people. PCC claims aggregated first and second NCE service to all 36,790 people. Light’s 60 dBu contour encompasses 165,083 people. Light claims aggregated first and second NCE service to 37,357 people. UM’s 60 dBu contour encompasses 133,562 people. UM claims aggregated first and second NCE service to 69,610 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.

(“Foothills”) proposes service to Northfield. Light and NHPR each claim to be eligible for a fair distribution preference.<sup>28</sup> Foothills does not. Accordingly, Foothills is eliminated.

19. Neither remaining applicant claims to be eligible for a preference based on provision of new first NCE service. Accordingly, we consider combined first and second NCE service population totals. Light would provide a first or second NCE service to 66,963 people (1,440 first service plus 65,523 second service). NHPR would provide a new first or second NCE service to 5,014 people (27 first service plus 4,987 second service). Because Light would provide new aggregated first and second NCE service to at least 5,000 people more than NHPR, Light is the tentative selectee in Group 376B.

20. **Group 387.** The four applicants in this group propose service to three different communities. Board of Regents of New Mexico Highlands University (“Regents”) proposes to serve Clovis, New Mexico. Good News Church – Hereford (“GNCH”) proposes to serve Hereford, Texas. The Johnson Foundation (“Johnson”) and Catholic Radio of the Texas High Plains (“CRT”) each propose service to Dimmitt, Texas. GNCH and CRT each claim eligibility for a fair distribution preference.<sup>29</sup> Regents and Johnson do not and are, therefore, eliminated.

21. CRT claims that it would provide first NCE service to 7,869 people. GNCH certifies that it is not eligible for a preference based on first service. Accordingly, CRT is the tentative selectee in Group 387.

22. We observe that GNCH has filed a “Petition to Dismiss” the CRT application, claiming that CRT did not have reasonable assurance of site availability. The GNCH petition is premature because it was filed prior to the acceptance of CRT’s application as a tentative selectee. Moreover, the filing does not concern any matter at issue in the selection process herein. As a result of CRT’s tentative selection, GNCH may now file a petition to deny CRT’s application. Otherwise, we will consider GNCH’s existing filing as an informal objection to CRT’s tentative selection.

23. **Group 388.** This group is comprised of thirteen applicants for seven different communities. Radio Bilingue, Inc. (“RBI”) proposes to serve Manassa, Colorado. Each of the other applicants would serve communities in New Mexico. Four would serve the community of Espanola: Board of Regents of New Mexico Highlands University (“Regents”), WS Educational Broadcasting (“WSEB”), New Wine Church of San Antonio (“New Wine”), and NC Friends Broadcasting, Inc. (“NCF”). Four applicants would serve Las Vegas: Koinonia Communications, Inc. (“KCI”), Las Vegas Arts Council, Inc. (“Council”), Las Vegas City Schools (“LVCS”), and Eastern New Mexico University (“ENMU”). The remaining applicants are Western Inspirational Broadcasters, Inc. (“WIB”) for Pecos, Calvary Chapel of Albuquerque, Inc. (“CCA”) for Santa Cruz, Cultural Energy (“CE”) for Ranchos de Taos, and Hispanic Family Christian Network, Inc. (“HFCN”) for El Llano.

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<sup>28</sup> See Light and NHPR Applications, Questions III(1), III(2), and associated exhibits. Light’s 60 dBu contour encompasses 106,746 people. Light claims aggregated first and second NCE service to 66,963 people. NHPR’s 60 dBu contour encompasses 30,824 people. NHPR claims aggregated first and second NCE service to 5,014 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.

<sup>29</sup> See GNCH and CRT Applications, Questions III(1), III(2), and associated exhibits. GNCH’s 60 dBu contour encompasses 46,530 people. GNCH claims aggregated first and second NCE service to 5,890 people. CRT’s 60 dBu contour encompasses 21,089 people. CRT claims aggregated first and second NCE service to 19,163 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.

24. Eight of the thirteen applicants claim eligibility for a fair distribution preference.<sup>30</sup> The other five applicants certify that they are not eligible for a preference, and accordingly, are eliminated: WIB, LVCS, New Wine, HFCN, and NCF. Seven applicants claim to be eligible for a preference based on provision of new first NCE service: RBI to 11,529 people; KCI to 5,557 people; CE to 10,287 people; Regents to 35,219 people; WSEB to 31,868 people; and ENMU to 2,464 people. CCA does not, and is eliminated. The first service claims of Regents and WSEB are mistaken because they fail to consider authorizations for other stations. Regents and WSEB are not eligible for a first service preference and, therefore, are eliminated. The first service claims of RBI, KCI, CE, and ENMU are comparable because none proposes to provide a first NCE service to at least 5,000 more people than the next best applicant.

25. Accordingly, we consider combined first and second NCE service population claims of the remaining applicants: RBI to 21,747 people (11,529 first plus 10,118 second); KCI to 15,024 people (5,557 first plus 9,467 second); CE to 47,006 people (10,287 first plus 36,719 second); and ENMU to 21,857 people (2,464 first plus 19,393 second service). Because CE would provide aggregated first and second NCE service to at least 5,000 people more than ENMU's next best proposal, CE is the tentative selectee in Group 388.

26. **Group 405.** The applicants in this group propose service to different communities in New Jersey and Pennsylvania. The New Jersey applicants are Centenary College ("CC") for Oxford and Penn Jersey Educational Radio Corporation ("PJNER") for White Township. PJNER also filed an application proposing to serve Easton, Pennsylvania. The other Pennsylvania applicants are Shawnee Productions, Inc. ("Shawnee") for Harmony Township and Lehigh Valley Community Broadcasters Association ("LVCB") for Bangor. Each of the applicants claims eligibility for a fair distribution preference.<sup>31</sup>

27. PJNER claims with respect to its Easton application to be eligible for a preference based on provision of new first NCE service. The other applicants do not. Accordingly, PNJER-Easton is the tentative selectee in Group 405.

28. **Group 407.** The four applicants in this group propose service to different communities in Pennsylvania. Pittsburgh Community Broadcasting Corp. ("PCBC") proposes to serve New Stanton. Educational Media Foundation ("EMF") proposes to serve Derry. St. Joseph Missions ("SJM") would

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<sup>30</sup> See RBI, KCI, Council, CCA, CE, Regents, WSEB, and ENMU Applications, Questions III(1), III(2), and associated exhibits. RBI claims that it would provide aggregated first and second NCE service to 21,747 of the 33,298 people encompassed within its proposed 60 dBu contour; KCI to 15,024 of 25,820 people; Council to all 22,201 of 22,201 people; CCA to 37,637 of 112,826 people; CE to 47,006 of 112,826 people; Regents to 38,157 of 67,056 people; WSEB to 32,906 of 49,587 people; and ENMU to all 21,857 of 21,857 people. Thus, each claims that 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.

<sup>31</sup> See CC, PJNER, Shawnee, and LVCB Applications, Questions III(1), III(2), and associated exhibits. CC's 60 dBu contour encompasses 51,126 people. CC claims aggregated first and second NCE service to 29,230 people. PJNER's 60 dBu contour for Oxford encompasses 26,211 people and for Easton encompasses 59,056 people. PJNER claims respective aggregated first and second NCE service to 18,446 people and 56,752 people. LVCB's 60 dBu contour encompasses 56,832 people. LVCB claims aggregated first and second NCE service to 30,897 people. Thus, CC, PJNER, and LVCB 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. Shawnee also claims to be eligible for a preference but does not support its claim. Shawnee provides a map but does not identify the number of people receiving new service. Shawnee thus is not eligible for a fair distribution preference and cannot be compared to the other applicants. Moreover, as Shawnee's claim is based only on second service and another applicant in this group documents eligibility based on first service, Shawnee could not have prevailed in any comparison.



serve Ligonier. Appalachian Performing Arts Institute (“APAI”) proposes to serve Cooperstown. PCBC, EMF, and SJM each claim eligibility for a fair distribution preference.<sup>32</sup> APAI does not and, therefore, is eliminated.

29. SJM claims to be eligible for a preference based on provision of new first NCE service. The other applicants do not. Accordingly, SJM is the tentative selectee in Group 407.

30. **Group 422.** The eight applicants in this group propose service to six communities in Texas. The East Texas Educational Association for Media, Inc. (“East”) and Millennium Broadcasting Corporation (“MBC”) propose to serve Hallsville. Iglesia Cristiana Ebenezer (“ICE”) and Houston Christian Broadcasters (“HCB”) propose to serve Carthage. The other applicants are: Lufkin Educational Broadcasting Foundation (“Lufkin”) for Center; International Missionary Fellowship (“IMF”) for Tenaha; Iglesia Jesucristo es Mi Refugio de San Antonio, Inc. (“IJMR”) for Carterville; and Educational Media Foundation (“EMF”) for Longview. Lufkin and HCB timely claimed and documented eligibility for a fair distribution preference.<sup>33</sup> East, ICE, IJMR, and EMF certify that they are not eligible for a fair distribution preference and, thus, are eliminated when compared to applicants for different communities. MBC states that it is eligible for a preference based on provision of a second NCE service, but does not provide necessary supporting information.<sup>34</sup> Accordingly MBC is also eliminated. IMF originally certified that it was not entitled to a fair distribution preference, but amended its application in January 2008, several months after close of the filing window. IMF’s amendment did not significantly modify its technical proposal, but changed the answer of IMF’s fair distribution certification from “no” to “yes.” IMF also at that time provided an exhibit purporting to show that it would provide aggregated first and second NCE service to all 14,389 people within its proposed 60 dBu contour. IMF’s amendment is a prohibited attempt to enhance comparative claims after the close of the filing window.<sup>35</sup> Accordingly, IMF is not eligible for a fair distribution preference, and is eliminated.

31. The remaining applicants in this group are Lufkin and HCB. HCB claims to be eligible for a preference based on provision of a new first NCE service. Lufkin does not. Accordingly, HCB is the tentative selectee in Group 422.

32. **Group 425.** The five applicants in this group propose service to different communities in Texas. Community Public Radio, Inc. (“CPR”) proposes to serve Utopia. The Soul Café, Inc. (“Café”)

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<sup>32</sup> See PCBC, EMF, and SJM Applications, Questions III(1), III(2), and associated exhibits. PCBC’s 60 dBu contour encompasses 149,299 people. PCBC claims aggregated first and second NCE service to 27,769 people. EMF’s 60 dBu contour encompasses 143,841 people. EMF claims aggregated first and second NCE service to 16,564 people. SJM’s 60 dBu contour encompasses 70,652 people. SJM claims aggregated first and second NCE service to 25,794 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.

<sup>33</sup> See Lufkin and HCB Applications, Questions III(1), III(2), and associated exhibits. Lufkin’s 60 dBu contour encompasses 14,470 people, and its claimed aggregated first and second NCE service is 13,017 people. HCB’s 60 dBu contour encompasses 8,535 people, and its claimed aggregated first and second NCE service is all 8,535 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.

<sup>34</sup> MBC provides a map purportedly showing an area in which it would provide a new second NCE service, but does not enumerate the population within that area or show that it meets the ten percent and 2000-person threshold. Thus, we find MBC’s claim of 307(b) eligibility unreliable, and lacking the basic information that would have been needed to include and compare the proposal with the others in the group.

<sup>35</sup> See *supra* n.18.

proposes to serve Kerrville. Miller Child Development Center (“Miller”) would serve Hondo. KMZD Radio, Inc. (“KMZD”) proposes to serve Camp Wood. Centro Comunitario Jevenil Mahanaim, Inc. (“CCJM”) specifies the community of Sabinal. CPR and Miller document eligibility for a fair distribution preference.<sup>36</sup> Café and CCJM each certifies that it is not eligible for a fair distribution preference and, thus, each of these applicants is eliminated. KMZD states that it is eligible for a preference based on provision of first NCE service, but does not provide necessary supporting information.<sup>37</sup> Accordingly KMZD is also eliminated.

33. Each of the remaining applicants in this group claims to be eligible for a preference based on provision of a new first NCE service. CPR and Miller’s respective first service to 6,779 people and 3,656 people are comparable. Accordingly, we consider combined first and second NCE service population totals. CPR would provide a first or second NCE service to 9,022 people (6,779 first service plus 2,243 second service). Miller would provide a new first or second NCE service to 3,673 people (3,656 first service plus 17 second service). Because CPR would provide new aggregated first and second NCE service to at least 5,000 people more than Miller, CPR is the tentative selectee in Group 425.

34. **Group 434.** The five applications in this group propose service to four different communities in Texas. La Promesa Foundation (“Promesa”) and Texas South Community Broadcast Corporation (“TSCB”) propose to serve Van Horn. TSCB also has an application in this group proposing service to Levinson. Templo Piedra Angular (“TPA”) proposes to serve Fort Stockton. Hispanic Outreach Ministry (“HOM”) would serve Kermit. Promesa and TPA claim eligibility for a fair distribution preference.<sup>38</sup> The HOM and the two TSCB applications do not and, accordingly, are eliminated when compared to eligible applications for different communities.

35. Each of the remaining applicants in this group claims to be eligible for a preference based on provision of a new first NCE service. Promesa would provide a first NCE service to 2,623 people. TPA would provide a new first NCE service to 12,211 people. Because TPA would provide new service to at least 5,000 people more than Promesa, TPA is the tentative selectee in Group 434.

36. **Group 436.** This group is comprised of six applicants for five different communities in Utah. Two applicants propose to serve St. George: Arts For The Community, Inc. (“AFC”) and Christian Vision, Inc. (“CVI”). The other applicants in this group are Wastecon Environmental, LLC (“Wastecon”)

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<sup>36</sup> See CPR and Miller Applications, Questions III(1), III(2), and associated exhibits. CPR’s 60 dBu contour encompasses 33,375 people, and its claimed aggregated first and second NCE service is 9,022 people. Miller’s 60 dBu contour encompasses 21,779 people, and its claimed aggregated first and second NCE service is 4,673 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.

<sup>37</sup> KMZD provides a map purportedly showing that it offers first service to the entire population within its 60 dBu contour. KMZD’s exhibit appears to be based erroneously on the fact that there is no station currently *licensed to* several communities within the contour, without regard to authorizations for other NCE stations that would be received in those communities. For example, it does not account for WLVM. KMZD does not enumerate the population that would receive first or second NCE service or show that it meets the ten percent and 2000-person threshold. Accordingly, we find KMZD’s claim of Section 307(b) eligibility unreliable, and lacking the basic information that would have been needed to include and compare the proposal with the others in the group.

<sup>38</sup> See Promesa and TPA Applications, Questions III(1), III(2), and associated exhibits. Promesa’s 60 dBu contour encompasses 2,623 people, and its claimed aggregated first and second NCE service is all 2,623 people. TPA’s 60 dBu contour encompasses 12,211 people, and its claimed aggregated first and second NCE service is all 12,211 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.

for Santa Clara, University of Utah (“UU”) for La Verkin, Tuacahn Center for the Arts (“TCA”) for Ivins, and Nevada Public Radio (“NPR”) for Cedar City.

37. Wastecon, UU, TCA, and CVI claim eligibility for a fair distribution preference.<sup>39</sup> AFC and NPR certify that they are not eligible for a preference, and accordingly, are eliminated. Two applicants claim to be eligible for a preference based on provision of new first NCE service: Wastecon to 14,375 people and TCA to 81,818 people. CCA and CVI do not, and are eliminated. TCA’s first service claim is erroneous because it does not consider the authorizations of KSGU and KAER. TCA does not qualify for the first service preference claimed, and is eliminated. Accordingly, Wastecon is the tentative selectee in Group 436.

38. **Group 509A**<sup>40</sup>. This group consists of nine applications proposing service to six different communities in Georgia. Three applicants propose to serve Valdosta: Call Communications Group, Inc. (“Call”) Templo Apostoles y Profetas Bethel (“TAPB”) and CRN. The other applicants are: Central Educational Broadcasting, Inc. (“CEB”) for Thomasville; Community Impact Foundation, Inc. (“CIF”) for Moultrie; Augusta Radio Fellowship Institute, Inc. (“Augusta”) for Camilla; Calvary Chapel of Thomasville, Inc. (“CCT”) for Boston; Kansas Catholic Education Radio Corporation (“KCER”) for Newton; and Toccoa Foundation, Inc. (“Toccoa”) for Pavo.

39. Augusta, KCER, and CRN claim eligibility for a fair distribution preference.<sup>41</sup> The other six applications certify that they are not eligible for a preference, and accordingly, are eliminated: Call, CEB, CIF, CCT, TAPB, and Toccoa.

40. Of the remaining three applications, only KCER claims a first NCE service preference. Augusta and CRN do not. Accordingly, KCER is the tentative selectee in Group 509A.

41. **Group 520**. This group is comprised of 24 applications proposing service to 16 different communities in Kansas and Nebraska. Several applicants have more than one application in the group. Kanza Society, Inc. (“Kanza”) filed two Kansas applications, one for Colby and the other for Sharon Springs. The other applicants specifying Kansas communities are: Community Broadcasting, Inc. (“CBI”) for Colby; Thomas More Prep-Marian High, Inc. (“TMP”) for Ellis; Joshua Springs Calvary Chapel (“JSCC”) for Kirwin; Union Valley Baptist Church, Inc. (“UVBC”) for Long Island; and the Praise Network (“Praise”) for Phillipsburg. Praise also filed two applications for communities in Nebraska, one for McCook and the other for Burwell. Tri-State Broadcasting Association, Inc. (“Tri-State”) filed three Nebraska applications, two of which are for Holdrege and the other for North Platte. Bible Broadcasting Network, Inc. (“BBN”) filed two Nebraska applications, one for Grand Island and the other for McCook. The other Nebraska applicants are: Living Rock Ministries (“LRM”), Shining Light

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<sup>39</sup> See Wastecon, UU, TCA, and CVI Applications, Questions III(1), III(2), and associated exhibits. Wastecon claims that it would provide aggregated first and second NCE service to 45,998 of the 136,823 people encompassed within its proposed 60 dBu contour; UU to 34,580 of 125,431 people; TCA to all 81,818 of 81,818 people; and CVI to 42,873 of 118,771 people. Thus, each claims that 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.

<sup>40</sup> Group 509 was bifurcated with the dismissal of an application as defective. The nine applicants in Group 509A will be considered herein. The remaining applicants in Group 509B will be considered separately.

<sup>41</sup> See Augusta, KCER, and CRN Applications, Questions III(1), III(2), and associated exhibits. Augusta claims that it would provide aggregated first and second NCE service to 9,001 of the 14,885 people encompassed within its proposed 60 dBu contour; KCER to all 12,685 of 12,685 people; and CRN to 5,428 of 51,706 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.

Ministries (“SLM”), Saidnewsfoundation (“SNF”), and VSS Catholic Communications (“VSS”) each for Kearney; Radio Amistad (“Amistad”) and RV Ministries (“RV”) each for Grand Island; Kansas Catholic Educational Radio Corporation (“KCER”) for St. Paul; Callaway Village Radio (“CVR”) for Callaway; Kansas Nebraska Good News Broadcasting Corporation (“KNGN”) for McCook, and Vineyard Christian Fellowship of Honolulu, Inc. (“Vineyard”) for Loup City.

42. Fourteen of the applicants claim eligibility for a fair distribution preference.<sup>42</sup> The other ten applicants are eliminated because each certifies that it is not entitled to a fair distribution preference.<sup>43</sup>

43. Nine of the remaining 14 applicants claim a first NCE service preference. The other remaining five applicants (TMP, Tri-State (all three applications), and BBN-Kearney) do not and, accordingly, are eliminated. The first service claims of the remaining nine applicants are: CBI, 16,943 people; Praise-Phillipsburg, 2,861 people; Praise-McCook, 18,737 people; Kanza-Colby 3,875 people; JSCC, 17,656 people; SLM, 5,102 people; KCER, 19,914 people; VSS, 7,655 people; and KNGN, 13,902 people. The first service claims of CBI, Praise-McCook, JSCC, KCER, and KNGN are comparable. Each of the other remaining applications, however, would provide first NCE service to at least 5,000 fewer people than an application for a different community. Accordingly, Praise-Phillipsburg, Kanza-Colby, SLM, and VSS are eliminated.

44. The aggregated first and second NCE service of the remaining five applicants is: CBI, 23,860 people (16,943 first service plus 6,917 second service); Praise-McCook, 24,914 people (18,737 first service plus 6,177 second service); JSCC, 17,656 people (17,656 first service plus no second service); KCER, 35,712 people (19,914 first service plus 15,798 second service); and KNGN, 13,903 people (13,903 first service plus no second service). KCER would provide aggregated first and second NCE service to at least 5,000 more people than Praise’s next best proposal for McCook. Accordingly, KCER is the tentative selectee in Group 520.

45. **Group 523.** This group is comprised of 12 applicants proposing service to seven communities. Kermit Radio Academy (“KRA”) proposes service to Kermit, Texas. The others propose to serve communities in New Mexico. Oscar Aguero Ministry (“Aguero”) filed two applications, one for Carlsbad and the other for Roswell. Four additional applicants propose service to Roswell: WS Educational Broadcasting (“WSEB”), Eastern New Mexico University (“ENMU”), Roswell Humane Society (“RHS”), and Iglesia Shekira (“Shekira”). RHS filed additional applications for Hagerman and Lake Arthur. Top of Texas Educational Broadcasting Foundation (“Top”) and Advance Ministries (“Advance”) each propose to serve Portales. Colina Alta Ministries (“CAM”) proposes to serve Artesia.

46. Aguero-Carlsbad and WSEB each claims and documents eligibility for a fair distribution preference.<sup>44</sup> RHS also claims to be eligible in all three of its applications but submits only a map with no

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<sup>42</sup> See CBI, Praise-Phillipsburg, Praise-McCook, TMP, Kanza-Colby, JSCC, SLM, KCER, VSS, Tri-State (all three applications), BBI-Kearney, and KNGN Applications, Questions III(1), III(2), and associated exhibits. CBI claims it would provide aggregated first and second NCE service to all 23,860 of the 23,860 people within its 60 dBu contour; Praise-Phillipsburg to 3,931 of 5,468 people; Praise-McCook to all 24,914 of 24,919 people; TMP to 10,475 of 11,032 people; Kanza-Colby to all 10,792 of 10,792 people; JSCC to 17,656 of 30,685 people; SLM to 5,102 of 48,236 people; KCER to 35,712 of 78,620 people; VSS to 32,617 of 68,683 people; Tri-State to all 36,002 of 36,002 people for North Platte, all 13,855 of 13,855 people for Holdrege on channel 212, and 26,125 of the 47,020 people for Holdrege on channel 208; BBI-Grand Island 12,876 of 47,795 people; and KNGN to all 13,903 of 13,903 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.

<sup>43</sup> See Kanza-Sharon Springs, UVBC, LRM, Amistad, RV, SNF, Praise-Burwell, Callaway, BBN-Grand Island, and Vineyard Applications.

numbers to support its claim.<sup>45</sup> Accordingly, all three RHS applications are eliminated. ENMU claims to be eligible for a first service preference, but submits an exhibit showing that its proposal would provide, at most, a *third* service. Accordingly, ENMU is eliminated. Six applicants also are eliminated because each acknowledges that it is not entitled to a fair distribution preference.<sup>46</sup>

47. With regard to the two remaining applicants, WSEB claims that it would provide a first NCE service to all 57,780 people within its service area. WSEB's claim is incorrect, however, because it fails to consider first service provided by other authorizations. WSEB would provide no first service and, thus, is eliminated. Aguero-Carlsbad would provide a first NCE service to 41,120 people. Because Aguero-Carlsbad is the only applicant eligible for a preference based on first NCE service, Aguero-Carlsbad is the tentative selectee in Group 523.

48. **Group 531.** This group is comprised of 39 applications proposing service to 26 different communities in North Carolina and South Carolina. Several applicants have more than one application in the group. With respect to applications for communities in North Carolina, Spirit Broadcasting Group, Inc. ("SBG") filed two applications, one for Marshville and the other for Lumberton. Educational Information Corporation ("EIC") also has two North Carolina applications, one for Foxfire and the other for Southern Pines. Highland Baptist Church ("HBC") also proposes service to Southern Pines. The other North Carolina applicants are: God's Final Call & Warning, Inc. ("GFCW") for Piney Grove; Oscar Aguero Ministry ("Aguero") for Candor; Centro Cristiano de Vida Eterna ("CCVE") for Glenwood; Voices of Justice, Inc. ("VOJ") for West End; Network of Glory, Inc. ("Glory") for Ingold; Pathway Christian Academy ("Pathway") for Clinton; Down East Communications ("DEC") for Magnolia; Spirit Communications, Inc. ("SCI") for Wadesboro; Cultural Renewal Radio, UA ("CRR") for Laurinburg; Airwaves for Jesus, Inc. ("Airwaves") for Polkton; Asheboro Seventh-Day Adventist Church ("ASDA") for Troy; and Calvary Broadcasting, Inc. ("CBI") for Mount Gilead.

49. With respect to applications for South Carolina communities, Coastal Carolina University ("CCU") filed two applications, one for Nichols and the other for Conway. Radio Training Network, Inc. ("RTN") filed two separate applications for Dillon and Florence. Church Planters of America ("CPA") also proposes service to Dillon. Ten other applicants also propose to serve Florence: Community Impact Foundation, Inc. ("CIF"); GFCW; Radio Free Communications, Inc. ("RFC"); Bible Broadcasting Network, Inc. ("BBN"); Friends of Hometown Radio ("FHR"); Francis Marion University ("FMU"), Clean Air Broadcasting, Inc. ("Clean Air"); Immanuel Broadcasting Network ("Immanuel"); Nassuna Broadcasting, Inc. ("Nassuna"); Florence Seventh-Day Adventist Church ("FSDA"), and CBI. The other South Carolina applicants are: Florence-Darlington Technical College ("FDTC") for Timmonsville; Solid Foundation Broadcasting Corporation ("SFB") for Clio; Calvary Chapel Myrtle Beach ("CCMB") for Aynor; Richburg Educational Broadcasting Corporation ("Richburg") for Darlington; Columbus Club of Florence, South Carolina ("Columbus") for Latta; and CRR for Marion.

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<sup>44</sup> See Aguero-Carlsbad and WSEB Applications, Questions III(1), III(2), and associated exhibits. Aguero-Carlsbad claims it would provide aggregated first and second NCE service to 44,838 of the 44,856 people within its 60 dBu contour. WSEB claims it would provide aggregated first and second NCE service to all 57,780 of the 57,780 people within its 60 dBu contour. Thus, each claims that 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. As discussed in the text, we find that WSEB's claim is erroneous.

<sup>45</sup> RHS states that the respective 60 dBu contours of its Roswell, Hagerman, and Lake Arthur proposals would encompass 80,698, 2,214, and 20,107 people, but it does not identify the number of people who would receive a first or second service.

<sup>46</sup> See Applications of Aguero-Roswell, Top, Shekira, CAM, Advance, and KRA.

50. Twenty-one of the applicants claim and document eligibility for a fair distribution preference.<sup>47</sup> GFCW also claims to be eligible for its applications in Florence and Piney Grove but submits only a map with no numbers to support its claims.<sup>48</sup> Accordingly, both GFCW applications are eliminated. Sixteen applicants are also eliminated because each certifies that it is not entitled to a fair distribution preference.<sup>49</sup>

51. Nine of the remaining 21 applicants claim a first NCE service preference. The other 12 applicants (Aguero, SBG-Marshville, EIC-Foxfire, EIC-Southern Pines, VOJ, ASDA, CBI-Mount Gilead, CCMB, FHR, RTN-Florence, CRR-Marion, and SCI) do not and, accordingly, are eliminated. The first service claims of the remaining nine applicants are: SBG-Lumberton, 11,133 people; Glory, 13,163 people; Pathway, 14,334 people; DEC, 16,867 people; CRR-Laurinburg, 41,334 people; SFB, 40,691 people; CCU-Conway, 17,968 people; RTN-Dillon, 42,806 people; and Columbus, 47,333 people. The first service claims of RTN-Dillon, Columbus, CRR-Laurinburg, and SFB are comparable. All of the remaining applications, however, would provide first NCE service to at least 5,000 fewer people than SFB's application for a different community. Accordingly, SBG-Lumberton, Glory, Pathway, DEC, and CCU-Conway are eliminated.

52. The aggregated first and second NCE service of the remaining four applicants is: RTN-Dillon, 116,940 people (42,806 first service plus 74,134 second service); Columbus, 97,212 people (47,333 first service plus 49,879 second service); CRR-Laurinburg, 98,011 people (41,334 first service plus 56,677 second service); and SFB, 100,304 people (40,691 first service plus 59,613 second service). RTN-Dillon would provide aggregated first and second NCE service to at least 5,000 more people than SFB's next best proposal for a different community. Accordingly, RTN-Dillon is the tentative selectee in Group 531.

53. **Group 546A.**<sup>50</sup> This group is comprised of nine applications proposing service to communities in Idaho and Wyoming. Brigham Young University – Idaho ("BYU") filed two applications proposing service to Alpine, Wyoming and Blackfoot, Idaho. Calvary Chapel of Idaho Falls ("CCIF")

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<sup>47</sup> See Aguero, SBG-Lumberton, EIC-Foxfire, EIC-Southern Pines, VOJ, SBG-Marshville, Glory, Pathway, DEC, CRR-Laurinburg, CRR-Marion, ASDA, CBI-Mount Gilead, SFB, CCMB, CCU-Conway, FHR, RTN-Dillon, RTN-Florence, Columbus, and SCI Applications, Questions III(1), III(2), and associated exhibits. Aguero claims it would provide aggregated first and second NCE service to 27,910 of the 83,057 people within its 60 dBu contour; SBG-Lumberton to 75,151 of 96,935 people; EIC-Foxfire to 12,164 of 23,400 people; EIC-Southern Pines to 42,135 of 83,028 people; VOJ to 21,632 of 58,372 people; SBG-Marshville to 8,087 of 14,914 people; Glory to all 33,027 of 33,027 people; Pathway to 29,204 of 41,294 people; DEC to 41,824 of 52,858 people; CRR-Laurinburg to 98,011 of 115,848 people; CRR-Marion to 27,853 of 129,885 people; ASDA to 16,218 of 28,317 people; CBI-Mount Gilead to 8,087 of 8,523 people; SFB to 100,304 of 123,115 people; CCMB to 15,225 of 86,228 people; CCU-Conway to all 32,281 of 32,281 people; FHR to 18,183 of 34,360 people; RTN-Dillon to 116,940 of 148,180 people; RTN-Florence to 35,209 of 176,949 people; and Columbus to 97,212 of 138,883 people. Using the lowest numbers provided by SCI, it would provide aggregated first and second NCE service to 3,552 of 28,986 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.

<sup>48</sup> GFCW states that the respective 60 dBu contours of its Piney Grove and Florence proposals would encompass 7,908 and 60,691 people, but it does not identify the number of people who would receive a first or second service.

<sup>49</sup> See Applications of CCVE, HBC, Airwaves, CIF, CBI-Florence, CPA, FDTC, RFC, CCU-Nichols, Richburg, BBN, FMU, Clean Air, Immanuel, Nassuna, and FSDA.

<sup>50</sup> Group 546, which originally contained 25 applications, was trifurcated by settlements in which several applications were voluntarily dismissed and others became singletons. We consider Group 546A herein. Groups 546B and C will be considered in a separate order.

filed two applications for communities in Idaho, one for Shelley and the other for Ririe. Idaho Conference of Seventh-Day Adventists, Inc. (“ICSDA”) filed two applications for the Idaho communities of Sun Valley and Blackfoot. The remaining applicants, all of which propose to serve Idaho communities, are: Family Stations, Inc. (“FSI”) for Pocatello; Northridge Fellowship SBC, Inc. (“Northridge”) for Hailey; and Gospel Spots, Inc. (“GSI”) for Sugar City.

54. Six of the nine applications in the group timely claimed and documented eligibility for a fair distribution preference.<sup>51</sup> The following applicants certified that they are not eligible for a preference and, accordingly, are eliminated: GSI, FSI, and ICSDA-Blackfoot. CCIF-Ririe states that it would provide a new first NCE service to 12,642 people and, therefore, claims eligibility for a first NCE service preference. The other five remaining applicants do not claim a first service preference. Accordingly, CCIF-Ririe is the tentative selectee in Group 546A.

#### IV. ADDITIONAL MATTERS

55. **Acceptability Studies.** Once the Bureau identifies a tentative selectee pursuant to the fair distribution process, the next step is to consider whether the selectee’s application has defects.<sup>52</sup> If found acceptable for filing, public notice of that fact is given, and petitions to deny may be filed within 30 days following the release of the public notice.

56. 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.

57. **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.

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<sup>51</sup> See Northridge, BYU-Blackfoot, BYU-Alpine, CCIF-Shelley, CCIF-Ririe, and ICSDA-Sun Valley Applications, Questions III(1), III(2), and associated exhibits. Northridge claims that it would provide aggregated first and second NCE service to 10,428 of the 11,166 people encompassed within its 60 dBu contour; BYU to 13,161 of the 127,497 people; CCTF to 9,396 of the 73,587 people within its proposed Shelley contour, and to 36,103 of the 124,710 people within its Ririe contour; and ICSDA-Sun Valley to 7,519 of the 14,458 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.

<sup>52</sup> If a tentative selectee’s application is found unacceptable for filing, it is dismissed. The applicant then has one opportunity to submit a curative amendment and a petition for reconsideration requesting reinstatement *nunc pro tunc* within 30 days. 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.

## V. ORDERING CLAUSES

58. 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.<sup>53</sup> If any decision in this *Memorandum Opinion and Order* is declared invalid for any reason, the remaining portions shall be severable from the invalid part and SHALL REMAIN in full force and effect to the fullest extent permitted by law.

59. **Group 14.** IT IS FURTHER ORDERED, That the Application filed by Arizona Western College (File No. BNPED-20071018ABZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wellton, Arizona. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Centro Cristiano de Fe, Inc. (File No. BNPED-20071022ABD), and TO GRANT the application of Arizona Western College (File No. BNPED-20071018ABZ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

60. **Group 71.** IT IS FURTHER ORDERED, That the Application filed by Les Seraphim (File No. BNPED-20071018AMQ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Lahaina, 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 application of Mana'O Radio (File No. BNPED-20071016AHV) and TO GRANT the application of Les Seraphim (File No. BNPED-20071018AMQ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

61. **Group 157.** IT IS FURTHER ORDERED, That the Application filed by Radio Hatteras, Inc. (File No. BNPED-20071019AGX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Buxton, 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 application of Spirit Broadcasting Group, Inc. (File No. BNPED-20071016ADU), and TO GRANT the application of Radio Hatteras, Inc. (File No. BNPED-20071019AGX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

62. **Group 214.** IT IS FURTHER ORDERED, That the Application filed by Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXF) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Mohrsville, 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 Berks Radio Association (File No. BNPED-20071018ATS) and Pensacola Christian College, Inc. (File No. BNPED-20071018DEV), and TO

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<sup>53</sup> 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).



GRANT the application of Four Rivers Community Broadcasting Corporation (File No. BNPED-20071018AXF) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

63. **Group 262.** IT IS FURTHER ORDERED, That the Application filed by Educational Media Foundation (File No. BNPED-20071017AEB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Moundsville, 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 Family Stations, Inc. (File No. BNPED-20071022ALO) and International Society for Krishna Consciousness New Marthura Vrindavan (File No. BNPED-20071012AHN), and TO GRANT the application of Educational Media Foundation (File No. BNPED-20071017AEB) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

64. **Group 331.** IT IS FURTHER ORDERED, That the Application filed by Reach Communications, Inc. (File No. BNPED-20071022ATR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in South Brooksville, Florida. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Christian Radio Media, Inc. (File No. BNPED-20071012APN), Community Radio Foundation of Florida, Inc. (File No. BNPED-20071022APA) and Westminster Academy (File No. BNPED-20071022BLN), and TO GRANT the application of Reach Communications, Inc. (File No. BNPED-20071022ATR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

65. **Group 339.** IT IS FURTHER ORDERED, That the Application filed by Catholic Radio Network (File No. BNPED-20071019AJX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Cochran, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Christian Radio Media, Inc. (File No. BNPED-20071012DYF), Athens Christian Radio, Inc. (File No. BNPED-20071015ACB), Wilbur Gospel Communications and Foundation (File No. BNPED-20071015AHA), Shredding the Darkness (File No. BNPED-20071022BCM), and Edgewater Broadcasting, Inc. (File No. BNPED-20071022BET), and TO GRANT the application of Catholic Radio Network (File No. BNPED-20071019AJX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

66. **Group 367A.** IT IS FURTHER ORDERED, That the Application filed by Light of Life Ministries, Inc. (File No. BNPED-20071018DFG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Skowhegan, Maine. 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 Standish Citizens Educational Organization, Inc. (File No. BNPED-20071017AFM), Columbus Home Association (File No. BNPED-20071018ASU), Pensacola Christian College (File No. BNPED-20071018DFE), and University of Maine System (File No. BNPED-20071019BAO), and TO GRANT the application of Light of Life Ministries, Inc. (File No. BNPED-20071018DFG) 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 367B.** IT IS FURTHER ORDERED, That the Application filed by Light of Life Ministries, Inc. (File No. BNPED-20071018AXP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wakefield, 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 applications of New Hampshire Public Radio, Inc. (File No. BNPED-20071019ALO) and Foothills Public Radio, Inc. (File No. BNPED-20071022BHB), and TO GRANT the application of Light of Life Ministries, Inc. (File No. BNPED-20071018AXP) 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 387.** IT IS FURTHER ORDERED, That the Application filed by Catholic Radio of the Texas High Plains (File No. BNPED-20071022AWY) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dimmitt, 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 Board of Regents of New Mexico Highlands University (File No. BNPED-20071019AEJ), Good News Church – Hereford (File No. BNPED-20071012AGC), and The Johnson Foundation (File No. BNPED-20071018ANF), and TO GRANT the application of Catholic Radio of the Texas High Plains (File No. BNPED-20071022AWY) 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 388.** IT IS FURTHER ORDERED, That the Application filed by Cultural Energy (File No. BNPED-20071016AJM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Ranchos de Taos, 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 applications of Radio Bilingue, Inc. (File No. BNPED-20071016AFB), Koinoica Communications, Inc. (File No. BNPED-20071015AEV), Western Inspirational Broadcasters, Inc. (File No. BNPED-20071015AIF), Las Vegas Arts Council, Inc. (File No. BNPED-20071015ALE), Calvary Chapel of Albuquerque, Inc. (File No. BNPED-20071016AHX), Las Vegas City Schools (File No. BNPED-20071017AAH), Board of Regents of New Mexico Highlands University (File No. BNPED-20071019AFT), WS Educational Broadcasting (File No. BNPED-20071019ASI), New Wine Church of San Antonio (File No. BNPED-20071022ACS), Hispanic Family Christian Network, Inc. (File No. BNPED-20071022ALZ), NC Friends Broadcasting, Inc. (File No. BNPED-20071022BCK), and Eastern New Mexico University (File No. BNPED-20071022BDT), and TO GRANT the application of Cultural Energy (File No. BNPED-20071016AJM) 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 405.** IT IS FURTHER ORDERED, That the Application filed by Penn Jersey Educational Radio Corporation (File No. BNPED-20071018AWI) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Easton, 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 Penn Jersey Educational Radio Corporation for Oxford, New Jersey (File No. BNPED-20071018AWE), Centenary College (File No. BNPED-20071019AXZ), Shawnee Productions, Inc. (File No. BNPED-20071012AXQ), and Lehigh Valley Community Broadcasters Association (File No. BNPED-20071022AHE), and TO GRANT the

application of Penn Jersey Educational Radio Corporation for Easton, Pennsylvania (File No. BNPED-20071018AWI) 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 407.** IT IS FURTHER ORDERED, That the Application filed by Saint Joseph Missions (File No. BNPED-20071022BTO) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Ligonier, 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 Pittsburgh Community Broadcasting Corp. (File Nos. BNPED-20071018AIA), Educational Media Foundation (File No. BNPED-20071019BDR), and Appalachian Performing Arts Institute (File No. BNPED-20071015AAU), and TO GRANT the application of Saint Joseph Missions (File No. BNPED-20071022BTO) 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 422.** IT IS FURTHER ORDERED, That the Application filed by Houston Christian Broadcasters, Inc. (File No. BNPED-20071019AHZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Carthage, 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 The East Texas Educational Association for Media, Inc. (File No. BNPED-20071012AFM), Lufkin Educational Broadcasting Foundation (File No. BNPED-20071017ABS), International Missionary Fellowship (File No. BNPED-20071018AAJ), Iglesia Cristiana Ebenezer (File No. BNPED-20071018AZF), Millennium Broadcasting Corporation (File No. BNPED-20071019ACN), Iglesia Jesucristo es Mi Refugio de San Antonio, Inc. (File No. BNPED-20071022ABI), and Educational Music Foundation (File No. BNPED-20071022BFE), and TO GRANT the application of Houston Christian Broadcasters, Inc. (File No. BNPED-20071019AHZ) 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 425.** IT IS FURTHER ORDERED, That the Application filed by Community Public Radio, Inc. (File No. BNPED-20071012AUN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Utopia, 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 The Soul Cafe, Inc. (File No. BNPED-20071019AQJ), Miller Child Development Center (File No. BNPED-20071022APG), KMZD Radio, Inc. (File No. BNPED-20071022BFN), and Centro Comunitario Juvenil Mahanaim, Inc. (File No. BNPED-20071022BKH), and TO GRANT the application of Community Public Radio, Inc. (File No. BNPED-20071012AUN) 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 434.** IT IS FURTHER ORDERED, That the Application filed by Templo Piedra Angular (File No. BNPED-20071019BDL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Fort Stockton, 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 La Promesa Foundation (File No. BNPED-20071019AFS), Texas South Community Broadcast Corporation (File Nos. BNPED-20071019BDE and 20071019BDY), and Hispanic Outreach Ministry, Inc. (File No. BNPED-20071022ANP), and TO GRANT the application of Templo Piedra Angular (File No. BNPED-20071019BDL) 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 436.** IT IS FURTHER ORDERED, That the Application filed by Wastecon Environmental, LLC (File No. BNPED-20071015ALB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Santa Clara, 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 Arts For The Community, Inc. (File No. BNPED-20071015AFO), Christian Vision, Inc. (File No. BNPED-20071022AUV), University of Utah (File No. BNPED-20071019AAL), Tuacahn Center for the Arts (File No. BNPED-20071019AKP), and Nevada Public Radio (File No. BNPED-20071022BJM), and TO GRANT the application of Wastecon Environmental, LLC (File No. BNPED-20071015ALB) 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 509A.** IT IS FURTHER ORDERED, That the Application filed by Kansas Catholic Educational Radio Corporation (File No. BNPED-20071016AIG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Newton, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Central Educational Broadcasting, Inc. (File No. BNPED-20071012AAU), Community Impact Foundation (File No. BNPED-20071012ACJ), Augusta Radio Fellowship Institute, Inc. (File No. BNPED-20071012AOU), Calvary Chapel of Thomasville, Inc. (File No. BNPED-20071015AHC), Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BAT), Call Communications Group, Inc. (File No. BNPED-20071019AAX), Catholic Radio Network, Inc. (File No. BNPED-20071019AKH), and Toccoa Foundation, Inc. (File No. BNPED-20071022ADZ), and TO GRANT the application of Kansas Catholic Educational Radio Corporation (File No. BNPED-20071016AIG) 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 520.** IT IS FURTHER ORDERED, That the Application filed by Kansas Catholic Education Radio Corporation (File No. BNPED-20071016AIC) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in St. Paul, Nebraska. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Community Broadcasting, Inc. (File No. BNPED-20071018ADO), The Praise Network, Inc. (File Nos. BNPED-20071018ATD, BNPED-20071018ASY and 20071018ATJ), Thomas More Prep-Marion High, Inc. (File Nos. BNPED-20071018AVF), Kanza Society, Inc. (File Nos. BNPED-20071018BCE and 20071018BCO), Joshua Springs Calvary Chapel (File No. BNPED-20071022BJC), Union Valley Baptist Church, Inc. (File No. BNPED-200710122BMY), Living Rock Ministries (BNPED-20071012ADI), Radio Amistad (File No. BNPED-20071012AFU), Shining Light Ministries (File No. BNPED-20071015AAG), RV Ministries, Inc. (File No. BNPED-20071017AHX), Saidnewsfoundation (File No. BNPED-20071017AIR), VSS Catholic Communications, Inc. (File No. BNPED-20071018ARL), Callaway Village Radio (File No. BNPED-20071019AAP), Tri-State Broadcasting Association, Inc. (File Nos. BNPED-20071019AKA, 20071019AKJ, and 20071019AKM), Bible Broadcasting Network, Inc. (File Nos. BNPED-20071019APV and 20071019AQE), Kansas Nebraska Good News Broadcasting Corporation (File No. BNPED-20071019AVE), and Vineyard Christian Fellowship of Honolulu, Inc. (File No. BNPED-20071022BTD), and TO GRANT the application of Kansas Catholic Education Radio Corporation (File No. BNPED-20071016AIC) 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 523.** IT IS FURTHER ORDERED, That the Application filed by Oscar Aguero Ministry (File No. BNPED-20071015AGB), is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Carlsbad, 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 applications of Oscar Aguero Ministry for Roswell (File No. BNPED-20071015AFZ), Top O Texas Educational Broadcasting Foundation (File No. BNPED-20071018AIW), Roswell Humane Society (File Nos. BNPED-20071018AAPB, 20071018APG, and 20071018APH), Iglesia Shakira (File No. BNPED-20071018AYP), WS Educational Broadcasting (File No. BNPED-20071019ASN), Colina Alta Ministries, Inc. (File No. BNPED-20071019AZT), Advance Ministries, Inc. (File No. BNPED-20071022BLJ), Eastern New Mexico University (File No. BNPED-20071022BVS), and Kermit Radio Academy (File No. BNPED-20071022BRY), and TO GRANT the application of Oscar Aguero Ministry (File No. BNPED-20071015AGB) 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 531.** IT IS FURTHER ORDERED, That the Application filed by Radio Training Network, Inc. (File No. BNPED-20071022AFU) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dillon, South Carolina. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Radio Training Network for Florence, South Carolina (File No. BNPED-20071022AFX), God's Final Call and Warning, Inc. (File Nos. BNPED-20071012AHR and 20071012AIL), Oscar Aguero Ministry (File No. BNPED-20071015AGF), Spirit Broadcasting Group, Inc. (File Nos. BNPED-20071015AKZ and 20071018ART), Centro Cristiano de Vida Eterna (File No. BNPED-20071018ABQ), Educational Information Corporation (File Nos. BNPED-20071018AGE and 20071018AHK), Voices of Justice, Inc. (File No. BNPED-20071018AHT), Network of Glory (File No. BNPED-20071019AFC), Pathway Christian Academy (File No. BNPED-20071019AIN), Highland Baptist Church (File No. BNPED-20071019AMZ), Down East Communications (File No. BNPED-20071019ASJ), Spirit Communications, Inc. (File No. BNPED-20071019BCS), Cultural Renewal Radio, UA (File Nos. BNPED-20071022AMF and 20071022BIZ), Airwaves for Jesus, Inc. (File No. BNPED-20071022AUM); Asheboro Seventh-Day Adventist Church (File No. BNPED-20071022AZU), Calvary Broadcasting, Inc. (File Nos. BNPED-20071022BHC and 20071022BJB), Coastal Carolina University (File Nos. BNPED-20071017ADX and 20071017AEP), Church Planters of America (File No. BNPED-20071012ABV), Community Impact Foundation, Inc. (File No. BNPED-20071012ADN), Radio Free Communications, Inc. (File No. BNPED-20071015AEO), Bible Broadcasting Network, Inc. (File No. BNPED-20071018ASX), Friends of Hometown Radio (File No. BNPED-20071019AGO), Francis Marion University (File No. BNPED-20071019AGR), Clean Air Broadcasting, Inc. (File No. BNPED-20071019ANE), Immanuel Broadcasting Network (File No. BNPED-20071019AVF), Nassuna Broadcasting, Inc. (File No. BNPED-20071022BAY), Florence Seventh-Day Adventist Church (File No. BNPED-20071022BFV), Florence-Darlington Technical College (File No. BNPED-20071012AJC), Solid Foundation Broadcasting Corporation (File No. BNPED-20071015AGO), Calvary Chapel Myrtle Beach (File No. BNPED-20071016AGJ), Richburg Educational Broadcasting Corporation (File No. BNPED-20071018APQ), and Columbus Club of Florence (File No. BNPED-20071022ASA), and TO GRANT the application of Radio Training Network, Inc. (File No. BNPED-20071022AFU) 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 546A.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Idaho Falls (File No. BNPED-20071022AVX) is ACCEPTED FOR FILING and

TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Ririe, Idaho. 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 Idaho Falls for Shelley, Idaho (File No. BNPED-20071022AVP), Northridge Fellowship SBC, Inc. (File No. BNPED-20071019AGB), Idaho Conference of Seventh-Day Adventists, Inc. (File Nos. BNPED-20071022BSH and 20071022BVM), Brigham Young University – Idaho (File Nos. BNPED-20071019AJD and 20071019AIA), Family Stations, Inc. (File No. BNPED-20071022ALM), and Gospel Spots, Inc. (File No. BNPED-20071022AAF), and TO GRANT the application of Calvary Chapel of Idaho Falls (File No. BNPED-20071022AVX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau