

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

In the Matter of)	
)	
Threshold Fair Distribution Analysis of 5)	NCE FM 2021 Window, MX Group
Groups of Mutually Exclusive Applications)	Numbers 23, 59B, 196, 205, and 221
for Permits to Construct New Noncommercial)	
Educational FM Stations)	

MEMORANDUM OPINION AND ORDER

Adopted: November 9, 2022

Released: November 9, 2022

By the Chief, Audio Division, Media Bureau

I. BACKGROUND

1. The Media Bureau (Bureau) has before it for comparative consideration five groups of mutually exclusive (MX) applications for new noncommercial educational (NCE) FM station construction permits.¹ By this Memorandum Opinion and Order (Order), the Bureau performs threshold fair distribution of service 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 in November 2021, during the filing window for new NCE FM applications.³ These applicants have had an opportunity to settle among themselves,⁴ and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission's rules.⁵ During the first step of this process, the Bureau, acting pursuant to delegated authority,⁶ uses service area population data, Tribal Priority criteria, and certifications

¹ On November 29, 2021, the Bureau issued a public notice identifying 231 groups of mutually exclusive NCE FM applications. *See Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the November 2021, Filing Window for New Noncommercial Educational Stations*, MB Docket No. 20-343, Public Notice, DA 21-1476 (MB rel. Nov. 29, 2021) (*NCE MX Public Notice*). Each of the groups analyzed herein was included on the *NCE MX Public Notice*.

² *See* 47 CFR § 73.7004(b).

³ *See Media Bureau Announces NCE FM New Station Application Filing Window; Window Open from November 2, 2021, to November 9, 2021*, MB Docket No. 20-343, Public Notice, 36 FCC Rcd 7449 (MB rel. April 21, 2021). The window was available for FM reserved band (channels 201-220) proposals. *See* 47 CFR § 73.501.

⁴ *See NCE MX Public Notice* at 2-5.

⁵ 47 CFR §§ 73.7000 – 7005.

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 CFR §§ 0.61 and 0.283. A Section 307(b) analysis is ordinarily conducted at the staff level because the Bureau has delegated authority to make Section 307(b) determinations. *See*

provided by the applicants to perform a threshold fair distribution analysis.

II. THRESHOLD FAIR DISTRIBUTION OF SERVICE PROCEDURES

3. Section 307(b) of the Communications Act of 1934, as amended (Section 307(b)) states that the Commission must “provide a fair, efficient, and equitable distribution” of broadcast service among the states and communities.⁷ In accordance with this directive, the Commission considers the fair distribution of service as a first, or threshold, issue in its NCE FM comparative review process.⁸ Accordingly, when applicants in a mutually exclusive NCE FM group⁹ propose to serve different communities, the Bureau first performs a threshold “fair distribution” analysis to ascertain whether grant of any of the applications would best further the Section 307(b) objective.¹⁰ In the first step of the Section 307(b), or fair distribution, analysis, the Bureau determines whether any of the applicants in the MX group is a federally recognized Native American Tribe or Alaska Native Village proposing to serve Tribal Lands¹¹ and claims the Tribal Priority.¹²

4. If there is no Tribal Applicant in the MX group,¹³ the Bureau proceeds to the second step in the Section 307(b) analysis and determines whether any applicant would provide a first or second reserved band channel NCE aural service to a substantial population (the First or Second NCE Service Preference) and compares population coverage totals.¹⁴ Specifically, during this step, an NCE FM

Reexamination of Comparative Standards for Noncommercial Educational Applicants, Report and Order, 15 FCC Rcd 7386, 7397 (2000) (*NCE Order*). In contrast, the point system analysis, which is conducted when Section 307(b) is not determinative, must be conducted by the Commission as this analysis is considered a simplified “hearing” for purposes of 47 U.S.C. §155(c)(1). See *NCE Order*, 15 FCC Rcd at 7420.

⁷ 47 U.S.C. § 307(b).

⁸ See 47 CFR § 73.7002; *NCE Order*, 15 FCC Rcd at 7396 (concluding that “fair distribution of stations to communities should remain a threshold issue”), Memorandum Opinion and Order, 16 FCC Rcd 5074, 5077 (2001) (*NCE MO&O*) (“when competing FM applications propose to serve different communities, a proposal would be considered best, as a threshold matter, if it would provide service to a significant unserved or underserved population”).

⁹ Conflicting NCE FM applications, which cannot all be granted consistent with the Commission's technical rules, are considered mutually exclusive. An MX group consists of all applications which are MX to at least one other application in the group.

¹⁰ 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 CFR § 73.7002(a). Applicants’ Form 2100, Schedule 340, Fair Distribution of Service certifications enable the Bureau to consider whether service to one community over the other would best achieve the Commission’s directive to distribute radio service fairly among communities.

¹¹ See 47 CFR §§ 73.7000, 73.7002(b).

¹² An NCE FM applicant is eligible to receive a fair distribution preference, and ultimately be awarded the construction permit, if it identifies itself as a Tribal Applicant, proposes Tribal Coverage, and proposes the first reserved channel NCE service owned by any Tribal Applicant at a community of license located on Tribal Lands (the Tribal Priority). See 47 CFR § 73.7000 (defining a “Tribal Applicant” and “Tribal Coverage”); see also 47 CFR § 73.7002(b); *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, First Report and Order, 25 FCC Rcd 1583 (2010) (establishing the Section 307(b) Tribal Priority).

¹³ None of the MX groups addressed in this Order contain a Tribal Applicant. Accordingly, the first step of the Section 307(b) analysis, the Tribal Priority analysis, is unnecessary herein.

¹⁴ See 47 CFR § 73.7002(b).

applicant is eligible to receive a fair distribution preference (or Section 307(b) preference)¹⁵ if it would provide a first or second reserved band channel NCE aural service to at least 10% of the population (in the aggregate), within the proposed station's service area, provided that the population served is at least 2,000 people. If only one applicant in an MX group qualifies for the First or Second NCE Service Preference, its "fair distribution" (Section 307(b)) preference is dispositive,¹⁶ and the applicant will be awarded the construction permit.

5. If more than one applicant in the MX group claims a First or Second NCE Service Preference, the applicant proposing to provide the greatest number of people with the highest level of service will be awarded a construction permit, if it will provide such service to at least 10% of the people within the station's 60 dBu contour *and* to at least 5,000 more people than the next best applicant.¹⁷ First service will be preferred over second service.¹⁸ Accordingly, the Bureau first examines the applicants' first service levels alone to determine whether one of the proposals is superior and should receive a decisive preference. If such applicants are equivalent with respect to first service, or no applicant qualifies for a first service preference, the Bureau considers combined first and second NCE aural service population totals. At each stage of the Section 307(b) analysis, any applicant that is comparatively disfavored in terms of Section 307(b) eligibility or service totals is eliminated. The process ends when the Bureau determines that one applicant is entitled to a Section 307(b) preference, or that either (1) none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference, or (2) each remaining applicant proposes to serve the same community. Any remaining MX applicants proposing equivalent service overall, or proposing the same community, proceed to a point system analysis.¹⁹

6. Each applicant claiming a First or Second NCE Service preference 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.²⁰ Further, any applicant which receives a decisive Section 307(b) preference is 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.²¹

¹⁵ The terms "fair distribution preference" and "Section 307(b) preference" are used interchangeably to refer to the preference given to an MX application that is deemed to substantially further the fair distribution of service goals enunciated in Section 307(b) of the Act.

¹⁶ As noted, in the case of an MX group with a Tribal Applicant, an applicant qualifying for a Tribal Priority, however, will prevail over any MX applicant claiming a First or Second NCE Service Preference.

¹⁷ 47 CFR § 73.7002(b).

¹⁸ *Id.*

¹⁹ See 47 CFR § 73.7003 (point system selection procedures).

²⁰ See *id.* § 73.7002(b). Applicants were required to use the most recently available, *i.e.*, 2010 Census, population data. See *Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2-9, 2021, Window*, DA 21-885, at 5-7 and n.24 (MB rel. July 23, 2021) (*NCE Filing Procedures Public Notice*); FCC Form 2100, Schedule 340, Instructions for Fair Distribution of Service at 12-14. 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 CFR § 73.7003(e) and (f)(3); *NCE Filing Procedures Public Notice* at 11; *NCE MO&O*, 16 FCC Rcd at 5082-83. 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 CFR §§ 1.65 and 73.7003(e).

III. GROUP-BY-GROUP ANALYSES

8. This Section contains narrative descriptions of our analyses, organized sequentially by group number. Unless otherwise noted, each component of the analysis is based on information provided by each of the respective applicants.²²

9. **Group 23.**²³ This group consists of four applications to serve different communities in Arizona. Hispanic American Christian Network, Inc. (HACN) proposes to serve Aguila; Bradshaw Mountain Broadcasting, Inc. (BMB) proposes to serve Crown King; Advance Ministries, Inc. (AMI) proposes to serve Prescott; and Desert Soul Media, Inc. (DSM) proposes to serve Wickenburg. BMB and DSM each claims eligibility for a fair distribution preference based on combined first and second NCE service population totals.²⁴ HACN and AMI do not, and are therefore, each eliminated. BMB would provide a first or second NCE service to 7,081 people; DSM to 18,291 people. Because DSM would provide a first or second NCE service to at least 5,000 more people than BMB, DSM is the tentative selectee for Group 23.

10. **Group 59B.**²⁵ This group consists of six applications to serve different communities in Florida and Georgia.²⁶ In Florida, Faith and Action Community Outreach, Inc. (Faith) proposes to serve Madison, and Big Bend Heritage Music Association, Inc. (Big Bend) proposes to serve Perry. In Georgia, Elijah Radio (Elijah) proposes to serve Dasher; Georgia Public Telecommunications Commission (GPTC) proposes to serve Pelham; Church Planters of America (Church Planters) proposes

²¹ See 47 CFR § 73.7005(b); see also 47 CFR § 73.7002(c). During this period, such applicant may make minor modifications to its authorized facilities, provided that “(i) the modification does not downgrade service to the area on which the preference was based, or (ii) any potential loss of first and second NCE service is offset by at least equal first and, separately, combined first and second NCE service population gain(s), and the applicant would continue to qualify for a decisive Section 307(b) preference.”) *Id.*

²² See FCC Form 2100, Schedule 340, Noncommercial Educational Station for Reserved Channel Construction Permit Application, Fair Distribution of Service certifications. An applicant responding “Yes” to any of the certification questions was required to submit an attachment with a justification for its certification.

²³ Group 23 was initially included in the Bureau’s April 4, 2022, Fair Distribution Order, and Cheyenne Broadcasting Foundation, Inc. (Cheyenne) was tentatively selected to be awarded a construction permit for a new NCE FM station in Wilhout, Arizona. See *Threshold Fair Distribution Analysis of 16 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, DA 22-356, at paras. 11, 31 (MB April 4, 2022). On July 1, 2022, however, Cheyenne’s application was dismissed pursuant to the terms of a June 25, 2022, settlement agreement between Cheyenne and Desert Soul Media, Inc. See File No. 167326.

²⁴ See File Nos. 166211 and 166533, Fair Distribution of Service Section, and associated exhibits. BMB’s 60 dBu contour encompasses 19,556 people, and its claimed aggregated first and second NCE service is 7,081 people. DSM’s 60 dBu contour encompasses 124,567 people, and its claimed aggregated first and second NCE service is 18,291 people. Thus, each would provide an aggregated first and second NCE service to at least 10% of the population within its respective 60 dBu contour and to more than 2,000 people.

²⁵ Group 59, which originally contained 17 applications, was bifurcated as a result of a technical amendment. The other applications in the MX group were evaluated as Group 59A in a previous order. See *Comparative Consideration of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 22-61, at paras. 32-34 (2022).

²⁶ Group 59B originally included two additional applicants, CSN International (CSN) and Inverse Focus Ministry, Inc. (Inverse). The Bureau previously identified Inverse as the tentative selectee in Group 59B, but Inverse and CSN subsequently requested dismissal of their applications. See *Threshold Fair Distribution Analysis of 13 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, DA 22-477 at 4-5, para. 11 (MB May. 2, 2022); File Nos. 167809 and 167493.

to serve Quitman; and Bemiss Road Baptist Church and Lowndes County Christian Academy Inc. (Bemiss) proposes to serve Valdosta. Big Bend, Elijah, and GPTC each claims that it is eligible for a fair distribution preference based on combined first and second NCE population totals.²⁷ The other applicants do not. Accordingly, Faith, Church Planters, and Bemiss are each eliminated. Big Bend would provide a combined first and second NCE service to 18,752 people; Elijah to 12,723 people; and GPTC to 6,971 people. Because Big Bend's proposed combined first and second NCE service exceeds the other applicants' proposals by at least 5,000 people, Elijah and GPTC are each eliminated. Big Bend is the tentative selectee for Group 59B.

11. Group 196. This group consists of three applications proposing service to three different communities in Texas. Texas Public Radio (TPR) proposes to serve Gonzales. Centro Cristiano de Vida Eterna San Antonio filed two applications in the group, one for Runge (CCSA-Runge) and the other for Shiner (CCSA-Shiner). Each applicant claims eligibility for a fair distribution preference based on first NCE service.²⁸ TPR claims to provide new first NCE service to 4,175 people, CCSA-Runge to 3,724 people, and CCSA-Shiner to 13,204 people. Because CCSA-Shiner would provide a first NCE service to at least 5,000 more people than TPR's next best proposal, CCSA-Shiner is the tentative selectee in Group 196.

12. Group 205. This group consists of eight applications proposing service to seven different communities in Texas. Ministerio Espiritu Santo (MES) proposes to serve Buffalo; Red-C Apostolate: Religious Education for the Domestic Church (REFDC) proposes to serve Cameron; Iglesia Cristiana Restauracion y Vida (ICRV) proposes to serve Gatesville; First Dallas Media, Inc. (FDMI) proposes to serve Golinda; Alpha Consulting Christian Education (ACCE) proposes to serve Hallsburg; East Texas Community Broadcasting (ETCB) and Specialized Educational Broadcasting (SEB) each proposes to serve Riesel; and Centro Familiar de Restauracion y Vida (CFRV) proposes to serve Woodway. FDMI, ETCB, and SEB each claims eligibility for a fair distribution preference based on second NCE service population totals.²⁹ MES, REFDC, ICRV, ACCE, and CFRV do not claim a fair distribution preference, and are therefore, each eliminated. FDMI would provide a second NCE service to 14,178 people; SEB to 6,151 people; and ETCB a combined first and second NCE service to 8,575 people. Because FDMI would provide a new second NCE service to at least 5,000 more people than ETCB's next best proposal, FDMI is the tentative selectee in Group 205.

13. Group 221. This group consists of two applications proposing service to different communities in Washington. Cascade Community Radio (Cascade) proposes to serve Cathlamet, and

²⁷ See File Nos. 166291, 167410, and 167018, Fair Distribution of Service Section, and associated exhibits. Big Bend's 60 dBu contour encompasses 18,967 people, and its claimed aggregated first and second NCE service is 18,752 people. Elijah's 60 dBu contour encompasses 101,868 people, and its claimed aggregated first and second NCE service is 12,723 people. GPTC's 60 dBu contour encompasses 19,136 people, and its claimed aggregated first and second NCE service is 6,971 people. Thus, each would provide combined first and second NCE service to at least 10% percent of the population within its respective 60 dBu contour and to more than 2,000 people.

²⁸ See File Nos. 166683, 167130, and 167134, Fair Distribution of Service Section, and associated exhibits. TPR claims that it would provide first NCE service to 4,175 of the 17,649 people encompassed within its 60 dBu contour; CCSA-Runge to 3,724 of the 18,675 people; and CCSA-Shiner to 13,204 of the 47,748 people. Thus, each would provide first NCE service to at least 10% of the population within its respective 60 dBu contour and to more than 2,000 people.

²⁹ See File Nos. 165973, 167216, and 166809, Fair Distribution of Service Section, and associated exhibits. FDMI claims that it would provide a second NCE service to 14,178 of the 50,380 people within its 60 dBu contour. ETCB claims that it would provide a combined first or second NCE service to 8,575 (698 first service plus 7,877 second service) of the 66,809 people within its 60 dBu contour. SEB claims that it would provide a second NCE service to 6,151 of the 33,417 people within its 60 dBu contour. Accordingly, each applicant would provide a new first or second NCE service to at least 10% of the population within its respective 60 dBu contour and to more than 2,000 people.

Tillicum Foundation (Tillicum) proposes to serve Ocean Park. Cascade claims that it is eligible for a fair distribution preference based on second NCE service population totals.³⁰ Tillicum does not claim eligibility for a fair distribution preference. Accordingly, Cascade is the tentative selectee in Group 221.

IV. ADDITIONAL MATTERS

14. **Acceptability Studies.** Once the Bureau identifies a tentative selectee pursuant to the fair distribution analysis, the next step is to consider whether the selectee's application has defects.³¹ If the Bureau finds the application acceptable for filing, we announce acceptance by the release of this Order, and petitions to deny may be filed within 30 days following the release date of the Order.³²

15. The Bureau has studied the applications of all of the tentative selectees identified herein and determined that each application is acceptable for filing. Each of the tentative selectees identified in this Order appears to be fully qualified to become the licensee of the new NCE FM station it has proposed. We tentatively conclude that the grant of each application would serve the public interest, convenience, and necessity. It is our intention to grant each application if, after the 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.

16. **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

17. Accordingly, IT IS ORDERED, That each decision involving a mutually exclusive group in this *Memorandum Opinion and Order* shall be deemed a distinct and separate decision for purposes of petitions to deny, petitions for reconsideration, review on the Commission's own motion, and appeals.³³ 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.

18. **Group 23.** Accordingly, IT IS ORDERED, That the Application filed by Desert Soul Media, Inc. (File No. 166533) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wickenburg, Arizona, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may

³⁰ See File No. 167162, Fair Distribution of Service Section, and associated exhibits. Cascade's 60 dBu contour encompasses 12,627 people, and its claimed second NCE service is 2,639 people. Thus, Cascade would provide second NCE service to at least 10% of the population within its 60 dBu contour and to more than 2,000 people.

³¹ If a tentative selectee's application is found unacceptable for filing, it is dismissed. The applicant then has one opportunity to submit a curative amendment and a petition for reconsideration requesting reinstatement *nunc pro tunc* within 30 days, provided that the amendment is minor and does not alter the fair distribution analysis. See 47 CFR § 73.3522(b)(1). A tentative selectee that is unable to cure the defect is disqualified. 47 CFR § 73.7004(d).

³² 47 CFR § 73.7004.

³³ See 5 U.S.C. §§ 702, 704, 706; 47 U.S.C. §§ 309(d), 402(b), 405; 47 CFR §§ 1.106-08, 1.120, 73.7004. In cases that involve separate mutually exclusive groups but present common issues, the petitions or appeals may be filed jointly or may be consolidated at the discretion of the Commission or the court. See, e.g., FED. R. APP. P. 3(b).

officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application and it is determined that grant of the application serves the public interest, we intend, by public notice, TO DISMISS the mutually exclusive applications of Hispanic American Christian Network, Inc. (File No. 167598), Bradshaw Mountain Broadcasting, Inc. (File No. 166211), and Advance Ministries, Inc. (File No. 167543), and TO GRANT the application of Desert Soul Media, Inc. (File No. 166533) CONDITIONED UPON that selectee's compliance with section 73.7002(c) of the Commission's rules, 47 CFR § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

19. **Group 59B.** Accordingly, IT IS ORDERED, That the Application filed by Big Bend Heritage Music Association, Inc. (File No. 166291) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Perry, Florida, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we intend, by public notice, TO DISMISS the mutually exclusive applications of Faith and Action Community Outreach, Inc. (File No. 165985), Elijah Radio (File No. 167410), Georgia Public Telecommunications Commission (File No. 167018), Church Planters of America (File No. 167096), and Bemiss Road Baptist Church and Lowndes County Christian Academy Inc. (File No. 167233), and TO GRANT the application of Big Bend Heritage Music Association, Inc. (File No. 166291) CONDITIONED UPON that selectee's compliance with section 73.7002(c) of the Commission's rules, 47 CFR § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

20. **Group 196.** Accordingly, IT IS ORDERED, that the Application filed by Centro Cristiano de Vida Eterna San Antonio (File No. 167134) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Shiner, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we intend, by public notice, TO DISMISS the mutually exclusive applications of Texas Public Radio (File No. 166683) and Centro Cristiano de Vida Eterna San Antonio (File No. 167130), and TO GRANT the application of Centro Cristiano de Vida Eterna San Antonio (File No. 167134) CONDITIONED UPON that selectee's compliance with section 73.7002(c) of the Commission's rules, 47 CFR § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

21. **Group 205.** Accordingly, IT IS ORDERED, That the Application filed by First Dallas Media, Inc. (File No. 165973) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Golinda, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application and it is determined that grant of the application serves the public interest, we intend, by public notice, TO DISMISS the mutually exclusive applications of Ministerio Espiritu Santo (File No. 167797), Red-C Apostolate: Religious Education for the Domestic Church (File No. 167206), Iglesia Cristiana Restauracion y Vida (File No. 167785), Alpha Consulting Christian Education (File No. 166689), East Texas Community Broadcasting (File No. 167216), Specialized Educational Broadcasting (File No. 166809), and Centro Familiar de Restauracion y Vida (File No. 167080), and TO GRANT the application of First Dallas Media, Inc. (File No. 165973) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's rules, 47 CFR § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

22. **Group 221.** Accordingly, IT IS ORDERED, That the Application filed by Cascade Community Radio (File No. 167162) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Cathlamet, Washington, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application and it is determined that grant of the application serves the public interest, we intend, by public notice, TO DISMISS the mutually exclusive application of Tillicum Foundation (File No. 166813), and TO GRANT the application of Cascade Community Radio (File No. 167162) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's rules, 47 CFR § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
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Media Bureau