

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

In the Matter of)	NCE MX Group Numbers 300, 301, 302,
)	303, 304, 305A, 305B, 309, 311A, 312, 314,
Comparative Consideration of 52 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations filed in the October 2007 Filing Window)	315, 316, 318, 320, 322, 323, 325, 326, 327, 328, 329, 333, 334, 336, 337A, 337B, 338, 340, 341, 342, 344, 346, 347, 350, 351, 353, 354, 359, 360, 362, 365, 371, 374, 379, 380, 381, 384, 389, 392, 393, and 394

MEMORANDUM OPINION AND ORDER

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By the Commission:

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I. BACKGROUND

1. By this Memorandum Opinion and Order (“Order”), the Commission considers 52 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.¹ The Commission resolves such conflicting NCE proposals by applying comparative procedures codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).² This Order uses a point system to tentatively select applications for grant and initiates a 30-day period for filing petitions to deny against the applicants tentatively selected.³

¹ Each application was filed or amended during a filing window that was open from October 12, 2007, through October 22, 2007. Applications for new stations or major modifications that were on file prior to the October window, but not cut off from competing applications, were required to amend their applications to be considered along with applications filed during the window. *See Media Bureau Announces NCE FM New Station and Major Change Filing Procedures for October 12-October 19, 2007 Window*, Public Notice, 22 FCC Rcd 15050 (MB 2007) (“Procedures Notice”).

² 47 C.F.R. §§ 73.7000 – 73.7005.

³ *See id.* § 73.7004(b).

II. GENERAL NCE PROCEDURES

2. The Commission's analysis of mutually exclusive groups of NCE applications generally consists of three main components. First, if applicants propose service to different communities, the staff performs a threshold fair distribution study pursuant to Section 307(b) of the Communications Act of 1934, as amended (the "Act").⁴ The Commission generally has used the population data and applicant certifications submitted in conjunction with Section 307(b) claims to make these comparative determinations. Second, application conflicts not resolved under this "fair distribution" analysis⁵ are compared under an NCE point system,⁶ which is a simplified, "paper hearing" process.⁷ The Commission generally has awarded the number of points claimed by each applicant in Section IV of its application. Third, if necessary, the Commission makes a tie-breaker determination, based on applicant-provided numbers and certifications contained in Section V of each application. Each of these steps is described in greater detail below.

A. Section 307(b) --Threshold Fair Distribution Study.

3. When mutually exclusive applications for permits to construct NCE FM stations propose to serve different communities, the Media Bureau ("Bureau") determines whether grant of any of the applications would best further the fair, efficient, and equitable distribution of radio service among communities.⁸ An NCE FM applicant is eligible to receive a Section 307(b) preference if it would provide within the proposed station's 60 dBu contour a first or second reserved band channel NCE aural

⁴ See 47 U.S.C. § 307(b).

⁵ See 47 C.F.R. § 73.7002 (procedures for selecting among mutually exclusive applicants for stations proposing to serve different communities).

⁶ See 47 C.F.R. § 73.7003 (point system selection procedures).

⁷ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Notice of Proposed Rulemaking, 10 FCC Rcd 2877 (1995), *further rules proposed*, Further Notice of Proposed Rulemaking, 13 FCC Rcd 21167 (1998), *rules adopted*, Report and Order, 15 FCC Rcd 7386 (2000) ("*NCE Order*"), *vacated in part on other grounds sub nom.*, *National Public Radio v. FCC*, 254 F.3d 226 (D.C. Cir. 2001), *clarified*, Memorandum Opinion and Order, 16 FCC Rcd 5074 ("*NCE MO&O*"), *Erratum*, 16 FCC Rcd 10549, *recon. denied*, Memorandum Opinion and Second Order on Reconsideration, 17 FCC Rcd 13132 (2002) ("*NCE Reconsideration Order*"), *aff'd sub nom. American Family Ass'n v. FCC*, 365 F.3d 1156 (D.C. Cir. 2004) ("*American Family*"), *cert. denied*, 125 S.Ct. 634 (2004) (history pertaining only to non-reserved band FM channels omitted).

⁸ See 47 U.S.C. § 307(b) ("In considering applications for licenses . . . when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."); 47 C.F.R. § 73.7002(a). A Section 307(b) analysis is ordinarily conducted at the staff level because the Bureau has delegated authority to make Section 307(b) determinations in NCE cases. See *NCE Order*, 15 FCC Rcd at 7397. See also 47 C.F.R. §§ 0.61 and 0.283. 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). *NCE Order*, 15 FCC Rcd at 7420. The staff has referred the Section 307(b) analyses in each of the present groups to the Commission for consolidated analysis because Section 307(b) factors did not entirely resolve all applications in these groups and the Commission must, therefore, consider the remaining applications in a point hearing.

service to at least ten percent of the population (in the aggregate), provided that such service is to at least 2,000 people.⁹

4. If more than one applicant in a mutually exclusive group qualifies for a Section 307(b) preference, each applicant's first service population coverage totals are compared.¹⁰ An applicant proposing a first NCE aural service to ten percent of the population and at least 2,000 people will receive a dispositive fair distribution preference over applicants for different communities that would not provide such first service.¹¹ Such an application also would receive a dispositive fair distribution preference over applicants for different communities that would provide a first NCE aural service to at least 5,000 fewer potential listeners than the next highest applicant's first service total.¹² 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 between applicants for different communities, any applicant that is comparatively disfavored in terms of eligibility or service totals is eliminated. Comparable applicants proceed to the next level of analysis, provided that different communities are still represented in the remaining pool of applicants. The process ends when the Commission determines that none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference, or that each remaining applicant proposes to serve the same community. At that stage, the remaining applicants proceed to a point system analysis.

B. Point System Selection Process.

5. The Commission compares mutually exclusive groups of NCE FM applications under the point system set forth in Section 73.7003 of the Rules.¹³ The NCE point system awards a maximum of seven merit points, based on four distinct criteria.¹⁴ First, three points are awarded to applicants that certify that they have been local and established for at least two years. Applicants with a headquarters, campus, or 75 percent of their board members residing within 25 miles of the reference coordinates of the community of license are considered local. A governmental unit is considered local within its area of jurisdiction. To qualify for localism points based on board composition, the applicant also must certify that its governing documents require that such board composition be maintained. The applicant also must certify that it has placed documentation supporting its certification in a local public inspection file, and that it has submitted that documentation to the Commission. Any applicant awarded localism points in this Order has provided support for its certification. Thus, the specific point systems determinations for each group of mutually exclusive applications that follow only discuss an applicant's documentation if it is insufficient to justify awarding localism points.

6. Second, two points are awarded for local diversity of ownership if the principal community contours of the applicant's proposed station and any other station in which any party to the application

⁹ See 47 C.F.R. § 73.7002(b). Applicants were required to use the 2000 Census population data and to count all reserved band aural authorizations, including stations for which a construction permit, but not a license, has been issued. See *Procedures Notice*, 22 FCC Red at 15052.

¹⁰ See 47 C.F.R. § 73.7002(b).

¹¹ *Id.*

¹² *Id.*

¹³ See 47 C.F.R. § 73.7003.

¹⁴ See 47 C.F.R. § 73.7003(b).

holds an attributable interest do not overlap.¹⁵ To be awarded such points, an applicant's governing documents must include a provision to maintain that diversity in the future. Applicants that are organizations governed by state charters that cannot be amended without legislative action are permitted to base the governing document component of their local diversity certifications on other safeguards that reasonably assure that board characteristics will be maintained.¹⁶ Any applicant awarded diversity of ownership points in this Order has submitted copies of pertinent governing documents to support its certification or, for applicants such as state universities that are governed by laws which cannot be amended without legislative action, an appropriate alternative showing. Thus, the specific point system determinations for each group of mutually exclusive applications that follow only discuss an applicant's documentation if it is insufficient to justify awarding diversity points. An applicant that proposes a full service NCE station that would replace an attributable FM translator may exclude the translator for calculating ownership diversity points if it has pledged to request cancellation of the translator authorization upon the new station's commencement of operations.¹⁷ The Commission has stated that it will, on a waiver basis, similarly allow applicants to exclude Class D (10 watt) FM stations that will be replaced by the proposed full service NCE station.¹⁸ The Bureau has extended this waiver treatment to low power FM ("LPFM") stations.¹⁹

7. Third, two points are awarded for certain statewide networks providing programming to accredited schools. These points are available only to applicants that cannot claim a credit for local diversity of ownership.²⁰

8. Fourth, an applicant that proposes the best technical proposal in the group (*i.e.*, proposes service to the largest population and area, excluding substantial areas of water) may receive up to two points. The applicant receives one point if its proposed service area *and* population are ten percent greater than those of the next best area and population proposals, or two points if both are 25 percent greater than those of the next best area and population proposals as measured by each proposed station's predicted 60 dBu signal strength contour.²¹ If the best technical proposal does not meet the 10 percent threshold, no applicant is awarded points under this criterion. In considering this criterion, we have generally accepted applicants' coverage and population claims. We have rounded any numbers expressed in decimals to the nearest whole numbers.

¹⁵ See 47 C.F.R. § 73.7003(b)(2). Parties with attributable interests are defined as the applicant, its parent, subsidiaries, their officers, and members of their governing boards. See 47 C.F.R. § 73.7000. Interests of certain entities providing more than 33 percent of the applicant's equity and/or debt are also attributable. *Id.*

¹⁶ See *NCE MO&O*, 16 FCC Rcd at 5095.

¹⁷ *Id.* at 5102-03.

¹⁸ See *Consideration of 76 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified NCE FM Stations*, Memorandum Opinion and Order, 22 FCC Rcd 6101, 6120 (2007) ("*NCE Omnibus*").

¹⁹ See *Procedures Notice*, 22 FCC Rcd at 15052-53.

²⁰ See 47 C.F.R. § 73.7003(b)(3). The statewide network credit is an alternative for applicants that need multiple stations to serve large numbers of schools and, therefore, do not qualify for the local diversity of ownership credit.

²¹ *Id.* § 73.7003(b)(4). See *NCE Omnibus*, 22 FCC Rcd at 6121-22 (if there is one top applicant in terms of area and population, but no single next best applicant for both factors, the Commission will compare the top applicant's proposed area to the next best area of one applicant and the top applicant's population to the next best population of another applicant).

9. Finally, the Commission tallies the total number of points awarded to each applicant. The applicant with the highest score in a group is designated the “tentative selectee.” All other applicants are eliminated.

C. Tie-Breakers.

10. Applicants tied with the highest number of points awarded in a particular group proceed to a tie-breaker round, in accordance with Section 73.7003(c) of the Rules.²² The first tie-breaker for NCE FM applicants is the number of radio station authorizations attributable to each applicant.²³ The applicant with the fewest attributable authorizations prevails. If the tie is not broken by this first factor, we apply a second tie-breaker: the number of radio station applications attributable to each applicant. Applicants are required to include applications for construction permits filed for other aural services prior to the window, the current application, as well as all other applications filed within the window in the count.²⁴ If that second factor fails to break the tie, we use mandatory timesharing as the tie-breaker of last resort.

D. Timely Documentation of Comparative Qualifications.

11. The NCE application, FCC Form 340, is certification-based, but requires applicants to document their claims by submitting supporting information both to the Commission and to a local public file.²⁵ Applicant point claims must be readily ascertainable from timely-filed application exhibits. Certifications which require the applicant to submit documentation, but which are not supported with any such timely submitted documentation, cannot be credited. For example, the Commission herein rejects claims where the applicant certifies that it qualifies for points for diversity of ownership or as an established local applicant but fails to supply supporting information referred to in the certification. Every applicant claiming points for diversity of ownership must certify that the proposed station’s service area would not overlap that of an attributable existing station, that its governing documents require that such diversity be maintained, and “that it has placed documentation of its diversity qualifications in a local public file and has submitted to the Commission copies of that documentation.”²⁶ Similar certifications and documents are required of applicants claiming points as established local applicants.²⁷ While there is some flexibility in the type of documentation an applicant may provide, an applicant

²² 47 C.F.R. § 73.7003(c).

²³ *Id.* § 73.7003(c)(1). Applicants are required to count all attributable full service commercial and NCE radio stations and certain FM translator stations. An applicant may exclude fill-in translators and any translator which the applicant seeks to replace with its full service proposal filed in this window. Applicants requesting and receiving a rule waiver may similarly exclude an LPFM or Class D FM station.

²⁴ *See NCE Omnibus*, 22 FCC Rcd at 6123.

²⁵ *See NCE Order*, 15 FCC Rcd at 7423.

²⁶ *See FCC Form 340*, Instructions, Question IV(2). With respect to documenting current diversity, the preferred information is a map showing no overlap or a statement that the party to the application holds no attributable interest in any station. To document future diversity, the applicant would generally submit a copy of the governing documents referenced in the certification.

²⁷ *See FCC Form 340*, Instructions, Question IV(1). Examples of acceptable documentation include corporate materials from the secretary of state, lists of names, addresses, and length of residence of board members, copies of governing documents requiring a 75 percent local governing board, and course brochures indicating that classes have been offered at a local campus for the preceding two years.

submitting no timely documentation at all cannot have made a valid certification. We have adjusted the points of such applicants downward.

E. LPFM Licensees Applying for NCE FM Stations.

12. As discussed above, the Bureau announced that applicants in the 2007 window could, upon making a sufficient showing, request to exclude otherwise attributable interests in LPFM stations. The Bureau observed that contingent pledges are generally ineffective as a mechanism to avoid attribution of broadcast interests. However, it also noted that the Commission had carved out exceptions for non-fill-in translators and Class D (10 watt) FM stations seeking to replace those secondary facilities with a full service station.²⁸ The Bureau recognized that LPFM stations, which were in their infancy at the time of the Commission's action, might now find themselves in similar circumstances. Accordingly, the Bureau advised that an applicant seeking to avoid attribution of an LPFM interest must, as part of its window-filed application, submit a request for waiver of the Rule that would otherwise result in the attribution of the LPFM interest in the applicant's point system determination and propose to surrender the LPFM interest prior to grant of its NCE construction permit application.²⁹

13. The Commission has since recognized that the rule-compliant LPFM divestment mechanism envisioned by the Bureau could result in the unintended, potential loss of existing LPFM service for up to three years during construction of the new NCE FM stations.³⁰ Therefore, the Commission found it would be preferable to waive the rules in order to provide continuity of a local radio service to the public. Accordingly, we will continue to permit tentative selectees to fulfill LPFM divestiture pledges by rule-compliant assignments, provided that the existing LPFM license is not mutually exclusive with the new NCE authorization, as issued. We also waive the LPFM cross-ownership rule so that an NCE FM construction permit may issue to an LPFM licensee, provided that the LPFM license must be divested prior to commencement of program tests by the new NCE FM station.³¹

III. POINT SYSTEM DETERMINATIONS

14. This Section contains narrative descriptions of our point system analyses in each mutually exclusive proceeding, organized chronologically by assigned group number. Unless otherwise noted, each component of the analysis is based on applicant-provided information.³² We have provided

²⁸ See *Procedures Notice*, 22 FCC Rcd at 15052-53.

²⁹ *Id.*

³⁰ See *Comparative Consideration of 59 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 10-29 (released February 16, 2010). See also 47 C.F.R. § 73.3598(a) (three-year construction period for FM stations).

³¹ See 47 C.F.R. § 73.860(a); see also *Comparative Consideration of 32 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 10-69 (released April 26, 2010). An exception to the LPFM cross-ownership rule, applicable to broadcast interests held prior to initial operations of an LPFM station, contains a similar timing provision. See *id.* § 73.860(b).

³² Specifically, information relating to the applicants' Section 307(b) claims including, where applicable, populations receiving first and/or second NCE radio services were reported by the applicants in their responses to Questions III(a) and (b) of their applications and associated exhibits. Claims to qualify as established local applicants, for diversity of ownership, and as statewide networks were reported in the responses to Questions IV(1), (2) and (3) respectively, and in supporting documentation. Applicants reported the area and population figures used in our analyses of technical parameters in response to Question IV(4) and associated exhibits. Tie-breaker information concerning the applicants' attributable interests in other radio station authorizations and other radio station applications were reported in response to Question V(1) and (2), respectively.

readers with an Appendix that condenses the group-by-group narratives that follow into chart form for quick reference. A more detailed guide to the Appendix and its use of abbreviations appears at the beginning of that Section.

15. At the outset, we note that each group of applicants has had an opportunity to resolve application conflicts by settlement and technical amendment. In addition, we note that applicants were required to report their qualifications as of the date of application (or close of the filing window for already pending, non-cut-off applications). Any changes made thereafter may potentially have diminished, but could not enhance, an applicant's comparative position.

16. **Group 300.** This group is comprised of 11 applications proposing service to five different communities in Alaska. The following five applicants propose service to Fairbanks: Alaska Federation for Community Self Reliance ("AFCSR"), Fairbanks Seventh-Day Adventist Church ("FSDAC"), Fairbanks Catholic Radio ("FCR"), Koahnic Broadcast Corporation ("Koahnic"), and One Ministries, Inc. ("OMI"), which filed two separate Fairbanks applications, one specifying Channel 202 and the other Channel 206. Pioneer Baptist Church ("PBC") and Educational Media Foundation ("EMF") each propose service to North Pole.³³ Voice for Christ Ministries, Inc. ("VCM") filed two applications, one for Anderson and the other for Clear Sky. Finally, University of Alaska ("University") would serve College.

17. When applicants propose different communities, the Commission must first determine whether one applicant is credited with a dispositive fair distribution preference. Six applicants claim and document eligibility for a fair distribution preference.³⁴ Each of the remaining applicants certifies that it is not eligible for a preference, and accordingly, the following are eliminated: VCM (Anderson and Clear Sky proposals), OMI (both Fairbanks proposals), and PBC.³⁵ None of the remaining six applications claims eligibility for a first NCE service preference. Accordingly, we consider AFCSR, University, FSDAC, FCR, Koahnic, and EMF's proposals to provide aggregated first and second NCE service to 22,037 people, 23,471 people, 22,028 people, 15,473 people, 21,837 people, and 19,430 people, respectively.³⁶ Considering each proposal with respect to the one proposing to serve the next largest

³³ EMF proposes a major change to the construction permit for its NCE FM Station KLUU(FM). Each of the other applicants in the group proposes a new station.

³⁴ See AFCSR, University, FSDAC, FCR, Koahnic, and EMF Applications, Questions III(1), III(2), and associated exhibits. AFCSR claims that it would provide aggregated first and second NCE service to 22,037 of the 82,328 people encompassed within its proposed 60 dBu contour; University to 23,471 of the 83,588 people; FSDAC to 22,028 of the 82,254 people; FCR to 15,473 of the 75,702 people; Koahnic to 21,837 of the 81,785 people; and EMF to 19,430 of the 65,786 people within the newly added area of its 60 dBu contour. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

³⁵ PBC initially certified that it was ineligible for a preference. On December 21, 2007, it amended its application to, *inter alia*, claim a second service preference. PBC's post-filing window amendment is a prohibited attempt to enhance its comparative position and will not be considered. The Commission has repeatedly disallowed the late submission of requested information in comparative cases, finding that such an allowance would "inevitably lead to abuse of the Commission's processes, applicant gamesmanship, and unfair advantage." *Silver Springs Communications*, Memorandum Opinion and Order, 3 FCC Rcd 5049, 5050 (1988), *rev. denied*, 4 FCC Rcd 4917 (1989) (concluding that the rejection of an untimely filed notice of appearance in a comparative case is necessary in order to maintain the integrity of the Commission's processes and to insure that an applicant's gamesmanship does not result in an unfair advantage). See also *LRB Broadcasting*, Memorandum Opinion and Order, 8 FCC Rcd 3076 (1993).

³⁶ See *supra* note 34.

population, none exceeds the next best by at least 5,000 people. AFCSR, University, FSDAC, FCR, Koahnic, and EMF therefore must proceed to a point hearing.

18. AFCSR, University, and FSDAC each claim three points as established local applicants. FSDAC, however, does not submit documentation to support its localism claim and accordingly will not receive points under this criterion. FCR, Koahnic, and EMF do not claim localism points. AFCSR, FCR, and FSDAC certify that each is entitled to two points for diversity of ownership; the University, Koahnic, and EMF do not. FSDAC fails to support its diversity claim. Accordingly, only AFCSR and FCR will receive two points each under this criterion. No applicant claims to be entitled to points as a statewide network. With respect to technical parameters, AFCSR claims that its proposed 60 dBu contour would encompass 10,611 square kilometers with a population of 82,328; University, 18,357 square kilometers and 83,588 people; FSDAC, 6,982 square kilometers and 82,254 people; FCR, 6,495 square kilometers and 75,702 people; Koahnic, 8,900 square kilometers and 81,785 people; and EMF, 1,998 square kilometers and 65,786 people. No applicant in this group qualifies for points under the best technical proposal criterion because University's proposal to reach the largest area and population does not exceed AFCSR's next best proposal by at least ten percent. Accordingly, AFCSR is credited with a total of five points; University is credited with three points; FCR receives two points; and FSDAC, Koahnic, and EMF are each not credited with any points. AFCSR is therefore the tentative selectee in Group 300.

19. **Group 301.** This group is comprised of seven applications, each proposing service to the community of Kodiak, Alaska. Kodiak Public Broadcasting Corporation ("KPBC") filed two applications, one for Channel 206 and the other Channel 214. New Life Tabernacle Homer AK ("New Life") filed three applications on Channels 206, 211, and 215. The remaining applicants in the group are Alaska Educational Radio System, Inc. ("AERS") and Praise Temple of the Church of Christ, Inc. ("PTCC"). KPBC claims three points as an established local applicant. New Life, AERS, and PTCC certify that each is not entitled to points under this criterion. New Life and PTCC claim two points each for diversity of ownership; KPBC and AERS do not. None of the applicants claims points as a statewide network. With respect to technical parameters, the 60 dBu contour of KPBC's two proposed stations would each encompass 1,507 square kilometers with a population of 12,790. The 60 dBu contour of New Life's three proposed stations would each encompass 860 square kilometers with a population of 12,192. AERS's proposed 60 dBu contour would encompass 90 square kilometers with a population of 10,018. PTCC's proposed 60 dBu contour would encompass 1,125 square kilometers with a population of 12,644. No applicant qualifies for points under the best technical proposal criterion because KPBC's proposal to reach the largest area and population does not exceed PTCC's next best proposal by at least ten percent. Accordingly, KPBC is credited with a total of three points; New Life and PTCC are each credited with two points; AERS is not credited with any points. KPBC is therefore the tentative selectee in Group 301.³⁷

20. **Group 302.** This group consists of six applications proposing service to two different communities in Alaska. The following four applicants propose service to Homer: Blessed Hope Baptist Mission ("BHBM"), Kachemak Bay Broadcasting, Inc. ("Kachemak"), Homer Seventh-Day Adventist Church ("Homer SDA"), and New Life Tabernacle Homer AK ("New Life"), which filed two applications, one on Channel 215 and the other Channel 219. Alaska Educational Radio System, Inc. ("AERS") would serve Seldovia. Kachemak, New Life, and Homer SDA each claim eligibility for a fair distribution preference.³⁸ BHBM and AERS do not. AERS's application for Seldovia is therefore

³⁷ KPBC filed two separate applications to serve Kodiak, Alaska. The applications are mutually exclusive and, therefore, each application cannot be granted. Accordingly, we direct KPBC to voluntarily dismiss one of its applications (File No. BNPED-20071018AKN or 20071018AKP) within 30 days of the release of this Order.

³⁸ See Kachemak, New Life, and Homer SDA Applications, Questions III(1), III(2), and associated exhibits. Kachemak's 60 dBu contour encompasses 6,820 people, and its claimed aggregated first and second NCE service is all 6,820 people. Homer SDA's 60 dBu contour encompasses 11,247 people, and its claimed first and second NCE

eliminated because applications to serve the different community of Homer are entitled to a fair distribution preference. Each of the remaining applicants in the group proposes service to Homer. Accordingly, the fair distribution analysis ends, and BHBM, Kachemak, New Life, and Homer SDA must proceed to a point hearing to determine which will provide service to the community of Homer.

21. Kachemak, New Life, and Homer SDA each claim three points as established local applicants; BHBM does not. Kachemak is the only applicant to provide sufficient documentation to support its claim and, therefore, only Kachemak will be credited with points under this criterion.³⁹ BHBM, New Life, and Homer SDA each claim two points for diversity of ownership, but only New Life supports its diversity claim. Therefore, only New Life will be credited with two points under this criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, BHBM claims that its proposed 60 dBu contour would encompass 142 square kilometers with a population of 5,537; Kachemak, 321 square kilometers and 6,820 people; New Life (both proposals), 1,264 square kilometers and 5,677 people; and Homer SDA, 6,043 square kilometers and 11,247 people. Homer SDA qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than New Life's next best area and Kachemak's next best population proposal. Accordingly, Kachemak is credited with a total of three points; New Life and Homer SDA each receive two points; BHBM is not credited with any points. Kachemak is therefore the tentative selectee in Group 302.

22. **Group 303.** The six applications in this group propose service to six different communities in Alaska. Blessed Hope Baptist Mission ("BHBM") filed two applications, one to serve Hope and the other to serve Kasilof. Alaska Educational Radio System, Inc. ("AERS") proposes service to the communities of Sunrise, Ridgeway, and Cooper Landing in its three respective applications. New Life Tabernacle Homer AK ("New Life") would serve Kenai. None of the applicants claims that it is eligible for a fair distribution preference. Each, therefore, proceeds to a point hearing.

23. BHBM-Kasilof and New Life each claim three points as established local applicants. Neither, however, provides documentation to support its claim and, therefore, neither will be credited with points under this criterion. Neither BHBM-Hope nor AERS claims localism points. BHBM and New Life each claim two points for diversity of ownership, but only New Life supports its diversity claim and will be awarded points under this criterion. AERS certifies that it is not entitled to diversity points. None of the applicants claims points as a statewide network. With respect to technical parameters, BHBM-Hope claims that its proposed 60 dBu contour would encompass 304 square kilometers with a population of 371; BHBM-Kasilof, 3,174 square kilometers and 29,511 people; New Life, 3,798 square kilometers and 30,784 people; AERS-Sunrise, 400 square kilometers and 18 people; AERS-Ridgeway, 1,900 square kilometers and 21,509 people; and AERS-Cooper Landing, 309 square kilometers and 369 people. No applicant in this group qualifies for points under the best technical proposal criterion because New Life's proposal to reach the largest area and population does not exceed by at least ten percent BMBM-Kasilof's next best proposal. Accordingly, New Life is credited with a total of two points;

service is all 11,247 people. Thus, Kachemak and Homer SDA would each 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. New Life, while claiming that it is eligible for a fair distribution preference in each of its applications, submits no numbers to support its claims and therefore is not entitled to a fair distribution preference.

³⁹ To support its localism claim, New Life states only that it was incorporated in the state of Alaska. Homer SDA states that it is an "incorporated local church." These statements alone are insufficient to determine whether New Life and Homer SDA merit points as established local applicants. Applicants must certify that they have been local and established for at least two years and must provide support for such certifications. Applicants with a headquarters, campus, or 75 percent of their board members residing within 25 miles of the reference coordinates of the community of license are considered local. A governmental unit is considered local within its area of jurisdiction. *See supra* paras. 5, 11. New Life does not assert or establish that it meets any of these qualifications.

BHBM and AERS are not credited with any points for their respective applications. New Life is therefore the tentative selectee in Group 303.

24. **Group 304.** The four applications in this group propose service to two different communities in Alabama and Georgia. Jimmy Jarrell Communications Foundation, Inc. (“JJCF”), Joy Christian Communications, Inc. (“Joy”), and Harvest Christian Fellowship, Inc. (“Harvest”) would each serve Piedmont, Alabama. Southwest Radio Church of the Air, Inc. (“SRCA”) proposes to serve Cedartown, Georgia. Harvest is the only applicant to certify that it is eligible for a fair distribution preference.⁴⁰ SRCA’s application for Cedartown is eliminated because Harvest’s application to serve the different community of Piedmont is entitled to a fair distribution preference. JJCF and Joy cannot be eliminated under the fair distribution criterion because each proposes to serve the same community as Harvest. Harvest, JJCF, and Joy therefore must proceed to a point hearing to determine which will serve the community of Piedmont.

25. Joy is the only applicant to claim points as an established local applicant. Joy, however, fails to provide any information to support its claim, and we therefore will not award points to Joy under this criterion. Joy and Harvest each claim two points for diversity of ownership; JJCF does not. Joy, however, does not support its diversity claim and accordingly will not be awarded points under this criterion. Joy is the only applicant to claim points as a statewide network. It, however, fails to support its claim, and we therefore will not credit Joy with points under this criterion. With respect to technical parameters, JJCF’s proposed 60 dBu contour would encompass 219 square kilometers with a population of 7,748. Joy’s proposed 60 dBu contour would encompass 251 square kilometers with a population of 8,051. Harvest’s proposed 60 dBu contour would encompass 1,088 square kilometers with a population of 29,499. Harvest qualifies for two points under the best technical proposal criterion because its proposal will serve at least 25 percent more area and population than Joy’s next best proposal. Accordingly, Harvest is credited with a total of four points; JJCF and Joy are not credited with any points. Harvest is therefore the tentative selectee in Group 304.

26. **Group 305A.**⁴¹ The two applications in this group would serve different communities in Alabama and Georgia. B. Jordan Communications Corporation (“BJCC”) proposes to serve Roanoke, Alabama. The Enon Grove Community Church and Christian Eagle Association, Inc. (“Enon”) proposes service to Franklin, Georgia. Each states that it is eligible for a fair distribution preference.⁴² BJCC and Enon claim that they would provide a new first NCE service to comparably-sized populations of 2,672 people and 2,854 people, respectively. Because first service is not determinative, we consider their proposed aggregated first and second NCE service to 12,464 people and 16,555 people, respectively. Because Enon’s aggregated first and second NCE service would not serve at least 5,000 more people than BJCC’s aggregated first and second service, neither is eligible for a fair distribution preference, and BJCC and Enon must proceed to a point hearing.

⁴⁰ See Harvest Application, Questions III(1), III(2), and associated exhibits. Harvest’s 60 dBu contour encompasses 29,499 people. Harvest’s claimed aggregated first and second NCE service is 3,946 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.

⁴¹ Group 305, which originally contained nine applications, was bifurcated as a result of the voluntary dismissal of one application in the group. We consider Group 305A herein. Group 305B, consisting of six applications, will be considered separately in this Order.

⁴² See BJCC and Enon Applications, Questions III(1), III(2), and associated exhibits. BJCC’s 60 dBu contour encompasses 12,464 people, and it claims to provide aggregated first and second NCE service to all 12,464 people. Enon’s 60 dBu contour encompasses 16,555 people, and it claims to provide aggregated first and second NCE service to all 16,555 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.

27. Enon certifies that it qualifies for points as an established local applicant; BJCC does not. Each applicant claims two points for diversity of ownership, and neither claims points as a statewide network. With respect to technical parameters, Enon's proposed 60 dBu contour would encompass 840 square kilometers with a population of 16,555. BJCC's proposed 60 dBu contour would encompass 599 square kilometers with a population of 12,464. Enon qualifies for two points under the best technical proposal criterion because its proposal will serve at least 25 percent more area and population than BJCC. Accordingly, Enon is credited with a total of seven points, and BJCC is credited with two points. Enon is therefore the tentative selectee in Group 305A.

28. **Group 305B.**⁴³ This group consists of six applications proposing service to three different communities in Alabama. Jimmy Jarrell Communications Foundation, Inc. ("JJCF"), B. Jordan Communications Corporation ("BJCC"), and KMZD Radio, Inc. ("KMZD") each propose to serve Tuskegee. JJCF and Harvest Christian Fellowship, Inc. ("Harvest") would each serve Union Springs, and Immanuel Broadcasting Network ("Immanuel") proposes service to Notsulga. JJCF-Union Springs is the only applicant to claim eligibility for a fair distribution preference.⁴⁴ Accordingly, the JJCF-Tuskegee, BJCC, KMZD, and Immanuel applications are each eliminated because JJCF's application to serve the different community of Union Springs is entitled to a fair distribution preference. Harvest cannot be eliminated because it proposes to serve the same community as JJCF. Accordingly, Harvest and JJCF-Union Springs proceed to a point hearing to determine which will provide service to the Union Springs community.

29. Neither applicant claims to be eligible for points as an established local applicant. Harvest, but not JJCF, claims two points for diversity of ownership. Neither applicant claims points as a statewide network. With respect to technical parameters, JJCF's proposed Union Springs 60 dBu contour would encompass 1,300 square kilometers with a population of 10,684. Harvest's proposed 60 dBu contour would encompass 1,869 square kilometers with a population of 12,733. Harvest qualifies for one point under the best technical proposal criterion because its proposal serves at least 10 percent more area and population than JJCF's proposal. Accordingly, Harvest is credited with a total of three points; JJCF is not credited with any points. Harvest is therefore the tentative selectee in Group 305B.

30. **Group 309.** This group is comprised of nine applications proposing service to six different communities in Arizona and Texas. The following three applicants propose service to Apache Junction, Arizona: Arizona Community Media Foundation ("ACMF"), Black Entrepreneur Association ("BEA"), and East Valley Institute of Technology District # 401 ("EVIT"). Community Impact Foundation, Inc. ("CIF") and Hispanic Family Christian Network, Inc. ("HFCN") each propose service to Tonopah, Arizona. The remaining Arizona applicants are: The Johnson Foundation ("Johnson") for Casa Grande; Tohono O'Odham Nation ("Tohono") for Cocklebur; and The Helpline ("Helpline") for Buckeye. Primera Iglesia Evangelica de Apostoles y Profetas ("PIEA") proposes to serve San Lucy Villa, Texas. None of the applicants claims that it is eligible for a fair distribution preference. The entire group therefore proceeds to a point hearing.

31. ACMF, EVIT, and Tohono each certify that they are entitled to three points as established local applicants. CIF, BEA, Johnson, Helpline, HFCN, and PIEA do not claim localism points. Each applicant certifies that it is entitled to two points for diversity of ownership. None of the

⁴³ See *supra* note 41.

⁴⁴ See JJCF Application, Questions III(1), III(2), and associated exhibits. JJCF's 60 dBu contour encompasses 10,684 people, and its claimed aggregated first and second NCE service is 3,393 people. Thus, JJCF 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.

applicants claim points as a statewide network. With respect to technical parameters, CIF claims that its proposed 60 dBu contour would encompass 4,576 square kilometers with a population of 4,993; ACMF, 848 square kilometers and 189,127 people; BEA, 1,031 square kilometers and 336,744 people; EVIT, 961 square kilometers and 219,934 people; Tohono, 449 square kilometers and 469 people; Helpline, 5,552 square kilometers and 13,459 people; HFCN, 520 square kilometers and 426 people; and PIEA, 1,203 square kilometers and 2,685 people. Johnson failed to specify its proposed technical parameters.⁴⁵ No applicant is eligible for any points under the best technical proposal because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best applicant. Accordingly, ACMF, EVIT, and Tohono are credited with a total of five points each. CIF, BEA, Johnson, Helpline, HFCN, and PIEA receive two points each and are therefore eliminated. ACMF, EVIT, and Tohono proceed to a tie-breaker.

32. The first issue considered in a tie-breaker for NCE FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. Tohono certifies that it has one attributable interest. ACMF and EVIT each certify that they have no attributable interest in any radio authorization. Tohono is therefore eliminated, and ACMF and EVIT proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. ACMF certifies that it has two applications; EVIT certifies that it has one pending application. EVIT therefore prevails based on this second tiebreaker criterion and is the tentative selectee in Group 309.

33. **Group 311A.**⁴⁶ This group consists of three applications, each proposing to serve Oroville, California. The applicants are: Bird Street Media Project (“BSMP”), Centro Cristiano Sion (“Sion”), and Gold City Media Group (“GCMG”). BSMP is the only applicant to claim points as an established local applicant. BSMP also claims two points for diversity of ownership based on a pledge to divest LPFM station KRBS-LP, Oroville, California. Sion and GCMG also claim two points each for diversity of ownership. GCMG, however, fails to submit documentation to support its diversity claim, and therefore does not qualify for points under this criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, BSMP’s proposed 60 dBu contour would encompass 1,281 square kilometers with a population of 46,139. Sion’s proposed 60 dBu contour would encompass 827 square kilometers with a population of 44,717. GCMG did not specify its proposed technical parameters.⁴⁷ No applicant is eligible for points under the best technical proposal criterion because BSMP’s proposal to serve the largest area and population does not exceed Sion’s proposed area and population by at least 10 percent. Accordingly, BSMP is credited with five points; Sion receives two points; and GCMG is not credited with any points. BSMP is therefore the tentative selectee in Group 311A.

34. **Group 312.** This group consists of five applications, each proposing service to the community of Livermore, California. The applicants are: Los Positas College (“Positas”), Old Time Gospel Ministries (“OTGM”), Les Seraphim (“Seraphim”), Centro Palebra de Fe Church (“Fe”), and Regents of the University of California (“UC Regents”). UC Regents certifies that it is entitled to three points as an established local applicant. OTGM, Seraphim, and Fe do not claim points under this

⁴⁵ Because Johnson provided no numbers, we will consider it to serve zero square kilometers with a population of zero. *See, e.g., NCE Omnibus*, 22 FCC Rcd at 6121 (when, in two-applicant group, one applicant provided technical numbers and the other did not, applicant providing the numbers was awarded maximum technical points).

⁴⁶ Group 311, which originally contained 13 applications, was bifurcated by a settlement in which two applications were voluntarily dismissed and one application was amended to a singleton. We consider Group 311A herein. Group 311B, consisting of seven applications, will be considered in a separate order.

⁴⁷ Because GCMG provided no numbers, we will consider it to serve zero square kilometers with a population of zero. *See supra* note 45.

criterion. Seraphim and Fe claim two points each for diversity of ownership; OTGM and UC Regents do not claim diversity points. Finally, Positas claims points both as an established local applicant and for diversity of ownership but fails to submit the requisite documentation to support its claims. Accordingly, Positas will not receive points under either criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, Positas claims that its proposed 60 dBu contour would encompass 120 square kilometers with a population of 59,599; OTGM, 146 square kilometers and 68,302 people; Seraphim, 139 square kilometers and 65,824 people; Fe, 148 square kilometers and 49,893 people; and UC Regents, 128 square kilometers and 66,633 people. No applicant is eligible for any points under the best technical proposal because no applicant proposes to serve an area and population at least 10 percent greater than the next best proposal. Accordingly, UC Regents is credited with a total of three points; Seraphim and Fe receive two points each; and Positas and OTGM are each not credited with any points. UC Regents is therefore the tentative selectee in Group 312.

35. **Group 314.** This group is comprised of eight applications proposing service to eight different communities in California. Centro Cristiano de Fe, Inc. (“Fe”) filed two applications, one for Weaverville and the other for Eureka. The other applicants are: One Ministries, Inc. (“OMI”) for Fields Landing; Centro Cristiano Sion (“Sion”) for Hayfork; Calvary Chapel of Red Bluff (“CCRB”) for Hooker; People of Progress, Inc. (“POP”) for Shasta; Iglesia Alto Refugio (“IAR”) for Fortuna; and Ink People, Inc. (“Ink”) for Pine Hills. None of the applicants claims that it is eligible for a fair distribution preference. The entire group therefore proceeds to a point hearing.

36. CCRB, POP, and Ink certify that they each are entitled to three points as established local applicants. OMI, Sion, Fe, and IAR do not. Each applicant certifies that it is entitled to two points for diversity of ownership, with the claim of OMI based on a pledge to divest LPFM station KQSL-LP, Pembrooke, California. Fe and IAR, however, fail to provide the requisite support. Accordingly, we will not award diversity points to either Fe or IAR. None of the applicants claim points as a statewide network. With respect to technical parameters, OMI claims that its proposed 60 dBu contour would encompass 1,401 square kilometers with a population of 71,238; Sion, 324 square kilometers and 2,222 people; CCRB, 359 square kilometers and 4,356 people; POP, 3,865 square kilometers and 102,109 people; Fe, 2,639 square kilometers and 9,670 people for Weaverville, and 1,059 square kilometers and 61,249 people for Eureka; IAR, 1,408 square kilometers and 63,006 people; and Ink, 402 square kilometers and 56,146 people. POP qualifies for two points under the best technical proposal criterion because it will serve at least 25 percent more area and population than Fe-Weaverville’s next best area and OMI’s next best population proposal. Accordingly, POP is credited with a total of seven points; CCRB and Ink are each credited with five points; OMI and Sion receive two points each; and Fe and IAR are not credited with any points.⁴⁸ POP is therefore the tentative selectee in Group 314.

37. **Group 315.** The five applications in this group would serve five different communities in California. The applicants are: Vida Worth Vivir, Inc. (“VWV”) for Meadow Vista; Educational Media Foundation (“EMF”) for Foresthill; Company One, Inc. (“COI”) for Grass Valley; Immaculate Conception Apostolic School (“ICA School”) for Colfax; and Grass Valley Seventh-Day Adventist Church (“GVSDA”) for Nevada City.⁴⁹ Each applicant, with the exception of GVSDA, certifies that it is eligible for a fair distribution preference.⁵⁰ GVSDA is therefore eliminated. Because none of the

⁴⁸ If the Commission had accepted Fe’s and IAR’s claims of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, POP’s credited total of seven points would still have exceeded Fe’s and IAR’s claimed totals of two points each.

⁴⁹ EMF proposes a major change to the construction permit for its NCE FM Station KDAI(FM). Each of the other applicants in the group proposes a new station.

⁵⁰ See VWV, EMF, COI, and ICA School Applications, Questions III(1), III(2), and associated exhibits. VWV claims that it would provide aggregated first and second NCE service to 96,239 of the 105,411 people encompassed

remaining applicants claims a first service preference, we consider the aggregated first and second NCE service claims of VWV, EMF, COI, and ICA School to 96,239 people, 87,715 people, 73,127 people, and 96,989 people, respectively. EMF and COI are eliminated because each would provide service to at least 5,000 fewer people than VWV's application for a different community. The VWV and ICA School proposals, however, are comparable and therefore proceed to a point hearing.

38. ICA School certifies that it qualifies for points as an established local applicant; VWV does not. Each applicant claims two points for diversity of ownership, and neither claims points as a statewide network. With respect to technical parameters, VWV's proposed 60 dBu contour would encompass 2,022 square kilometers with a population of 105,411. ICA School's proposed 60 dBu contour would encompass 1,986 square kilometers with a population of 103,101. Neither applicant qualifies for points under the best technical proposal criterion because neither proposal would serve at least 10 percent more area and population than the other. Accordingly, ICA School is credited with a total of five points, and VWV is credited with two points. ICA School is therefore the tentative selectee in Group 315.

39. **Group 316.** This group consists of five applications proposing service to three different communities in California. Centro Cristiano Vida Abundante ("CCVA") and California Association for Research and Education ("CARE") each propose to serve Paicines. Centro Cristiano de Fe, Inc. ("Fe") and Colina Alta Ministries, Inc. ("Colina") would each serve Carmel Valley, and Centro Cristiano Sion ("Sion") proposes service to Robles del Rio. None of the applicants claim eligibility for a fair distribution preference. The group therefore proceeds to a point hearing.

40. No applicant claims that it is entitled to points as an established local applicant. Each applicant claims two points for diversity of ownership. Fe, however, fails to submit the requisite documentation to support its claim. Accordingly, we award diversity points to CCVA, Sion, Colina, and CARE, but will not award points to Fe under this criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, CCVA claims that its proposed 60 dBu contour would encompass 251 square kilometers with a population of 233; Sion, 122 square kilometers and 5,842 people; Fe, 100 square kilometers and 4,977 people; Colina, 100 square kilometers and 5,835 people; and CARE, 468 square kilometers and 665 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent more than the next best applicant. Accordingly, CCVA, Sion, Colina, and CARE are credited with a total of two points each; Fe is not credited with any points. Fe is therefore eliminated, and CCVA, Sion, Colina, and CARE proceed to a tie-breaker.

41. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. CCVA certifies that it has one attributable interest; Colina discloses five attributable interests; Sion and CARE respectively certify that each has no attributable interest in any radio authorization. CCVA and Colina are therefore eliminated, and Sion and CARE proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. Sion certifies that it has attributable interests in ten radio applications. CARE certifies that it has no other pending applications, which is inaccurate. CARE should have listed the instant application and its other eight applications filed during the NCE window.⁵¹ Even accounting for this error, CARE has fewer

within its 60 dBu contour; EMF to 87,715 of the 106,875 people within the area of newly added service; COI to all 73,127 of the 73,127 people; and ICA School to 96,989 of the 103,101 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour (or within the area of newly added service in the case of EMF) and to more than 2,000 people.

⁵¹ We have revised CARE's claim to reflect that it has nine pending applications under consideration.

applications than Sion.⁵² CARE therefore prevails based on this second tie-breaker and is the tentative selectee in Group 316.

42. **Group 318.** This group is comprised of ten applications proposing service to four different communities in California. The following five applicants each propose service to San Martin: Centro Cristiano Vida Abundante (“CCVA”), Generations Four Square Church (“GFSC”), Centro Cristiano Sion (“Sion”), National Hispanic University (“NHU”), and Centro Cristiano Cosecha Final (“CCCF”). Three applicants would each serve Dos Palos: Samsno Educational Media (“Samsno”), Advance Ministries Inc. (“AMI”), and Calvary Chapel of Modesto, Inc. (“Calvary Modesto”). CCCF and Common Frequency, Inc. (“CFI”) propose service to the respective communities of Los Banos and Morgan Hill. GFSC, Samsno, NHU, CFI, and Calvary Modesto each claim eligibility for a fair distribution preference.⁵³ CCVA, Sion, CCCF (both proposals), and AMI do not, and therefore each is eliminated. Samsno is the only applicant to claim that it is eligible for a first service preference.⁵⁴ Accordingly, the applications of GFSC, NHU, and CFI are each eliminated because Samsno’s application to serve the different community of Dos Palos is entitled to a first service preference. Calvary Modesto cannot be eliminated under the fair distribution criterion because it proposes to serve the same community as Samsno. Samsno and Calvary Modesto therefore proceed to a point hearing to determine which will serve the community of Dos Palos.

43. Neither applicant claims points as an established local applicant. Samsno claims two points for diversity of ownership based on a pledge to divest LPFM station KCFL-LP, Fall City, Washington. Samsno, however, has not shown that its governing documents limit its ability to acquire other stations in the same area after divesting the LPFM station. Accordingly, we will not award points to Samsno under this criterion. Calvary Modesto does not claim diversity points. Neither applicant claims points as a statewide network. With respect to technical parameters, Samsno’s proposed 60 dBu contour would encompass 1,327 square kilometers with a population of 41,922. Calvary Modesto’s 60 dBu contour would encompass 2,089 square kilometers with a population of 40,953. Neither applicant qualifies for points under the best technical proposal criterion because neither proposal would serve at least 10 percent more area and population than the other. Accordingly, neither Samsno nor Calvary Modesto is credited with any points, and the applicants proceed to a tie-breaker.

44. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. Samsno and Calvary Modesto certify that each has an attributable interest in one radio authorization. Therefore, we proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. Samsno certifies that it has attributable interests

⁵² Although it is essential that applicants make full and clear disclosure of all material facts in every application and filing with the Commission, the false statement here does not appear to have been made with the intention of deceiving the Commission. There is no evidence that CARE knowingly misstated its number of pending applications. Moreover, we note that in response to Section V(2) of FCC Form 340 (“pending applications”), numerous applicants neglected to list applications filed during the October 2007, filing window, as directed. We, however, caution CARE to be attentive to its application certifications in the future because a false statement, even absent an intent to deceive, may constitute an actionable violation of Section 1.17 of the Rules. 47 C.F.R. § 1.17.

⁵³ See GFSC, Samsno, NHU, CFI, and Calvary Modesto Applications, Questions III(1), III(2), and associated exhibits. GFSC claims that it would provide aggregated first and second NCE service to 13,595 of the 49,941 people encompassed within its 60 dBu contour; Samsno to 13,581 of the 41,922 people; NHU to 10,848 of the 40,204 people; CFI to 13,355 of the 46,798 people; and Calvary Modesto to all 40,953 of the 40,953 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.

⁵⁴ Samsno certifies that it will provide first NCE service to 13,581 people.

in 35 radio applications. Calvary Modesto certifies that it has four pending applications. Calvary Modesto therefore prevails based on this second tie-breaker and is the tentative selectee in Group 318.

45. **Group 320.** This group consists of four applications proposing service to three different communities in California. First Unitarian Universal Life Church of Hanford (“FUULC”) filed two applications to serve Hanford, one specifying Channel 217 and the other Channel 220. Vida Worth Vivir, Inc. (“VWV”) and South Valley Peace Center (“SVPC”) propose service to the respective communities of Lost Hills and Tulare. Neither VWV nor SVPC claims that it qualifies for a fair distribution preference. FUULC, while claiming that it is eligible for a fair distribution preference in each of its applications, fails to identify the number of people that would receive a new first or second NCE service. Accordingly, FUULC does not qualify for a preference, and the group proceeds to a point hearing.

46. FUULC and SVPC each certify that they are eligible for points as established local applicants; VWV does not. FUULC provides no information to support its localism claim, and accordingly will not receive points under this criterion. Each applicant claims two points for diversity of ownership. FUULC, however, does not support its diversity claim. Accordingly, VWV and SVPC, but not FUULC, will receive two points each under this criterion. FUULC is the only applicant to claim points as a statewide network. FUULC, however, fails to submit any information to support its claim and accordingly, will not be awarded points under this criterion. With respect to technical parameters, VWV’s proposed 60 dBu contour would encompass 867 square kilometers with a population of 2,084. FUULC’s proposed 60 dBu contours would each encompass 269 square kilometers with a population of 100. SVPC’s proposed 60 dBu contour would encompass 2,392 square kilometers with a population of 65,987. SVPC qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than VWV’s next best proposal. Accordingly, SVPC is credited with a total of seven points; VWV receives two points; and FUULC is not credited with any points. SVPC is therefore the tentative selectee in Group 320.

47. **Group 322.** This group is comprised of nine applications proposing service to four different communities in Colorado. The following six applicants propose to serve Gunnison: Public Broadcasting of Colorado, Inc. (“PBC”), Academy Media Inc. (“Academy”), Make a Difference Foundation, Inc. (“MDF”), Crested Butte Mountain Educational Radio, Inc. (“CBMER”), Cheyenne Mountain Public Broadcast House, Inc. (“Cheyenne”), and United Ministries (“UM”). Cedar Cove Broadcasting, Inc. (“Cedar”), San Miguel Educational Fund (“SMEF”), and MDF would serve Ridgway, Rico, and Paonia, respectively. Six applications claim eligibility for a fair distribution preference.⁵⁵ Cedar, SMEF, and UM certify ineligibility for a preference and, accordingly, each is eliminated. None of the remaining applicants claims that it is entitled to a first NCE service preference, and we therefore consider the applicants’ combined first and second NCE service proposals. PBC claims that it would provide combined first and second NCE service to 9,010 people; Academy to 12,077 people; MDF to 9,341 people with its Gunnison proposal and to 4,090 people for Paonia; CBMER to 11,591 people; and Cheyenne to 9,152 people. MDF-Paonia is eliminated because PBC’s proposal for a different community would serve at least 5,000 more people. The remaining five applicants propose to serve the same community. PBC, Academy, MDF, CBMER, and Cheyenne therefore proceed to a point hearing to determine which will serve the community of Gunnison.

⁵⁵ See PBC, Academy, MDF, CBMER, and Cheyenne Applications, Questions III(1), III(2), and associated exhibits. PBC claims that it would provide aggregated first and second NCE service to all 9,010 of the 9,010 people encompassed within its 60 dBu contour; Academy to all 12,077 of the 12,077 people; MDF to all 9,341 of the 9,341 people within its Gunnison contour, and to 4,090 of the 8,300 people for Paonia; CBMER to 11,591 of the 11,650 people; and Cheyenne to 9,152 of the 9,153 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.

48. CBMER is the only applicant to claim points as an established local applicant. Each applicant, with the exception of PBC, claims two points for diversity of ownership. CBMER's claim is based on a pledge to divest FM translator station K210BS, Gunnison, Colorado. None of the applicants claim points as a statewide network. With respect to technical parameters, PBC claims that its proposed 60 dBu contour would encompass 890 square kilometers with a population of 9,010; Academy, 2,971 square kilometers and 12,077 people; MDF, 1,372 square kilometers and 9,341 people; CBMER, 2,975 square kilometers and 11,650 people; and Cheyenne, 1,206 square kilometers and 9,153 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve an area and population at least 10 percent greater than the next best proposal. Accordingly, CBMER is credited with a total of five points; Academy, MDF, and Cheyenne are credited with two points each; PBC is not credited with any points. CBMER is therefore the tentative selectee in Group 322.

49. **Group 323.** This group consists of eight applications proposing service to five different communities in Colorado. Mountain Air Radio, Inc. ("MAR"), HO. LY, Inc. ("HO. LY"), and Wren Communications, Inc. ("Wren") each propose service to Aspen. Summit Public Radio and TV, Inc. ("Summit") and NC Friends Broadcasting, Inc. ("NC Friends") would each serve Breckenridge. The other applicants are: Carbondale Community Access Radio, Inc. ("Carbondale") for Snowmass Villa; Academy Media Inc. ("Academy") for Dillon; and Tighrope Broadcasting, Inc. ("Tighrope") for Vail. Summit and Academy each claim eligibility for a fair distribution preference.⁵⁶ The remaining six applicants do not, and accordingly, Carbondale, MAR, HO. LY, Wren, NC Friends, and Tighrope are each eliminated. Neither Summit nor Academy claims a preference for first NCE service alone; instead, each relies on first and second NCE service population totals. Summit and Academy's proposed aggregated first and second NCE service to 22,495 people and 23,378 people, respectively, are comparable.⁵⁷ Accordingly, Summit and Academy proceed to a point hearing.

50. Summit certifies that it is eligible for points as an established local applicant; Academy does not. Academy, but not Summit, claims two points for diversity of ownership. Neither applicant claims points as a statewide network. With respect to technical parameters, Summit's proposed 60 dBu contour would encompass 2,257 square kilometers with a population of 25,162. Academy's proposed 60 dBu contour would encompass 634 square kilometers with a population of 23,615. Neither applicant is eligible for points under the best technical proposal criterion because neither proposes to serve at least 10 percent more area and population than the other applicant. Accordingly, Summit is credited with a total of three points, and Academy receives two points. Summit is therefore the tentative selectee in Group 323.

51. **Group 325.** This group is comprised of 12 applications proposing service to nine different communities in Colorado. Make a Difference Foundation, Inc. ("MDF") and Community Radio for Northern Colorado ("CRNC") each propose to serve Silverthorne. Educational Communications of Colorado Springs ("ECCS"), Crystal Mountain Center for the Performing Arts ("Crystal"), and Cheyenne Mountain Public Broadcast House ("Cheyenne") would each serve Westcliffe. The other applicants are: Academy Media Inc. ("Academy") for Crested Butte; MDF for Lake George; Crested Butte Mountain Educational Radio, Inc. ("CBMER") for Almont; St. Paul Cultural Broadcasting, Inc. ("St. Paul") for Blue River; Cheyenne for Breckenridge; Mountain Air Radio, Inc. ("MAR") for Keystone; and NC

⁵⁶ See Summit and Academy Applications, Questions III(1), III(2), and associated exhibits. Summit's 60 dBu contour encompasses 25,162 people, and its claimed aggregated first and second NCE service is 22,495 people. Academy's 60 dBu contour encompasses 23,615 people, and its claimed aggregated first and second NCE service is 23,378 people. Thus, each would provide combined first and second NCE service to at least ten percent of the population within its 60 dBu contour and to more than 2,000 people.

⁵⁷ For purposes of this Order, we define proposals as "comparable" when no proposal exceeds the next best by at least 5,000 people.

Friends Broadcasting, Inc. (“NC Friends”) for Cripple Creek. Academy, MDF, ECCS, CBMER, Crystal, CRNC, and Cheyenne each claim to be eligible for a fair distribution preference.⁵⁸ St. Paul, MAR, and NC Friends do not, and each is therefore eliminated. CRNC is the only applicant to claim a first service preference.⁵⁹ Accordingly, the applications of Academy, MDF-Lake George, ECCS, CBMER, Crystal, and Cheyenne are each eliminated because CRNC’s application to serve the different community of Silverthorne is entitled to a first service preference. MDF-Silverthorne cannot be eliminated under the fair distribution criterion because it proposes to serve the same community as CRNC. CRNC and MDF-Silverthorne therefore must proceed to a point hearing to determine which will serve the community of Silverthorne.

52. Neither applicant claims points as an established local applicant. MDF and CRNC each claim two points for diversity of ownership, with CRNC’s claim based on a pledge to divest FM translator station K202CV, Breckenridge, Colorado. Neither applicant claims points as a statewide network. With respect to technical parameters, MDF’s proposed 60 dBu contour would encompass 1,144 square kilometers with a population of 24,429. CRNC’s proposed 60 dBu contour would encompass 5,816 square kilometers with a population of 42,874. CRNC qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than the MDF proposal. Accordingly, CRNC is credited with four points, and MDF receives two points. CRNC is therefore the tentative selectee in Group 325.

53. **Group 326.** This group consists of five applications proposing service to five different communities in Connecticut and Rhode Island. Calvary Chapel of Southeastern Connecticut (“CCSC”) filed two applications, one for Wauregan, and the other for Moosup, Connecticut. Bryant University (“Bryant”) and Franciscan Friars of the Immaculate Incorporated (“FFI”) propose service to Danielson and Plainfield, Connecticut, respectively. His Voice Ministries (“HVM”) would serve Hope Valley, Rhode Island. Each applicant certifies that it is eligible for a fair distribution preference⁶⁰ and a first service preference. CCSC claims that it would provide a first NCE service to 16,663 people in Wauregan, and to 8,144 people for Moosup; Bryant to 20,716 people; FFI to 21,616 people; and HVM to 5,819 people. CCSC-Moosup and HVM are eliminated because CCSC-Wauregan’s next highest proposal will serve at least 5,000 more people. The first service proposals of CCSC-Wauregan, Bryant, and FFI are comparable because none exceeds the next best by at least 5,000 people. Accordingly, we consider the applicants’ proposals to provide aggregated first and second NCE service to 46,371 people, 54,225 people, and 49,762 people, respectively. These proposals are also comparable. CCSC-Wauregan, Bryant, and FFI therefore must proceed to a point hearing.

⁵⁸ See Academy, MDF, ECCS, CBMER, Crystal, CRNC, and Cheyenne Applications, Questions III(1), III(2), and associated exhibits. Academy claims that it would provide aggregated first and second NCE service to all 3,284 of the 3,284 people encompassed within its 60 dBu contour; MDF to all 24,429 of the 24,429 people within its Silverthorne contour, and to 4,692 of the 6,212 people within its proposed Lake George contour; ECCS to 3,109 of the 3,248 people; CBMER to all 8,204 of the 8,204 people; Crystal to all 2,695 of the 2,695 people; CRNC to 36,747 of the 42,874 people; and Cheyenne to 2,539 of the 2,763 people within its Westcliffe contour, and to 22,426 of the 23,059 people within its Breckenridge 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.

⁵⁹ CRNC certifies that it will provide 4,990 people with a first NCE service.

⁶⁰ See CCSC, Bryant, FFI, and HVM Applications, Questions III(1), III(2), and associated exhibits. CCSC claims that it would provide aggregated first and second NCE service to 46,371 of the 55,699 people encompassed within its Wauregan 60 dBu contour, and to 11,747 of the 11,820 people for Moosup; Bryant to 54,225 of the 63,323 people; FFI to 49,762 of the 55,654 people; and HVM to 13,197 of the 22,920 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.

54. Each applicant claims three points as an established local applicant and two points for diversity of ownership. CCSC's diversity claim is based on a pledge to divest LPFM station WCSE-LP, Ledyard, Connecticut, and its interest in WNLN-LP, Niantic, Connecticut. None of the applicants claim points as a statewide network. With respect to technical parameters, CCSC's proposed 60 dBu contour would encompass 763 square kilometers with a population of 55,699. Bryant's proposed 60 dBu contour would encompass 974 square kilometers with a population of 63,323. FFI's proposed 60 dBu contour would encompass 831 square kilometers with a population of 55,654. Bryant is eligible for one point under the best technical proposal criterion because it proposes to serve at least 10 percent more area and population than FFI's next best area and CCSC's next best population proposal. Accordingly, Bryant is credited with a total of six points; CCSC and FFI are each credited with five points. Bryant is therefore the tentative selectee in Group 326.

55. **Group 327.** The six applications in this group would serve four different communities in Connecticut. Northeast Hartford Acorn ("Acorn") and WAMC each propose service to Manchester. Cape Cod Christian Broadcasting ("CCCB") and Morgan Brook Christian Radio, Inc. ("Morgan") would each serve East Hartford. Legion of Christ College, Inc. ("LCC") and WNYC Radio ("WNYC") propose to serve Wethersfield and Central Manchester, respectively. Each applicant certifies that it is eligible for a fair distribution preference.⁶¹ Because none of the applicants claims a first service preference, we consider the aggregated first and second NCE service claims of Acorn, WAMC, CCCB, Morgan, LCC, and WNYC to 22,584 people, 20,650 people, 25,118 people, 29,340 people, 30,957 people, and 17,726 people, respectively. The six proposals are comparable because none would provide a new first or second NCE service to at least 5,000 more listeners than the next best proposal. Therefore, the entire group proceeds to a point hearing.

56. LCC, Acorn, CCCB, and Morgan each claim that they qualify for points as established local applicants. CCCB did not, however, provide any supporting documentation, and we therefore will not credit CCCB with localism points. WNYC and WAMC do not claim localism points. Each applicant claims two points for diversity of ownership, with CCCB's claim based on a pledge to divest LPFM station WXLJ-LP, East Harwich, Connecticut. CCCB, however, has not shown that its governing documents limit its ability to acquire other stations in the same area after divesting the LPFM station. Accordingly, we will not award points to CCCB under this criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, LCC claims that its proposed 60 dBu contour would encompass 443 square kilometers with a population of 230,345; Acorn, 196 square kilometers and 101,875 people; WNYC, 216 square kilometers and 102,063 people; WAMC, 320 square kilometers and 159,799 people; CCCB, 333 square kilometers and 164,271 people; and Morgan, 361 square kilometers and 164,875 people. LCC qualifies for one point under the best technical proposal criterion because it proposes to serve at least 10 percent more area and population than Morgan's next best proposal. Accordingly, LCC is credited with a total of six points; Acorn and Morgan are credited with five points each; WNYC and WAMC each receive two points; and CCCB is not credited with any points.⁶² LCC is therefore the tentative selectee in Group 327.

⁶¹ See Acorn, WAMC, CCCB, Morgan, LCC, and WNYC Applications, Questions III(1), III(2), and associated exhibits. Acorn claims that it would provide aggregated first and second NCE service to 22,584 of the 101,875 people encompassed within its 60 dBu contour; WAMC to 20,650 of the 159,799 people; CCCB to 25,118 of the 164,271 people; Morgan to 29,340 of the 164,875 people; LCC to 30,957 of the 230,345 people; and WNYC to 17,726 of the 102,063 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.

⁶² If the Commission had accepted CCCB's localism and diversity claims, it would not have changed the outcome of this MX group. Specifically, LCC's credited total of six points still would have exceeded CCCB's claimed total of five points.

57. **Group 328.** This group consists of 10 applications proposing service to five different communities in Florida. Five applicants propose service to Port St. Joe: Victor Broadcasting, Inc. (“Victor”), Serendipity Educational Broadcasting, Inc. (“Serendipity”), Help Save the Apalachicola River Group, Inc. (“HSARG”), Cornerstone Community Radio, Inc. (“Cornerstone”), and Calvary Fellowship, Inc. (“Calvary”). Martin Bayou Management Corporation (“MBMC”) and Gulf Coast Community College (“GCC”) would each serve Mexico Beach. Faith Radio Network, Inc. (“Faith”), Community Radio Foundation of Florida, Inc. (“CRFF”), and De Mujer a Mujer International (“DMMI”) propose service to Carrabelle, Apalachicola, and Overstreet, respectively. Eight applicants claim and document eligibility for a fair distribution preference.⁶³ CRFF also claims to be eligible for a preference, but it fails to identify the number of people who would receive a first or second service. Accordingly, CRFF is eliminated.⁶⁴ DMMI certifies that it is not eligible for a preference and is therefore also eliminated. Each of the eight remaining applicants, with the exception of Cornerstone, states that it is entitled to a first service preference. Cornerstone is therefore eliminated. Victor claims that it would provide a first NCE service to 13,848 people; Faith to 7,756 people; Serendipity to 14,458 people; HSARG to 14,729 people; Calvary to 8,875 people; MBMC to 15,304 people; and GCC to 14,536 people. Because none of the first service proposals of Victor, Faith, Serendipity, HSARG, Calvary, MBMC, and GCC exceeds the next best by at least 5,000 people and therefore are comparable, we consider the applicants’ proposals to provide first and second NCE service to 20,562 people, 10,590 people, 21,409 people, 21,608 people, 8,875 people, 21,768 people, and 20,976 people, respectively. Faith and Calvary are each eliminated because Victor’s next best proposal for a different community will serve at least 5,000 more people. The remaining five proposals likewise are comparable, and accordingly, Victor, Serendipity, HSARG, MBMC, and GCC proceed to a point hearing.

58. HSARG, MBMC, and GCC each claim three points as established local applicants; Victor and Serendipity do not. Each applicant claims two points for diversity of ownership. Although Serendipity submits a map showing no overlap between its proposed station and other authorizations, Serendipity provides no indication that it timely adopted governing documents that would require it to maintain diversity in the future. Accordingly, we will not award diversity points to Serendipity. Serendipity is the only applicant to claim points as a statewide network. It, however, provides no support for its claim and will therefore not receive points under this criterion.⁶⁵ With respect to technical parameters, Victor claims that its proposed 60 dBu contour would encompass 3,542 square kilometers with a population of 22,111; Serendipity, 4,413 square kilometers and 21,409 people; HSARG, 3,821 square kilometers and 52,080 people; MBMC, 8,341 square kilometers and 55,691 people; and GCC, 3,267 square kilometers and 45,987 people. No applicant is eligible for any points under the best technical proposal criterion because MBMC’s proposal to serve the largest area and population does not exceed by at least 10 percent both Serendipity’s next best area and HSARG’s next best population proposal. Accordingly, HSARG, MBMC, and GCC are credited with a total of five points each; Victor

⁶³ See Victor, Faith, Serendipity, HSARG, Cornerstone, Calvary, MBMC, and GCC Applications, Questions III(1), III(2), and associated exhibits. Victor claims that it would provide aggregated first and second NCE service to 20,562 of the 22,111 people encompassed within its 60 dBu contour; Faith to all 10,590 of the 10,590 people; Serendipity to all 21,409 of the 21,409 people; HSARG to 21,608 of the 52,080 people; Cornerstone to 6,736 of the 61,694 people; Calvary to 8,875 of the 23,522 people; MBMC to 21,768 of the 55,691 people; and GCC to 20,976 of the 45,987 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.

⁶⁴ CRFF submits a map but no numbers to support its claim. Such data is insufficient for the Commission or other applicants to determine whether CRFF satisfies the 10 percent threshold and 2,000-person minimum criteria.

⁶⁵ Serendipity claims two points for diversity and as a statewide network. An applicant, however, can only receive points under one of these criteria. Moreover, as noted above, Serendipity fails to support either claim and receives no points under either criterion.

receives two points; and Serendipity is not credited with any points.⁶⁶ Victor and Serendipity are eliminated, and HSARG, MBMC, and GCC proceed to a tie-breaker.

59. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. GCC certifies that it has 14 attributable interests; HSARG and MBMC certify that they each have no attributable interest in any radio authorization. Accordingly, GCC is eliminated, and HSARG and MBMC proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. HSARG and MBMC certify that each has an attributable interest in one radio application. Accordingly, we proceed to the tiebreaker of last resort -- mandatory timesharing. HSARG and MBMC are thus both tentative selectees in Group 328 on a time-sharing basis.

60. **Group 329.** This group consists of eight applications, each proposing to serve the community of Key West, Florida. The applicants are: Calvary Chapel of Twin Falls, Inc. (“CCTF”), Serendipity Educational Broadcasting, Inc. (“Serendipity”), Clean Air Broadcasting Corporation (“Clean Air”), Tillandsia Radio Outreach, Inc. (“Tillandsia”), Call Communications Group, Inc. (“Call”), St. Paul Cultural Broadcasting, Inc. (“St. Paul”), Educational Public Radio, Inc. (“EPR”), and Cultural Renewal Radio, UA (“CRR”). None of the applicants claims eligibility for points as an established local applicant. The following six applicants claim points for diversity of ownership: Serendipity, Clean Air, Tillandsia, Call, St. Paul, and CRR. Serendipity, Tillandsia, and Call do not support their respective diversity claims. Accordingly, we will not award points to Serendipity, Tillandsia, or Call under this criterion. CCTF and EPR certify that they each are not entitled to diversity points. CCTF and Serendipity are the only applicants to claim points as a statewide network. Serendipity, however, fails to submit the requisite documentation to support its claim. Accordingly, we only award points to CCTF under this criterion. With respect to technical parameters, CCTF claims that its proposed 60 dBu contour would encompass 138 square kilometers with a population of 29,042; Serendipity, 352 square kilometers and 30,885 people; Clean Air, 526 square kilometers and 30,891 people; Tillandsia, 24 square kilometers and 30,885 people; Call, 41 square kilometers and 31,287 people; St. Paul, 52 square kilometers and 33,730 people; EPR, 19 square kilometers and 30 people; and CRR, 191 square kilometers and 33,716 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best proposal. Accordingly, CCTF, Clean Air, St. Paul, and CRR are credited with a total of two points each. Serendipity, Tillandsia, Call, and EPR are not credited with any points and are thus each eliminated. CCTF, Clean Air, St. Paul, and CRR proceed to a tie-breaker.

61. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. CCTF certifies that it has 455 attributable interests; Clean Air, St. Paul, and CRR certify that they each have no attributable interest in any radio authorization. CCTF is therefore eliminated, and Clean Air, St. Paul, and CRR proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. Clean Air certifies that it has attributable interests in three radio applications; St. Paul discloses 10 pending applications; CRR certifies to nine applications. Clean Air therefore prevails based on this second tie-breaker and is the tentative selectee in Group 329.

62. **Group 333.** This group consists of 11 applications proposing service to seven different communities in Georgia. Four applicants propose service to La Belle: Community Radio Foundation of Florida, Inc. (“CRFF”), Templo Apostoles y Profetas Bethel (“TAPB”), Calvary Fellowship, Inc. (“Calvary”), and Black Media Works, Inc. (“BMW”). BMW has two additional applications in this

⁶⁶ If the Commission had accepted Serendipity’s claim of two points for diversity of ownership or as a statewide network, it would not have changed the outcome of this MX group. Specifically, HSARG’s, MBMC’s, and GCC’s credited totals of five points each still would have exceeded Serendipity’s claimed total of two points.

group, one for Palmdale and the other for Moore Haven. Central Florida Educational Foundation, Inc. (“CFEF”) and Calvary Chapel of Melbourne, Inc. (“CCM”) each propose to serve Kenansville. The remaining applicants are: Oscar Aguero Ministry (“OAM”) for Lakeport; Seminole Tribe of Florida (“Seminole”) for Brighton Reservation; and Westminster Academy (“Westminster”) for Fellsmere. None of the applicants claims that it is eligible for a fair distribution preference. The group therefore proceeds to a point hearing.

63. Seminole and CCM each claim three points as an established local applicant. The other applicants do not claim points under this criterion. Each applicant, with the exception of OAM and Seminole, claims two points for diversity of ownership. CRFF and BMW do not support their respective diversity claims. Accordingly, CRFF and BMW do not qualify for points under this criterion. CFEF is the only applicant to claim points as a statewide network. Such points, however, are only available to applicants that have not received two points for diversity of ownership.⁶⁷ CFEF cannot receive points under both criteria. With respect to technical parameters, OAM claims that its proposed 60 dBu contour would encompass 554 square kilometers with a population of 1,792; CRFF, 514 square kilometers and 17,775 people; TAPB, 562 square kilometers and 16,010 people; Seminole, 494 square kilometers and 1,218 people; Calvary, 578 square kilometers and 14,149 people; BMW, 124 square kilometers and 11,589 people for La Belle, 333 square kilometers and 2,000 people for Palmdale, and 104 square kilometers and 3,233 people for Moore Haven; CFEF, 1,390 square kilometers and 1,106 people; CCM, 1,952 square kilometers and 1,695 people; and Westminster, 2,886 square kilometers and 16,111 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best proposal. Accordingly, CCM is credited with a total of five points; Seminole receives three points; TAPB, Calvary, CFEF, and Westminster are each credited with two points; and OAM, CRFF, and BMW are not credited with any points.⁶⁸ CCM is therefore the tentative selectee in Group 333.

64. **Group 334.** This group consists of five applications proposing to serve four different communities in Florida. Calvary Fellowship, Inc. (“Calvary”) and Cultural Renewal Radio, UA (“CRR”) each propose to serve Tavernier. Templo Apostoles y Profetas Bethel (“TAPB”) would serve Islamorada; Educational Public Radio, Inc. (“EPR”) proposes service to Plantation; and NC Friends Broadcasting, Inc. (“NC Friends”) proposes to serve Key Largo. Each applicant certifies that it is not eligible for a fair distribution preference. The group therefore proceeds to a point hearing.

65. No applicant claims points as an established local applicant. Each applicant claims two points for diversity of ownership. No applicant claims points as a statewide network. With respect to technical parameters, TAPB claims that its proposed 60 dBu contour would encompass 324 square kilometers with a population of 7,337; Calvary, 29 square kilometers and 7,586 people; EPR, 21 square kilometers and 9 people; CRR, 48 square kilometers and 11,309 people; and NC Friends, 45 square kilometers and 10,603 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best proposal. Accordingly, each applicant is credited with a total of two points, and the entire group proceeds to a tie-breaker.

66. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations

⁶⁷ See 47 C.F.R. § 73.7003(b)(3). Moreover, CFEF does not submit any information to support its claim that it qualifies as a statewide network.

⁶⁸ If the Commission had accepted either CRFF’s or BMW’s claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, CCM’s credited total of five points still would have exceeded CRFF’s and BMW’s claimed totals of two points each.

prevails. EPR certifies that it has 21 attributable interests; NC Friends discloses 15 attributable interests; CRR lists one attributable interest; TAPB and Calvary certify that they each have no attributable interest in any radio authorization. EPR, NC Friends, and CRR are therefore eliminated. TAPB and Calvary proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. TAPB certifies that it has attributable interests in ten radio applications. Calvary certifies that it has six pending applications. Calvary therefore prevails based on this second tie-breaker and is the tentative selectee in Group 334.

67. **Group 336.** This group consists of six applications proposing service to five different communities in Georgia. Tillandsia Radio Outreach, Inc. (“Tillandsia”) and Radio Training Network, Inc. (“RTN”) each propose to serve Claxton. The other applicants are: Community Impact Foundation, Inc. (“CIF”) for Metter; Indiana Community Radio Corporation (“ICRC”) for Rockingham; Mineral Springs Public Radio, Inc. (“MSPR”) for Baxley; and Tightrope Broadcasting, Inc. (“Tightrope”) for Nicholls. Tillandsia and RTN each claim and document eligibility for a fair distribution preference.⁶⁹ ICRC also claims to be eligible for a preference, but it failed to identify the number of people who would receive a first or second service. Accordingly, ICRC is eliminated. CIF, MSPR, and Tightrope each certify that they are ineligible for a preference and are therefore also eliminated. Tillandsia and RTN, the sole remaining applicants in this group, propose to serve the same community. Tillandsia and RTN therefore must proceed to a point hearing.

68. Neither applicant claims points as an established local applicant. Tillandsia and RTN each claim two points for diversity of ownership. RTN bases its diversity claim on a pledge to divest FM translator station W257BG, Statesboro, Georgia. RTN, however, provides insufficient documentation of its diversity claim because it has not shown that it took timely steps to limit its ability to acquire other stations in the same area. Similarly, Tillandsia fails to provide the necessary documentation to support its diversity claim. Accordingly, neither applicant will receive points under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, Tillandsia’s proposed 60 dBu contour would encompass 775 square kilometers with a population of 12,517. RTN’s proposed 60 dBu contour would encompass 2,903 square kilometers with a population of 73,397. RTN is eligible for two points under the best technical proposal criterion because it will serve at least 25 percent more area and population than Tillandsia. Accordingly, RTN is credited with a total of two points, and Tillandsia is not credited with any points. RTN is therefore the tentative selectee in Group 336.

69. **Group 337A.**⁷⁰ This group consists of four applications proposing service to three different communities in Georgia. The applicants are: Victor Broadcasting, Inc. (“Victor”) for Leesburg; Southwest Project for Community Education, Inc. (“SPCE”) for Sasser; and Darton College (“Darton”) and Radio Training Network, Inc. (“RTN”), each for Albany. Each applicant states that it is not eligible for a fair distribution preference. The group therefore proceeds to a point hearing.

70. SPCE and Darton each claim three points as an established local applicant; Victor and RTN do not. Each applicant, with the exception of Darton, claims two points for diversity of ownership. Darton is the only applicant to claim points as a statewide network. With respect to technical parameters, Victor claims that its proposed 60 dBu contour would encompass 937 square kilometers with a population

⁶⁹ See Tillandsia and RTN Applications, Questions III(1), III(2), and associated exhibits. Tillandsia claims that it would provide aggregated first and second NCE service to 8,291 of the 12,517 people encompassed within its 60 dBu contour; RTN to 25,277 of the 73,397 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.

⁷⁰ Group 337, which originally contained nine applications, was bifurcated as a result of the dismissal of one application in the group and the subsequent amendment of another application. We consider Group 337A herein. Group 337B, consisting of four applications, will be considered separately in this Order.

of 22,111; SPCE, 1,531 square kilometers and 54,246 people; Darton, 1,678 square kilometers and 109,783 people; and RTN, 577 square kilometers and 82,058 people. No applicant is eligible for any points under the best technical proposal criterion because Darton's proposal to serve the largest area and population does not exceed both SPCE's next best area and population by at least 10 percent. Accordingly, SPCE and Darton are credited with a total of five points each. Victor and RTN each receive two points and are therefore eliminated. SPCE and Darton proceed to a tie-breaker.

71. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. Darton certifies that it has seven attributable interests; SPCE certifies that it has no attributable interest in any radio authorization. SPCE therefore prevails based on this first tie-breaker and is the tentative selectee in Group 337A.

72. **Group 337B.**⁷¹ This group is comprised of four applications proposing service to four different communities in Georgia. The applicants are: Indiana Community Radio Corporation ("ICRC") for Cordele; Athens Christian Radio, Inc. ("ACR") for Vienna; Mission Support Service ("MSS") for Hawkinsville; and Lighthouse Christian Fellowship ("Lighthouse") for Pinehurst. ACR and MSS each timely claim and document eligibility for a fair distribution preference.⁷² ICRC also certifies eligibility for a preference, but it initially failed to identify the number of people who would receive first or second NCE service. On December 30, 2009, ICRC submitted an amendment purporting to show that it should receive a fair distribution preference based on combined first and second NCE service to 9,844 of the 41,505 people within its proposed contour. ICRC's post-filing window amendment is a prohibited attempt to enhance its comparative position and will not be considered.⁷³ Accordingly, ICRC is eliminated. Lighthouse certifies that it is ineligible for a preference, and accordingly, is also eliminated. Neither of the remaining two applicants claims that it would provide any first service, but each claims a second service preference. Specifically, ACR and MSS state that they would provide a new second NCE service to 8,662 people and 8,329 people, respectively. Because proposals are comparable, ACR and MSS proceed to a point hearing.

73. Neither applicant claims points as an established local applicant. MSS claims two points for diversity of ownership; ACR does not. MSS fails to support its diversity claim, and accordingly will not receive points under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, ACR's proposed 60 dBu contour would encompass 2,108 square kilometers with a population of 27,089. MSS's proposed 60 dBu contour would encompass 2,221 square kilometers with a population of 27,369. Neither applicant qualifies for points under the best technical proposal criterion because MSS's proposal to reach the largest area and population does not exceed ACR's proposal by at least ten percent. Accordingly, neither ACR nor MSS receives any points, and the applicants proceed to a tie-breaker.

74. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. ACR and MSS certify that each has no attributable interest in any radio authorization.

⁷¹ See *supra* note 70.

⁷² See ACR and MSS Applications, Questions III(1), III(2), and associated exhibits. ACR claims that it would provide aggregated first and second NCE service to 8,662 of the 27,089 people encompassed within its 60 dBu contour; MSS claims to provide the same to 8,329 of the 27,369 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.

⁷³ See *supra* note 35.

Therefore, we proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. Each applicant incorrectly certifies that it has zero pending applications. MSS should have listed the instant application filed during the NCE window; ACR should have listed the instant application and its nine other applications filed during the window.⁷⁴ Accounting for these errors, MSS therefore prevails based on this second tie-breaker and is the tentative selectee in Group 337B.

75. **Group 338.** This group consists of five applications proposing service to four different communities in Georgia. Colquitt Community Radio, Inc. (“Colquitt”) and B. Jordan Communications Corporation (“BJCC”) each propose to serve Moultrie. The remaining applicants are: God’s Final Call & Warning, Inc. (“GFCW”) for Lakeland; Augusta Radio Fellowship Institute, Inc. (“Augusta”) for Morven; and Calvary Chapel of Thomasville, Inc. (“CCT”) for Pavo. None of the applicants claims that it is eligible for a fair distribution preference. Accordingly, the group proceeds to a point hearing.

76. Colquitt and CCT claim three points each as established local applicants; GFCW, Augusta, and BJCC do not claim points under this criterion. Each applicant claims two points for diversity of ownership, with CCT’s claim based on a pledge to divest LPFM station WJGG-LP, Thomasville, Georgia. GFCW and Augusta fail to provide the requisite support for their diversity claims. Accordingly, we will only credit CCT, Colquitt, and BJCC with two points each for diversity of ownership. No applicant claims points as a statewide network. With respect to technical parameters, Colquitt claims that its proposed 60 dBu contour would encompass 1,244 square kilometers with a population of 37,952; BJCC, 254 square kilometers and 2,271 people; GFCW, 608 square kilometers and 10,210 people; Augusta, 768 square kilometers and 9,138 people; and CCT, 1,880 square kilometers and 44,055 people. CCT qualifies for one point under the best technical proposal criterion because its proposal serves at least 10 percent more area and population than Colquitt’s next best proposal. Accordingly, CCT is credited with six points; Colquitt receives five points; BJCC is credited with two points; and neither GFCW nor Augusta is credited with any points.⁷⁵ CCT is therefore the tentative selectee in Group 338.

77. **Group 340.** This group is comprised of six applications proposing to serve three different communities in Georgia. Community Public Radio, Inc. (“CPR”), Hope through Education, Inc. (“Hope”), Templo Apostoles y Profetas Bethel (“TAPB”), and Edgewater Broadcasting, Inc. (“Edgewater”) each propose to serve Commerce. Iglesia Jesucristo es mi Refugio de Austin, Inc. (“IJR”) would serve Grove Level, and Common Ground Athens, Inc. (“CGA”) proposes to serve Nicholson. Four applicants certify eligibility for a fair distribution preference.⁷⁶ TAPB and IJR do not and are therefore each eliminated. No remaining applicant claims that it would provide first service, but each claims a second service preference. Specifically, CPR, Hope, CGA, and Edgewater state that they would

⁷⁴ Although it is essential that applicants make full and clear disclosure of all material facts in every application and filing with the Commission, there is no evidence that MSS or ACR knowingly misstated the number of pending applications. We, however, caution both MSS and ACR to be attentive to application certifications in the future, because a false statement, even absent an intent to deceive, may constitute an actionable violation of Section 1.17 of the Rules. *See also supra* note 52.

⁷⁵ If the Commission had accepted either GFCW’s or Augusta’s claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, CCT’s credited total of six points still would have exceeded GFCW’s and Augusta’s claimed totals of two points each.

⁷⁶ *See* CPR, Hope, Edgewater and CGA Applications, Questions III(1), III(2), and associated exhibits. CPR claims that it would provide aggregated first and second NCE service to 11,582 of the 18,327 people encompassed within its 60 dBu contour; Hope to 10,328 of the 12,083 people; Edgewater to 13,518 of the 31,417 people; and CGA to 13,961 of the 23,762 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.

provide a new second NCE service to 11,582 people, 10,328 people, 13,961 people, and 13,518 people, respectively. Because none of the proposals exceeds the next best by at least 5,000 people, the four applicants proceed to a point hearing.

78. CGA is the only applicant to claim points as an established local applicant. CGA and Edgewater each claim two points for diversity of ownership; CPR and Hope do not. Hope is the only applicant to certify that it is entitled to points as a statewide network. With respect to technical parameters, CPR claims that its proposed 60 dBu contour would encompass 409 square kilometers with a population of 18,327; Hope, 253 square kilometers and 12,083 people; CGA, 549 square kilometers and 23,762 people; and Edgewater, 764 square kilometers and 31,417 people. Edgewater is entitled to two points under the best technical proposal criterion because it proposes to serve at least 25 percent more area and population than CGA's next best proposal. Accordingly, CGA is credited with a total of five points; Edgewater receives four points; Hope is credited with two points; and CPR is not credited with any points. CGA is therefore the tentative selectee in Group 340.

79. **Group 341.** This group consists of four applications proposing service to three different communities in Hawaii. Calvary Chapel Kauai ("CCK") and Wren Communications, Inc. ("Wren") each propose to serve Lihue. Hoosier Broadcasting Corporation ("Hoosier") would serve Kapaka, and Hawaii Public Radio, Inc. ("HPR") proposes service to Koloa. Hoosier is the only applicant to certify that it is eligible for a fair distribution preference. Hoosier, however, fails to identify the number of people that would receive a new first or second NCE service.⁷⁷ Accordingly, Hoosier does not qualify for a fair distribution preference, and the group proceeds to a point hearing.

80. CCK is the only applicant to claim points as an established local applicant. Each applicant claims two points for diversity of ownership. HPR, however, fails to submit documentation to support its diversity claim and accordingly does not qualify for points under this criterion. No applicant claims points as a statewide network. With respect to technical parameters, Hoosier claims that its proposed 60 dBu contour would encompass 2,205 square kilometers with a population of 47,280; HPR, 7,464 square kilometers and 52,001 people; CCK, 943 square kilometers and 55,939 people; and Wren, 855 square kilometers and 30,694 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent more than the next best applicant. Accordingly, CCK is credited with five points; Hoosier and Wren each receive two points; and HPR is not credited with any points.⁷⁸ CCK is therefore the tentative selectee in Group 341.

81. **Group 342.** This group is comprised of six applications proposing service to five different communities in Hawaii. Calvary Chapel Kona, Inc. ("CC Kona") and Aina'E Co., Ltd. ("Aina") would each serve Kailua Kona. The other applicants are: Linda Jerome Foundation ("LJF") for Kailua; Hoosier Broadcasting Corporation ("Hoosier") for Laniakea; Haola Inc. ("Haola") for Waimea; and Kona Info FM Inc. ("Kona") for Captain Cook. CC Kona, Haola, Aina, and Kona each claim and document eligibility for a fair distribution preference.⁷⁹ LJF and Hoosier also certify eligibility for a preference, but

⁷⁷ Hoosier submits a map but no numbers to verify its claim.

⁷⁸ If the Commission had accepted HPR's claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, CCK's credited total of five points still would have exceeded HPR's claimed total of two points.

⁷⁹ See CC Kona, Haola, Aina, and Kona Applications, Questions III(1), III(2), and associated exhibits. CC Kona claims that it would provide aggregated first and second NCE service to all 61,113 of the 61,113 people encompassed within its 60 dBu contour; Haola to all 14,061 of the 14,061 people; Aina to 46,040 of the 46,049 people; and Kona to all 34,364 of the 34,364 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.

each fails to identify the number of people who would receive first or second NCE service.⁸⁰ LJF and Hoosier are therefore each eliminated. The remaining four applicants each claim a first service preference. Specifically, CC Kona claims that it would provide a first NCE service to 55,075 people; Haola to 14,061 people; Aina to 37,210 people; and Kona to 34,364. Haola and Kona are each eliminated because CC Kona's application to serve the different community of Kailua Kona would serve over 5,000 more people than each application. Aina cannot be eliminated under the fair distribution criterion because it proposes to serve the same community as CC Kona's best proposal. Aina and CC Kona therefore proceed to a point hearing to determine which will serve the community of Kailua Kona.

82. CC Kona claims points as an established local applicant; Aina does not. CC Kona, however, fails to submit documentation to support its claim and accordingly will not receive points under this criterion. Each applicant claims two points for diversity of ownership. CC Kona, however, does not support its claim with a timely resolution of its board of directors requiring diversity to be maintained. Accordingly, CC Kona does not qualify for diversity points. Neither applicant claims points as a statewide network. With respect to technical parameters, CC Kona's proposed 60 dBu contour would encompass 2,404 square kilometers with a population of 61,113. Aina's proposed 60 dBu contour would encompass 1,940 square kilometers with a population of 46,049. CC Kona is eligible for one point under the best technical proposal criterion because it will serve at least 10 percent more area and population than Aina. Accordingly, Aina is credited with a total of two points, and CC Kona is credited with one point. Aina is therefore the tentative selectee in Group 342.

83. **Group 344.** This group consists of five applications proposing service to four different communities in Iowa and Illinois. The University of Iowa ("UI") and Fort Madison Seventh-Day Adventist Church ("FMSDA") would each serve Keokuk, Iowa. Cornerstone Community Radio, Inc. ("Cornerstone") proposes service to Burlington, Iowa. The Illinois applicants are Believer's Broadcasting Corporation ("BBC") for Nauvoo and Bloomington Normal Broadcasting Corporation ("BNBC") for Hamilton. Each applicant claims eligibility for a fair distribution preference⁸¹ based solely on combined first and second NCE service. UI would provide combined first and second NCE service to 19,387 people; FMSDA to 4,436 people; Cornerstone to 21,272 people; BBC to 10,222 people; and BNBC to 25,328 people. The FMSDA proposal is eliminated because it would provide service to at least 5,000 fewer people than BBC's next best proposal for a different community. Likewise, the BBC proposal is also eliminated because it would serve at least 5,000 fewer people than UI's next best proposal for a different community. The proposals of UI, Cornerstone, and BNBC are comparable and therefore must proceed to a point hearing.

84. UI is the only applicant to claim points as an established local applicant. Cornerstone and BNBC each claim two points for diversity of ownership. UI does not claim points under this criterion. No applicant claims points as a statewide network. With respect to technical parameters, UI's proposed 60 dBu contour would encompass 4,486 square kilometers with a population of 71,284. Cornerstone's proposed 60 dBu contour would encompass 922 square kilometers with a population of 37,909. BNBC's proposed 60 dBu contour would encompass 5,998 square kilometers with a population of 79,153. BNBC is eligible for one point under the best technical proposal criterion because it will serve at least 10 percent more area and population than UI's next best proposal. Accordingly, UI and BNBC are each credited

⁸⁰ Each submits a map but no numbers to verify its claim.

⁸¹ See Cornerstone, UI, FMSDA, BBC, and BNBC Applications, Questions III(1), III(2), and associated exhibits. Cornerstone claims that it would provide aggregated first and second NCE service to 21,272 of the 37,909 people encompassed within its 60 dBu contour; UI to 19,387 of the 71,284 people; FMSDA to 4,436 of the 31,096 people; BBC to 10,222 of the 59,584 people; and BNBC to 25,328 of the 79,153 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.

with a total of three points; Cornerstone is credited with two points. Cornerstone is eliminated, and UI and BNBC proceed to a tie-breaker.

85. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. UI certifies that it has 30 attributable interests; BNBC certifies that it has one attributable interest in a radio authorization. BNBC therefore prevails based on this first tie-breaker and is the tentative selectee in Group 344.

86. **Group 346.** The two applications in this group propose service to different communities in Idaho. Nassuna Broadcasting, Inc. (“Nassuna”) would serve New Meadows, and Idaho Conference of Seventh-Day Adventists, Inc. (“ICSDA”) proposes to serve McCall. Neither applicant claims eligibility for a fair distribution preference. ICSDA, but not Nassuna, claims three points as an established local applicant. Nassuna claims two points for diversity of ownership; ICSDA does not. Neither applicant claims points as a statewide network. With respect to technical parameters, Nassuna’s proposed 60 dBu contour would encompass 1,832 square kilometers with a population of 4,287. ICSDA’s proposed 60 dBu contour would encompass 4,504 square kilometers with a population of 8,470. ICSDA qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than Nassuna’s proposal. Accordingly, ICSDA is credited with a total of five points, and Nassuna receives two points. ICSDA is therefore the tentative selectee in Group 346.

87. **Group 347.** This group consists of four applications proposing service to two different communities in Illinois. H.O.P.E. Broadcasting Corporation (“H.O.P.E.”) and Cornerstone Community Radio, Inc. (“Cornerstone”) would each serve Macomb. Believer’s Broadcasting Corporation (“BBC”) and 2820 Communications Incorporated (“2820 Comm.”) each propose to serve Table Grove. Each applicant certifies that it is eligible for a fair distribution preference.⁸² BBC, Cornerstone, and 2820 Comm. each certify that they are entitled to a first service preference. H.O.P.E. does not and is therefore eliminated. BBC would provide a first NCE service to 5,007 people; Cornerstone to 5,181 people; and 2820 Comm. to 4,934 people. Because the first service proposals are comparable, we consider BBC’s, Cornerstone’s, and 2820 Comm.’s proposals to provide combined first and second NCE service to 25,824 people, 24,507 people, and 4,934 people, respectively. 2820 Comm.’s proposal is eliminated because Cornerstone’s next best proposal for a different community would provide combined service to at least 5,000 more people. The proposals of BBC and Cornerstone are comparable because BBC’s proposal does not exceed Cornerstone’s by at least 5,000 people. Both therefore proceed to a point hearing.

88. Neither applicant claims points as an established local applicant. BBC and Cornerstone each claim two points for diversity of ownership. Although BBC submits a map showing no overlap between its proposed station and other authorizations, BBC provides no indication that it timely adopted governing documents that would require it to maintain diversity in the future. Accordingly, we will not award points to BBC under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, BBC’s proposed 60 dBu contour would encompass 3,001 square kilometers with a population of 46,411. Cornerstone’s proposed 60 dBu contour would encompass 2,885 square kilometers with a population of 45,013. Neither applicant is eligible for any points under the best technical proposal criterion because neither proposes to serve at least 10 percent more area and population

⁸² See H.O.P.E., Cornerstone, BBC, and 2820 Comm. Applications, Questions III(1), III(2), and associated exhibits. H.O.P.E. claims that it would provide aggregated first and second NCE service to 6,131 of the 26,637 people encompassed within its 60 dBu contour; Cornerstone to 24,507 of the 45,013 people; BBC to 25,824 of the 46,411 people; and 2820 Comm. to 4,934 of the 18,557 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.

than the other. Accordingly, Cornerstone is credited with a total of two points, and BBC receives no points. Cornerstone is the tentative selectee in Group 347.

89. **Group 350.** The five applications in this group propose to serve two different communities in Indiana. The following four applicants would each serve Noblesville: Hometown Radio Corporation (“Hometown”), Horizon Christian Fellowship of Indianapolis, Inc. (“HCFI”), Community Radio for Hoosiers, Inc. (“CRH”), and Inter Mirifica, Inc. (“Mirifica”). The President and Trustees of Miami University (“Miami Trustees”) proposes to serve Fortville. Each applicant states that it is not eligible for a fair distribution preference. Therefore, the entire group proceeds to a point hearing.

90. HCFI and Mirifica each claim points as an established local applicant. The other three applicants do not. HCFI, Miami Trustees, and Mirifica claim two points each for diversity of ownership; Hometown and CRH do not. Although Miami Trustees’ application reflects that it currently has no overlapping authorizations, it provides no information from which the Commission or other parties could verify that Miami Trustees timely modified its governing documents to maintain diversity in the future.⁸³ We therefore will not credit Miami Trustees with points under this criterion. None of the applicants claim points as statewide networks. With respect to technical parameters, Hometown claims that its proposed 60 dBu contour would encompass 120 square kilometers with a population of 32,819; HCFI, 296 square kilometers and 68,765 people; Miami Trustees, 292 square kilometers and 55,688 people; CRH, 155 square kilometers and 42 people; and Mirifica, 307 square kilometers and 70,050 people. No applicant is eligible for any points under the best technical proposal criterion because Mirifica’s proposal to serve the largest area and population does not exceed HCFI’s next best proposal by at least 10 percent. Accordingly, HCFI and Mirifica are credited with a total of five points each. Hometown, Miami Trustees, and CRH are not credited with any points, and are therefore each eliminated.⁸⁴ HCFI and Mirifica proceed to a tie-breaker.

91. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. HCFI certifies that it has two attributable interests; Mirifica certifies that it has no attributable interest in any radio authorization. Mirifica therefore prevails based on this first tie-breaker and is the tentative selectee in Group 350.

92. **Group 351.** This group consists of 10 applications proposing service to four different communities in Indiana. Five applicants propose service to Shelbyville: Community Impact Foundation, Inc. (“CIF”), Indiana Educational Broadcast Corporation (“IEBC”), The President and Trustees of Miami University (“Miami Trustees”), Family Worship Center Church, Inc. (“FWCC”), and Friends of Radio Maria, Inc. (“FRM”). The following three applicants would each serve New Castle: IEBC, FRM, and Hoosier Public Radio Corporation (“Hoosier”). Hoosier also filed an application to serve Dunreith. Finally, Horizon Christian Fellowship of Indianapolis, Inc. (“HCFI”) proposes to serve Morristown.

⁸³ The Commission has recognized that entities governed by statute, which may include some state universities, may not be able to amend governing documents without legislative action and, therefore, permitted such entities to make alternative showings of how they would maintain diversity. *NCE MO&O*, 16 FCC Rcd at 5095. Miami Trustees neither identifies alternative measures taken to maintain diversity nor demonstrates that it would qualify to make the alternative showing.

⁸⁴ If the Commission had accepted Miami Trustees’ claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, Mirifica’s credited total of five points still would have exceeded Miami Trustees’ claimed total of two points.

93. Seven applications claim and document eligibility for a fair distribution preference.⁸⁵ Hoosier-New Castle also claims to be eligible for a preference, but it failed to identify the number of people who would receive a first or second service. Accordingly, Hoosier-New Castle is eliminated. Hoosier-Dunreith and CIF certify that they each are ineligible for a preference and are therefore also eliminated. In each of the seven remaining applications, the applicant certifies that it is entitled to a first service preference. Specifically, HCFI claims that it would provide a first NCE service to 31,059 people; IEBC to 29,327 people with its Shelbyville proposal, and to 5,426 people for New Castle; Miami Trustees to 28,184 people; FWCC to 23,520 people; and FRM to 27,921 people for Shelbyville, and to 3,463 people for New Castle. IEBC-New Castle and FRM-New Castle are each eliminated because FWCC's next best proposal for a different community will serve at least 5,000 more people. Because the first service proposals of HCFI, IEBC-Shelbyville, Miami Trustees, FWCC, and FRM-Shelbyville are comparable, we therefore consider the applicants' combined first and second NCE service population totals of 33,378 people, 30,587 people, 28,978 people, 23,520 people, and 29,398 people, respectively. FWCC is eliminated because the next HCFI's best proposal for a different community will serve at least 5,000 more people. The remaining proposals of HCFI, IEBC-Shelbyville, Miami Trustees, and FRM-Shelbyville are comparable and therefore proceed to a point hearing.

94. HCFI and IEBC each claim three points as an established local applicant. Miami Trustees and FRM do not. Each applicant claims two points for diversity of ownership. However, IEBC, Miami Trustees, and FRM each fail to adequately support their diversity claims. Accordingly, we award two points to HCFI but will not award points to IEBC, Miami Trustees, or FRM under this criterion. None of the applicants claims points as a statewide network. With respect to technical parameters, HCFI claims that its proposed 60 dBu contour would encompass 994 square kilometers with a population of 38,181; IEBC, 676 square kilometers and 30,938 people; Miami Trustees, 519 square kilometers and 29,158 people; and FRM, 571 square kilometers and 29,685 people. HCFI is eligible for two points under the best technical proposal criterion because it proposes to serve at least 25 percent more area and population than IEBC's next best proposal. Accordingly, HCFI is credited with a total of seven points; IEBC receives three points; and Miami Trustees and FRM are each not credited with any points.⁸⁶ HCFI is therefore the tentative selectee in Group 351.

95. **Group 353.** This group is comprised of seven applications proposing service to five different communities in Ohio and Indiana. Spryex Communications, Inc. ("Spryex") proposes to serve Reily, Ohio. The other six applicants propose service to communities in Indiana. Specifically, Connersville Apostolic Lighthouse Incorporated ("CAL") and Gabriel Broadcasting Corporation ("Gabriel") would each serve Connersville. The Cedarville University ("CU") and Friends of Radio Maria, Inc. ("FRM") each propose to serve Richmond. Summit Seekers, Inc. ("SSI") and Knights of Columbus Home Association of Anderson ("Knights") propose to serve Laurel and Chesterfield, respectively. Gabriel, CU, SSI, Knights, and Spryex each claim and document eligibility for a fair

⁸⁵ See HCFI, IEBC, Miami Trustees, FWCC, and FRM Applications, Questions III(1), III(2), and associated exhibits. HCFI claims that it would provide aggregated first and second NCE service to 33,378 of the 38,181 people encompassed within its 60 dBu contour; IEBC to 30,587 of the 30,938 people for Shelbyville, and to 33,181 of the 38,349 people for New Castle; Miami Trustees to 28,978 of the 29,158 people; FWCC to all 23,520 of the 23,520 people; and FRM to 29,398 of the 29,685 people for Shelbyville, and to 30,653 of the 31,703 people for New Castle. 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.

⁸⁶ If the Commission had accepted IEBC's, Miami Trustees', and/or FRM's claims of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, HCFI's credited total of seven points still would have exceeded IEBC's claimed total of five points and Miami Trustees' and FRM's claimed totals of two points each.

distribution preference.⁸⁷ CAL also claims to be eligible for a preference, but it fails to identify the number of people who would receive a first or second service. CAL's application is therefore eliminated. FRM certifies that it is ineligible for a preference and, accordingly, is also eliminated. SSI and Knights each claim eligibility for a first NCE service preference. Gabriel, CU, and Spryex do not and are therefore each eliminated. SSI and Knights claim to provide first NCE service to 2,386 people and 3,160 people, respectively. Because Knights' proposal does not exceed SSI's by at least 5,000 people, we consider the applicants' proposals to provide combined first and second NCE service to 9,921 people and 5,909 people, respectively. Neither applicant will serve at least 5,000 more people than the other, and accordingly, SSI and Knights proceed to a point hearing.

96. SSI and Knights each claim three points as an established local applicant and two points for diversity of ownership. Neither applicant claims points as a statewide network. With respect to technical parameters, SSI's proposed 60 dBu contour would encompass 430 square kilometers with a population of 10,558. Knights's proposed 60 dBu contour would encompass 64 square kilometers with a population of 6,603. SSI qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than Knights. Accordingly, SSI is credited with a total of seven points, and Knights is credited with five points. SSI is therefore the tentative selectee in Group 353.

97. **Group 354.** This group is comprised of five applications proposing service to three different communities in Indiana. Bridgebuilders International Leadership Network ("BILN") and Friends of Radio Maria, Inc. ("FRM") would each serve Lafayette. Nassuna Broadcasting, Inc. ("Nassuna") and Harvest Chapel, Inc. ("HCI") each propose service to Otterbein. Community Public Radio, Inc. ("CPR") proposes to serve West Lafayette. CPR, Nassuna, and HCI each certify that they are eligible for a fair distribution preference.⁸⁸ BILN and FRM do not, and are therefore each eliminated. Nassuna, the only applicant to claim a first service preference, certifies that it would provide a first NCE service to 5,372 people. CPR is eliminated because Nassuna's application to serve a different community is entitled to a first service preference. HCI cannot be eliminated under the fair distribution criterion because it proposes to serve the same community as Nassuna. Nassuna and HCI therefore proceed to a point hearing to determine which will serve the community of Otterbein.

98. HCI claims three points as an established local applicant; Nassuna does not. Each applicant claims two points for diversity of ownership with HCI's claim based on a pledge to divest LPFM station WTGO-LP, Lafayette, Indiana. Neither applicant claims points as a statewide network. With respect to technical parameters, Nassuna's proposed 60 dBu contour would encompass 1,254 square kilometers with a population of 12,205. HCI's proposed 60 dBu contour would encompass 1,562 square kilometers with a population of 147,214. HCI is eligible for one point under the best technical proposal criterion because it will serve at least 10 percent more area and population than Nassuna. Accordingly, HCI is credited with a total of six points, and Nassuna is credited with two points. HCI is therefore the tentative selectee in Group 354.

⁸⁷ See Gabriel, CU, SSI, Knights, and Spryex Applications, Questions III(1), III(2), and associated exhibits. Gabriel claims that it would provide aggregated first and second NCE service to 28,791 of the 48,895 people encompassed within its 60 dBu contour; CU to 29,904 of the 79,770 people; SSI to 9,921 of the 10,588 people; Knights to 5,909 of the 6,603 people; and Spryex to 10,879 of the 43,806 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.

⁸⁸ See CPR, Nassuna, and HCI Applications, Questions III(1), III(2), and associated exhibits. CPR claims that it would provide aggregated first and second NCE service to 12,756 of the 79,222 people encompassed within its 60 dBu contour; Nassuna to 5,372 of the 12,205 people; and HCI to 20,937 of the 147,214 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.

99. **Group 359.** This group consists of 10 applications proposing service to seven different communities in Louisiana and Mississippi. Three applicants propose service to Houma, Louisiana: Amor Viviente, Inc. (“AVI”), Port Allen Educational Broadcasting Foundation (“PAEBF”), and Covenant Network (“Covenant”). Crisis Pregnancy Help Center of Slidell (“CPHC”) and Educational Media Foundation (“EMF”) would each serve Abita Springs, Louisiana. The other Louisiana applicants are: Providence Educational Foundation, Inc. (“PEF”) for Bogalusa; United Houma Nation, Inc. (“UHN”) for Chauvin; Friends of Radio Maria, Inc. (“FRM”) for Thiboeaux; and Public Urban Digital Broadcasting (“PUDB”) for Lacombe. New Horizon Christian Fellowship (“New Horizon”) proposes to serve Pearlington, Mississippi.⁸⁹

100. Each applicant certifies that it is eligible for a fair distribution preference⁹⁰ and entitled to a first service preference. Specifically, AVI certifies that it would provide a first NCE service to 61,731 people; PEF to 21,623 people; UHN to 66,877 people; CPHC to 43,546 people; PAEBF to 42,727 people; EMF to 50,918 people within the newly-added area; Covenant to 64,624 people; FRM to 5,356 people; PUDB to 26,923 people; and New Horizon to 26,048 people. PEF, CPHC, PAEBF, EMF, FRM, PUDB, and New Horizon are each eliminated because proposals for different communities will serve at least 5,000 more people than each of their proposals. The first service proposals of AVI, UHN, and Covenant are comparable. Accordingly, we consider the applicants’ combined first and second NCE service population totals of 85,088 people, 92,783 people, and 95,241 people, respectively. AVI is eliminated because UHN’s proposal for a different community would provide combined service to at least 5,000 more people. The comparable proposals of UHN and Covenant proceed to a point hearing.

101. UHN claims points as an established local applicant; Covenant does not. UHN, however, fails to submit documentation to support its localism claim and therefore will not receive points under this criterion. UHN and Covenant each claim two points for diversity of ownership. UHN fails to support its diversity claim, and accordingly, will not be awarded points under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, UHN’s proposed 60 dBu contour would encompass 984 square kilometers with a population of 96,302. Covenant’s proposed 60 dBu contour would encompass 1,044 square kilometers with a population of 104,633. Neither applicant is eligible for any points under the best technical proposal criterion because neither proposes to serve at least 10 percent more area and population than the other. Accordingly, Covenant is credited with a total of two points, and UHN receives no points. Covenant is the tentative selectee in Group 359.

102. **Group 360.** The five applications in this group propose service to five different communities in Louisiana. Pensacola Christian College, Inc. (“PCC”) filed two applications, one to serve Lacombe and the other for Central. The other applicants are: Crisis Pregnancy Help Center of Slidell (“CPHC”) for Slidell; Educational Media Foundation (“EMF”) for Madisonville; and New Horizon Christian Fellowship (“New Horizon”) for Abita Springs.⁹¹ CPHC, EMF, PCC-Central, and New

⁸⁹ EMF proposes a major change to the construction permit for its NCE FM Station KJKT(FM). Each of the other applicants in the group proposes a new station.

⁹⁰ See AVI, PEF, UHN, CPHC, PAEBF, EMF, Covenant, FRM, PUDB, and New Horizon Applications, Questions III(1), III(2), and associated exhibits. AVI claims that it would provide aggregated first and second NCE service to 85,088 of the 97,130 people encompassed within its 60 dBu contour; PEF to 21,678 of the 23,934 people; UHN to 92,783 of the 96,302 people; CPHC to 68,827 of the 183,980 people; PAEBF to 73,058 of the 105,172 people; EMF to 50,918 of the 99,292 people within the newly-added area; Covenant to 95,241 of the 104,633 people; FRM to 12,946 of the 39,031 people; PUDB to 55,393 of the 238,722 people; and New Horizon to 54,675 of the 239,170 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.

⁹¹ EMF proposes a major change to the construction permit for its NCE FM Station KRLH(FM). Each of the other applicants in the group proposes a new station.

Horizon each claim eligibility for a fair distribution preference.⁹² PCC-Lacombe does not, and that application is therefore eliminated. Each of the remaining applicants, with the exception of PCC-Central, claims eligibility for a preference based on new first NCE service. The PCC-Central proposal is therefore eliminated. CPHC claims that it would provide a new first service to 29,364 people; EMF to 23,350 people within the newly-added area; and New Horizon to 27,436 people. These claims are comparable. Accordingly, we examine aggregated new first and second NCE service. CPHC would provide aggregated first and second service to 55,852 people; EMF to 49,000 people; and New Horizon to 58,325 people. EMF is eliminated because CPHC's next highest proposal for a different community will serve at least 5,000 more people. The claims of CPHC and New Horizon, however, are comparable because New Horizon's proposal would not serve at least 5,000 more people than would CPHC's proposal. These proposals therefore must proceed to a point hearing.

103. CPHC and New Horizon each claim points as an established local applicant. Each applicant also claims two points for diversity of ownership, with CPHC's claim based on a pledge to divest LPFM station WGON-LP, Slidell, Louisiana. Neither applicant claims points as a statewide network. With respect to technical parameters, CPHC's proposed 60 dBu contour would encompass 2,677 square kilometers with a population of 206,946. New Horizon's proposed 60 dBu contour would encompass 2,882 square kilometers with a population of 201,715. Neither applicant qualifies for points under the best technical proposal criterion because neither proposal will serve at least 10 percent more area and population than the other. Accordingly, CPHC and New Horizon are credited with a total of five points each and proceed to a tie-breaker.

104. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. CPHC and New Horizon each certify that they have no attributable interests in any radio authorizations. We therefore proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. CPHC certifies that it has attributable interests in two radio applications. New Horizon certifies that it has three pending applications. CPHC therefore prevails based on this second tie-breaker and is the tentative selectee in Group 360.

105. **Group 362.** This group consists of seven applications proposing service to six different communities in Arkansas, Louisiana, and Mississippi. Lighthouse Christian Fellowship ("Lighthouse") would serve North Crossett, Arkansas, and Network of Glory, LLC ("NofG") proposes to serve Vicksburg, Mississippi. Glory2Glory Educational Foundation, Inc. ("G2G") and Mahogany Community Development, Inc. ("Mahogany") each propose to serve Bastrop, Louisiana. The remaining applicants, each proposing service in Louisiana, are: Iglesia Cristiana Ebenezer ("Ebenezer") for Epps; Enterprise Corporation of the Delta ("Enterprise") for Mound; and Black Media Works, Inc. ("BMW") for Tallulah. G2G and NofG each claim that they are eligible for a fair distribution preference.⁹³ The other five applicants do not, and accordingly, Lighthouse, Ebenezer, Enterprise, BMW, and Mahogany are each

⁹² See CPHC, EMF, PCC-Central, and New Horizon Applications, Questions III(1), III(2), and associated exhibits. CPHC claims that it would provide aggregated first and second NCE service to 55,852 of the 206,946 people encompassed within its 60 dBu contour; EMF to 49,000 of the 102,799 people within the newly added area; PCC-Central to 7,360 of the 32,809 people; and New Horizon to 58,325 of the 201,715 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.

⁹³ See G2G and NofG Applications, Questions III(1), III(2), and associated exhibits. G2G's 60 dBu contour encompasses 62,496 people, and its claimed aggregated first and second NCE service is 17,691 people. NofG's 60 dBu contour encompasses 48,418 people, and its claimed aggregated first and second NCE service is 14,338 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.

eliminated. G2G and NofG respectively propose first NCE service to comparable populations of 7,850 people and 11,883 people, and aggregated first and second service to 17,691 people and 14,338 people, which are also comparable. Accordingly, G2G and NofG must proceed to a point hearing.

106. Neither G2G nor NofG claims points as an established local applicant. Each applicant claims two points for diversity of ownership, and neither claims points as a statewide network. With respect to technical parameters, G2G's proposed 60 dBu contour would encompass 4,374 square kilometers with a population of 62,496 people. NofG's proposed 60 dBu contour would encompass 2,131 square kilometers with a population of 48,418 people. G2G is eligible for two points under the best technical proposal criterion because it proposes to serve at least 25 percent more area and population than NofG. Accordingly, G2G is credited with a total of four points, and NofG is credited with two points. G2G is the tentative selectee in Group 362.

107. **Group 365.** This group consists of five applications proposing service to four different communities in Massachusetts. Horizon Christian Fellowship ("Horizon") and Three Pyramids, Inc. ("Pyramids") each propose to serve Leominster. The other applicants are: Christian Educational Association ("CEA") for Lunenburg; Centro de Intercesion y Adoracion Internacional, Inc. ("CIAI") for Whalom; and Prayers for Life, Inc. ("PFL") for Shirley. CEA, Horizon, and PFL each certify that they are eligible for a fair distribution preference.⁹⁴ CIAI and Pyramids do not and are therefore each eliminated. Because none of the remaining applicants claim a first service preference, we consider CEA's, Horizon's, and PFL's proposals to provide aggregated first and second NCE service to 41,465 people, 51,220 people, and 47,376 people, respectively. CEA is eliminated because PFL's proposal for a different community would provide new NCE service to at least 5,000 more people. The Horizon and PFL proposals are comparable and therefore proceed to a point hearing.

108. Each applicant certifies that it is entitled to three points as an established local applicant and two points for diversity of ownership. Neither claims points as a statewide network. With respect to technical parameters, Horizon's proposed 60 dBu contour would encompass 236 square kilometers with a population of 88,355. PFL's proposed 60 dBu contour would encompass 291 square kilometers with a population of 99,025. PFL is entitled to one point under the best technical proposal criterion because it proposes to serve at least 10 percent more area and population than Horizon. Accordingly, PFL is credited with a total of six points, and Horizon is credited with five points. PFL is therefore the tentative selectee in Group 365.

109. **Group 371.** This group is comprised of eight applications proposing service to seven different communities in Minnesota, Iowa, and Wisconsin. Southern Minnesota Catholic Radio ("SMCR") and Rochester Community and Technical College ("RCTC") each propose service to Stewartville, Minnesota. The other applicants proposing service in Minnesota are: VCY America, Inc. ("VCY") for Meriden; Crossfire Incorporated ("Crossfire") for Eitzen; Pensacola Christian College, Inc. ("PCC") for Byron; and We Have this Hope Christian Radio, Inc. ("Hope Radio") for Dodge Center. Decorah Lutheran Church ("Decorah") would serve Waukon, Iowa, and Calvary Iowa City ("CIC") proposes to serve Genoa, Wisconsin. Each applicant, with the exception of CIC, claims that it is eligible for a fair distribution preference.⁹⁵ CIC is therefore eliminated. SMCR and RCTC each certify eligibility

⁹⁴ See CEA, Horizon, and PFL Applications, Questions III(1), III(2), and associated exhibits. CEA claims that it would provide aggregated first and second NCE service to 41,465 of the 62,000 people encompassed within its 60 dBu contour; Horizon to 51,220 of the 88,355 people; and PFL to 47,376 of the 99,025 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.

⁹⁵ See Decorah, VCY, Crossfire, PCC, SMCR, RCTC, and Hope Radio Applications, Questions III(1), III(2), and associated exhibits. Decorah claims that it would provide aggregated first and second NCE service to 7,887 of the 8,898 people encompassed within its 60 dBu contour; VCY to 10,451 of the 11,453 people; Crossfire to 12,388 of

for first NCE service preference.⁹⁶ The other applicants do not, and accordingly, Decorah, VCY, Crossfire, PCC, and Hope Radio are each eliminated. SMCR and RCTC, the sole remaining applicants in this group, propose to serve the same community. Accordingly, the fair distribution analysis ends, and SMCR and RCTC must proceed to a point hearing to determine which applicant will serve the community of Stewartville.

110. RCTC certifies that it is entitled to three points as an established local applicant; SMCR does not. Each applicant claims points for diversity of ownership, with RCTC availing itself of alternate procedures that the Commission established for certain applicants which would otherwise require legislative action to amend their governing documents to maintain diversity.⁹⁷ Neither applicant claims points as a statewide network. With respect to technical parameters, SMCR's proposed 60 dBu contour would encompass 6,097 square kilometers with a population of 81,103. RCTC's proposed 60 dBu contour would encompass 3,875 square kilometers with a population of 36,717. SMCR is entitled to two points under the best technical proposal criterion because it proposes to serve at least 25 percent more area and population than RCTC. Accordingly, RCTC is credited with a total of five points, and SMCR is credited with four points. RCTC is the tentative selectee in Group 371.

111. **Group 374.** This group consists of five applications proposing service to four different communities in Minnesota and Wisconsin. Minnesota Public Radio ("MPR") and De Mujer a Mujer International ("DMMI") each propose to serve Hinkley, Minnesota. Refuge Media Group ("RMG") and Immanuel Baptist Church ("IBC") would serve Robbinsdale and Pine City, Minnesota, respectively. State of Wisconsin – Educational Communications Board ("WEC") proposes service to Webster, Wisconsin. MPR, IBC, and WEC each certify that they are eligible for a fair distribution preference.⁹⁸ RMG and DMMI certify ineligibility for a preference and are therefore each eliminated. MPR, IBC, and WEC claim to provide first NCE service to 38,734 people, 38,671 people, and 25,207 people, respectively. WEC is eliminated because IBC's next best proposal for a different community will serve at least 5,000 more people. The first service proposals of MPR and IBC, however, are comparable, and we therefore consider the applicants' aggregated first and second NCE service to 44,229 people and 44,677 people, respectively. Because these proposals are also comparable, MPR and IBC proceed to a point hearing.

112. Neither applicant claims points as an established local applicant. IBC claims two points for diversity of ownership; MPR does not. IBC, however, fails to submit any documentation to support its diversity claim and will therefore not receive points under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, MPR's proposed 60 dBu contour would encompass 4,678 square kilometers with a population of 46,571. IBC states that its proposed 60 dBu contour would encompass 4,752 square kilometers with a population of 47,709. Neither applicant is eligible for any points under the best technical proposal criterion because IBC, the applicant with the

the 17,667 people; PCC to all 24,677 of the 24,677 people; SMCR to 30,964 of the 81,103 people; RCTC to 23,495 of the 36,717 people; and Hope Radio to 6,319 of the 11,655 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.

⁹⁶ SMCR claims to provide first NCE service to 8,296 people; RCTC to 8,349 people.

⁹⁷ See *supra* note 16.

⁹⁸ See MPR, IBC, and WEC Applications, Questions III(1), III(2), and associated exhibits. MPR claims that it would provide aggregated first and second NCE service to 44,229 of the 46,571 people encompassed within its 60 dBu contour; IBC to 44,677 of the 47,709 people; and WEC to 35,055 of the 35,353 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.

largest area and population, does not propose to serve at least 10 percent more area and population than MPR. Accordingly, MPR and IBC are each not credited with any points and proceed to a tie-breaker analysis.

113. The first issue considered in a tie-breaker for NCE FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. MPR states that it has attributable interests in 64 radio authorizations. IBC states that it has no attributable interests in other radio authorizations. IBC therefore prevails based on this first tie-breaker and is the tentative selectee in Group 374.

114. **Group 379.** This group consists of five applications proposing service to four different communities in North Carolina. Central Educational Broadcasting, Inc. (“CEB”) and Toccoa Foundation, Inc. (“Toccoa”) would each serve Dillsboro. The other applicants are: The Canary Coalition, Inc. (“Canary”) for Sylva; Cherokee Youth Center/Boys & Girls Club, Inc. (“CYC”) for Cherokee; and Western North Carolina Public Radio, Inc. (“WNCPR”) for Cullowhee. Each applicant, with the exception of CEB, claims that it is eligible for a fair distribution preference based solely on aggregated first plus second service.⁹⁹ CEB certifies that it is not eligible for a preference and is therefore eliminated. Toccoa proposes aggregated first and second service to 17,399 people; Canary to 13,198 people; CYC to 5,346 people; and WNCPR to 14,402 people. CYC is eliminated because Canary’s next best proposal for a different community would serve at least 5,000 more people. The comparable proposals of Canary, WNCPR, and Toccoa proceed to a point hearing.

115. Canary certifies that it is entitled to three points as an established local applicant and two points for diversity of ownership. Canary, however, neglects to provide the requisite documentation to support its claims, and we therefore will not award points to Canary under either criterion. WNCPR and Toccoa certify that they each are not entitled to points as established local applicants or for diversity of ownership. None of the applicants claim points as a statewide network. With respect to technical parameters, Canary’s proposed 60 dBu contour would encompass 325 square kilometers with a population of 13,198. WNCPR’s proposed 60 dBu contour would encompass 313 square kilometers with a population of 14,833. Toccoa’s proposed 60 dBu contour would encompass 362 square kilometers with a population of 17,954. Toccoa qualifies for one point under the best technical proposal criterion because its proposal serves at least 10 percent more area and population than Canary’s next best area proposal and WNCPR’s next best population proposal. Accordingly, Toccoa is credited with a total of one point; Canary and WNCPR are each not credited with any points. Toccoa is therefore the tentative selectee in Group 379.

116. **Group 380.** This group consists of six applications proposing service to four different communities in North Carolina. Mineral Springs Public Radio, Inc. (“MSPR”) and Richburg Educational Broadcasters, Inc. (“Richburg”) each propose to serve Edenton. The Popular Assembly of New Horizons 3000 and His Successors (“PANH”) and Breath of the Spirit Ministries (“BSM”) would each serve Elizabeth City. Pathway Christian Academy, Inc. (“Pathway”) and Liberty University, Inc. (“Liberty”) propose service to the respective communities of Hertford and Duck. Each applicant certifies that it is not eligible for a fair distribution preference. Therefore, the entire group proceeds to a point hearing.

117. PANH is the only applicant to claim to be eligible for points as an established local applicant. PANH, however, fails to support its claim and therefore will not be awarded points under this

⁹⁹ See Toccoa, Canary, CYC, and WNCPR Applications, Questions III(1), III(2), and associated exhibits. Toccoa claims that it would provide aggregated first and second NCE service to 17,399 of the 17,954 people encompassed within its 60 dBu contour; Canary to all 13,198 of the 13,198 people; CYC to all 5,346 of the 5,346 people; and WNCPR to 14,402 of the 14,833 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.

criterion.¹⁰⁰ Each applicant, with the exception of BSM, claims two points for diversity of ownership with the claim of PANH based on a pledge to divest LPFM station WRRW-LP, Williamsburg, Virginia. PANH, however, has not shown that its governing documents limit its ability to acquire other stations in the same area after divesting the LPFM station. Similarly, MSPR and Richburg have each failed to support their respective diversity claims. Accordingly, PANH, MSPR, and Richburg each will not receive points under this criterion. None of the applicants claim points as a statewide network. With respect to technical parameters, MSPR claims that its proposed 60 dBu contour would encompass 934 square kilometers with a population of 23,433; PANH, 1,497 square kilometers and 33,627 people; Pathway, 2,229 square kilometers and 37,067 people; Richburg, 1,815 square kilometers and 43,405 people; Liberty, 479 square kilometers and 10,981 people; and BSM, 2,373 square kilometers and 40,840 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best proposal. Accordingly, Pathway and Liberty are credited with a total of two points each. MSPR, PANH, Richburg, and BSM are not credited with any points, and are therefore each eliminated. Pathway and Liberty proceed to a tie-breaker.

118. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. Pathway certifies that it has seven attributable interests; Liberty discloses 34 attributable interests. Pathway therefore prevails based on this first tie-breaker and is the tentative selectee in Group 380.

119. **Group 381.** This group consists of five applications proposing service to five different communities in North Carolina. The applicants are: Brice's Creek Bible Church ("Brice") for Newport; Craven Community College ("Craven") for Beaufort; Immanuel Broadcasting Network ("Immanuel") for Harker's Island; Down East Communications/CDC & Center for the Performing Arts ("DEC") for Oriental; and Airwaves for Jesus, Inc. ("Airwaves") for Atlantic Beach. Each applicant states that it is not eligible for a fair distribution preference. The group therefore proceeds to a point hearing.

120. Brice and DEC each claim three points as established local applicants; Craven, Immanuel, and Airwaves do not. Each applicant, with the exception of Craven, claims two points for diversity of ownership. Immanuel provides no documentation to support its diversity claim and therefore will not receive points under this criterion. No applicant claims points as a statewide network. With respect to technical parameters, Brice claims that its proposed 60 dBu contour would encompass 1,724 square kilometers with a population of 81,627; Craven, 929 square kilometers and 35,239 people; Immanuel, 3,853 square kilometers and 25,201 people; DEC, 1,619 square kilometers and 78,408 people; and Airwaves, 6,452 square kilometers and 72,123 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve an area and population at least 10 percent greater than the next best applicant. Accordingly, Brice and DEC are each credited with a total of five points; Airwaves receives two points; and Craven and Immanuel are each not credited with any points.¹⁰¹ Airwaves, Craven, and Immanuel are therefore each eliminated, and Brice and DEC proceed to a tie-breaker.

121. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations

¹⁰⁰ PANH states that it is an unincorporated church formed in 1999 in the state of Washington. It fails to explain how it qualifies as a local applicant and provides no documentation to support its claim.

¹⁰¹ If the Commission had accepted Immanuel's claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, Brice's and DEC's credited totals of five points each still would have exceeded Immanuel's claimed total of two points.

prevails. Brice and DEC each certify that they have no attributable interests in any radio authorizations. We therefore proceed to the second issue considered in a tie-breaker – the number of pending radio applications attributable to each applicant. Brice certifies that it has an attributable interest in one radio application. DEC certifies that it has three pending applications. Brice therefore prevails based on this second tie-breaker and is the tentative selectee in Group 381.

122. **Group 384.** This group consists of eight applications proposing service to seven different communities in New Hampshire and Vermont. New Hampshire Public Radio, Incorporated (“NHPR”) and Franklin County Christian Ministries (“FCCM”) each propose to serve Claremont, New Hampshire. The other New Hampshire applicants are: Vinikoor Family Foundation, Inc. (“Vinikoor”) for Newport; Horizon Christian Fellowship (“Horizon”) for Charlestown; and Granite State Educational Fellowship (“Granite”) for North Charleston. Christian Ministries, Inc. (“CMI”), Great Falls Community Broadcasting Company (“GFCB”), and Vinikoor propose service to the respective Vermont communities of Claremont, Bellows Falls, and Springfield. Each applicant certifies that it is not eligible for a fair distribution preference. Therefore, the group proceeds to a point hearing.

123. GFCB is the only applicant to certify that it is eligible for points as an established local applicant. Each applicant, with the exception of Vinikoor and CMI, claims two points for diversity of ownership. GFCB’s claim is based on a pledge to divest its interest in LPFM station WOOL-LP, Bellows Falls, Vermont. Granite and FCCM do not adequately support their diversity claims. Accordingly, we award diversity points to GFCB, Horizon, and NHPR, but will not award points to either Granite or FCCM. None of the applicants claims points as a statewide network. With respect to technical parameters, Vinikoor-Newport claims that its proposed 60 dBu contour would encompass 260 square kilometers with a population of 11,792; Horizon, 1,380 square kilometers and 46,902 people; NHPR, 151 square kilometers and 14,109 people; Granite, 518 square kilometers and 21 people; CMI, 350 square kilometers and 19,814 people; GFCB, 554 square kilometers and 24,649 people; and Vinikoor-Springfield, 314 square kilometers and 17,463 people. FCCM does not list its technical parameters.¹⁰² Horizon qualifies for two points under the best technical proposal criterion because its proposal serves at least 25 percent more area and population than GFCB’s next best proposal. Accordingly, GFCB is credited with a total of five points; Horizon receives four points; NHPR is credited with two points; and Vinikoor, Granite, FCCM, and CMI are each not credited with any points.¹⁰³ GFCB is therefore the tentative selectee in Group 384.

124. **Group 389.** This group consists of six applications proposing service to five different communities in New Mexico. Better Public Broadcasting Association (“BPBA”) and Misioneros Cristianos en Accion (“MCA”) would each serve Grants. The other applicants are: Calvary Chapel of Albuquerque, Inc. (“CCA”) for Mesita; Available Media, Inc. (“AMI”) for Tohajiilee Indian Reservation; Laguna Department of Education (“LDE”) for Laguna; and Board of Regents – New Mexico Highlands University (“NMHU Regents”) for Milan. CCA, AMI, and NMHU Regents each claim a fair distribution preference based solely on combined first and second service.¹⁰⁴ BPBA, LDE, and MCA do not claim a

¹⁰² For purpose of this analysis, we therefore consider FCCM to serve zero square kilometers with a population of zero.

¹⁰³ If the Commission had accepted Granite’s and/or FCCM’s claim of two points for diversity of ownership, it would not have changed the outcome of this MX group. Specifically, GFCB’s credited total of five points still would have exceeded Granite’s and FCCM’s claimed totals of two points each.

¹⁰⁴ See CCA, AMI, and NMHU Regents Applications, Questions III(1), III(2), and associated exhibits. CCA claims that it would provide aggregated first and second NCE service to 5,245 of the 23,303 people encompassed within its 60 dBu contour; AMI to 9,198 of the 27,591 people; and NMHU Regents to 9,315 of the 27,204 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.

preference, and are therefore each eliminated. CCA certifies that it would provide combined first and second NCE service to 5,245 people; AMI to 9,198 people; and NMHU Regents to 9,315 people. The proposals are comparable, and therefore, CCA, AMI, and NMHU Regents proceed to a point hearing.

125. AMI and NMHU Regents each claim points as an established local applicant; CCA does not. Each applicant certifies that it is entitled to two points for diversity of ownership, and no applicant claims points as a statewide network. With respect to technical parameters, CCA's proposed 60 dBu contour would encompass 5,246 square kilometers with a population of 23,303. AMI's proposed 60 dBu contour would encompass 9,376 square kilometers with a population of 27,591. NMHU Regents' proposed 60 dBu contour would encompass 8,921 square kilometers with a population of 27,204. No applicant is eligible for points under the best technical proposal criterion because AMI's proposal to serve the largest area and population does not exceed NMHU Regents' next best proposal by at least 10 percent. Accordingly, AMI and NMHU Regents are each credited with a total of five points, and CCA is credited with two points. CCA is eliminated, and AMI and NMHU Regents proceed to a tie-breaker.

126. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. AMI certifies that it has no attributable interests; NMHU Regents certifies that it has one attributable interest in a radio authorization. AMI therefore prevails based on this first tie-breaker and is the tentative selectee in Group 389.

127. **Group 392.** This group consists of eight applications proposing service to six different communities in New York. Northeast Gospel Broadcasting, Inc. ("NGB") and Long Island Broadcasters Wireless ("LIBW") would each serve Riverhead. Christian Charities Deliverance Church ("CCD Church") and Hamptons Community Radio Corporation ("HCRC") each propose to serve Westhampton. The other applicants are: Primera Iglesia Evangelica de Apostoles y Profetas ("PIEA") for Eastport; Templo Apostoles y Profetas Bethel ("TAPB") for Hampton Bays; Ocean Side Broadcasting, Inc. ("OSB") for Quogue; and Community Bible Church ("CBC") for East Quogue. NGB, LIBW, and HCRC each claim eligibility for a fair distribution preference.¹⁰⁵ CCD Church also claims to be eligible for a preference, but it fails to identify the number of people who would receive a first or second service.¹⁰⁶ CCD Church's application is therefore eliminated. The following applicants certify that they are not eligible for a preference and, accordingly, are also eliminated: PIEA, TAPB, OSB, and CBC. None of the remaining applicants claim that they are entitled to a first NCE service preference, and we therefore consider NGB's, LIBW's, and HCRC's proposals to provide combined first and second NCE service to 23,466 people, 18,018 people, and 24,352 people, respectively. LIBW is eliminated because HCRC's next best proposal for a different community would serve at least 5,000 more people. The comparable proposals of NGB and HCRC proceed to a point hearing.

128. Neither applicant claims points as an established local applicant. HCRC claims two points for diversity of ownership but does not fully support its diversity claim. Although HCRC's application reflects that it currently has no other authorizations, it provides no information from which the Commission or other parties could verify that HCRC timely modified its governing documents to limit its ability to acquire other stations in the same area. Accordingly, we will not award points to HCRC under this criterion. NGB does not claim points for diversity of ownership. Neither applicant claims points as a

¹⁰⁵ See NGB, LIBW, and HCRC Applications, Questions III(1), III(2), and associated exhibits. NGB claims that it would provide aggregated first and second NCE service to 23,466 of the 39,139 people encompassed within its 60 dBu contour; LIBW to 18,018 of the 23,760 people; and HCRC to 24,352 of the 45,252 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.

¹⁰⁶ CCD Church submits a map but no numbers to verify its claim.

statewide network. With respect to technical parameters, NGB's proposed 60 dBu contour would encompass 275 square kilometers with a population of 39,139. HCRC's proposed 60 dBu contour would encompass 329 square kilometers with a population of 45,252. HCRC qualifies for one point under the best technical proposal criterion because its proposal serves at least 10 percent more area and population than NGB. Accordingly, HCRC is credited with a total of one point, and NGB is not credited with any points. HCRC is therefore the tentative selectee in Group 392.

129. **Group 393.** This group is comprised of six applications proposing service to three different communities in New York and Connecticut. Community Impact Foundation, Inc. ("CIF"), Mission Connecticut, Inc. ("MCI"), WAMC, and JCM Radio of New York, Inc. ("JCM") would each serve Brewster, New York. WNYC Radio ("WNYC") proposes service to Brewster Hill, New York, a similarly-named, but apparently different, community. Danbury Community Radio, Inc. ("DCR") would serve Danbury, Connecticut. MCI, WAMC, and WNYC each claim eligibility for a fair distribution preference.¹⁰⁷ JCM also claims to be eligible for a preference, but it fails to identify the number of people who would receive a first or second service.¹⁰⁸ JCM is therefore eliminated. CIF and DCR do not claim eligibility for a preference and, accordingly, are also each eliminated. Each of the remaining applicants certifies that it will provide no first NCE service. Accordingly, we consider MCI's, WAMC's, and WNYC's proposals to provide second NCE service to 16,648 people, 12,403 people, and 18,354 people, respectively. The proposals are comparable because none exceeds the next best by at least 5,000 people. MCI, WAMC, and WYNC therefore must proceed to a point hearing.

130. MCI is the only applicant to certify that it is entitled to three points as an established local applicant. Each applicant claims two points for diversity of ownership, and no applicant claims points as a statewide network. With respect to technical parameters, MCI's proposed 60 dBu contour would encompass 99 square kilometers with a population of 24,106. WAMC's proposed 60 dBu contour would encompass 153 square kilometers with a population of 65,051. WNYC's proposed 60 dBu contour would encompass 90 square kilometers with a population of 18,354. WAMC is entitled to two points under the best technical proposal criterion because it proposes to serve at least 25 percent more area and population than MCI's next best proposal. Accordingly, MCI is credited with a total of five points; WAMC receives four points; and WNYC is credited with two points. MCI is the tentative selectee in Group 393.

131. **Group 394.** This final group is comprised of six applications proposing service to five different communities in New York. Oscar Aguero Ministry ("OAM") and Long Island Acorn ("LIA") would each serve Riverhead. The other applicants are: Community Bible College ("CBC") for Quogue; St. Joseph Church ("St. Joseph") for Westhampton; Hampton Community Radio Corporation ("HCRC") for Hampton Bays; and Sacred Heart University, Inc. ("SHU") for East Quogue. Each applicant certifies that it is eligible for a fair distribution preference.¹⁰⁹ None of the applicants claim eligibility for a first NCE service preference. Accordingly, we consider the applicants' proposals to provide aggregated first

¹⁰⁷ See MCI, WAMC, and WNYC Applications, Questions III(1), III(2), and associated exhibits. MCI claims that it would provide aggregated first and second NCE service to 16,648 of the 24,106 people encompassed within its 60 dBu contour; WAMC to 12,403 of the 65,051 people; and WNYC to all 18,354 of the 18,354 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.

¹⁰⁸ JCM submits a map but no numbers to verify its claim.

¹⁰⁹ See OAM, CBC, LIA, St. Joseph, HCRC, and SHU Applications, Questions III(1), III(2), and associated exhibits. OAM claims that it would provide aggregated first and second NCE service to 20,210 of the 28,029 people encompassed within its proposed 60 dBu contour; CBC to 24,319 of the 56,460 people; LIA to 25,686 of the 58,740 people; St. Joseph to 22,606 of the 40,128 people; HCRC to 23,009 of the 48,170 people; and SHU to 21,631 of the 40,901 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.

and second NCE service to 20,210 people, 25,686 people, 24,319 people, 25,686 people, 22,606 people, 23,009 people, and 21,631 people, respectively.¹¹⁰ These proposals are comparable because none would provide a new first or second NCE service to at least 5,000 more people than the next best proposal for a different community. Accordingly, the entire group proceeds to a point hearing.

132. CBC and LIA each claim three points as established local applicants; the other four applicants do not. Each applicant, with the exception of OAM, claims two points for diversity of ownership. SHU's claim is based on a pledge to request cancellation of its authorization for FM translator W219BA, Ridge, New York, upon the commencement of operation of the proposed full service station. St. Joseph and HCRC do not submit the requisite documentation to support their respective diversity claims.¹¹¹ Accordingly, we will not award points to St. Joseph or HCRC under this criterion. LIA is the only applicant to claim points as a statewide network. Such points, however, are only available to applicants that have not received two points for diversity of ownership.¹¹² LIA cannot receive points under both criteria. With respect to technical parameters, OAM claims that its proposed 60 dBu contour would encompass 192 square kilometers with a population of 28,029; CBC, 395 square kilometers and 56,460 people; LIA, 332 square kilometers and 58,740 people; St. Joseph, 274 square kilometers and 40,128 people; HCRC, 344 square kilometers and 48,170 people; and SHU, 290 square kilometers and 40,901 people. No applicant is eligible for any points under the best technical proposal criterion because no applicant proposes to serve both the most area and population, at least 10 percent greater than the next best proposal. Accordingly, CBC and LIA are each credited with a total of five points; SHU receives two points; and OAM, St. Joseph, and HCRC are each not credited with any points. SHU, OAM, St. Joseph, and HCRC are therefore each eliminated, and CBC and LIA proceed to a tie-breaker.

133. The first issue considered in a tie-breaker for NCE-FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. CBC certifies that it has one attributable interest; LIA certifies that it has no attributable interest in any radio authorization. LIA is therefore the tentative selectee in Group 394.

IV. NEXT STEPS

134. **Acceptability Studies and Filing of Petitions.** The staff has examined the applications of each tentative selectee for application defects.¹¹³ Each tentative selectee identified in this Order and its Appendix appears to be fully qualified to become the licensee of the new or modified NCE FM station it has proposed. We tentatively conclude that the grant of these applications would serve the public interest, convenience and necessity. Accordingly, the tentative selectees are accepted for filing. This triggers a 30-day period for the filing of petitions to deny.

135. Any argument that the tentatively selected application should not be granted should be raised in such a petition, even if the objection relates only indirectly to the tentative selectee's

¹¹⁰ See *supra* note 110.

¹¹¹ Although St. Joseph and HCR reflect that each currently has no other authorizations, neither provides information from which the Commission or other parties could verify that each timely modified its governing documents to limit the ability to acquire other stations in the same area in the future.

¹¹² See 47 C.F.R. § 73.7003(b)(3). Moreover, LIA does not submit any information to support its claim that it qualifies as a statewide network.

¹¹³ If a tentative selectee's application is found unacceptable for filing, it is returned. The applicant is then given one opportunity to submit a curative amendment. See 47 C.F.R. § 73.3522(b)(2). A tentative selectee that is unable to cure the defect with a minor amendment is disqualified, and the applicant with the next highest point tally becomes the new tentative selectee. See 47 C.F.R. § 73.7004(d).

qualifications. For example, an applicant that concedes that the tentative selectee is qualified for the points received but believes its own proposal should have received a greater number of points than the tentative selectee's would make its argument in a petition to deny. Parties should not raise such matters as petitions for reconsideration of the instant Order because the point hearings herein take no final action on any application, and petitions for reconsideration do not lie against such interlocutory decisions.¹¹⁴

136. **Forthcoming Staff Action.** We direct the staff, once the public notice period has run, to conduct a final study of each tentatively selected application in accordance with its routine processing procedures. The staff studies should consider any petitions, comments, and objections to determine whether there is any substantial and material question of fact concerning whether grant of the tentatively selected application would serve the public interest. If no such question exists, we direct the staff to grant the applications on the basis of the point system determinations made herein and dismiss all competing applications.

137. With the exception of issues that are novel or require Commission or Administrative Law Judge consideration by law, the staff shall act on the tentatively selected applications pursuant to delegated authority. We delegate to the staff authority to act on any routine matter that may be raised, including whether the applicant is eligible, as certified, for the points awarded herein, and whether the application complies with all relevant Commission rules and policies.¹¹⁵ The staff need not refer such matters to the Commission or Administrative Law Judge unless the staff determines that the issues are new or novel, or raise a substantial and material question regarding the award of points. Generally, the staff should refer only those issues to the Commission where the exclusion or inclusion of challenged or claimed points could alter the outcome in the particular NCE group, or where a new or novel question or substantial and material question of fact otherwise exists.¹¹⁶ In such cases, the staff would either designate the application for hearing on the substantial and material question or refer the mutually exclusive group to the Commission for resolution of the novel issue and/or the determination of a successor tentative selectee.

138. **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

139. 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.¹¹⁷ 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.

¹¹⁴ See *id.* § 1.106 (a) (1). See also *Patrick J. Vaughn, Esq.*, Letter, 22 FCC Rcd 11165 (MB 2007).

¹¹⁵ See, e.g. *Central Florida Educational Foundation, Inc.*, Letter, 23 FCC Rcd 1695 (MB 2008) (staff dismissal of defective application tentatively selected in a point hearing, and staff award of permit on a non-comparative basis to only remaining acceptable applicant).

¹¹⁶ See generally *NCE Omnibus*, 22 FCC Rcd at 6162 n.230 (2007) (standards for staff evaluation of petitions).

¹¹⁷ See 5 U.S.C. §§ 702, 704, 706; 47 U.S.C. §§ 309(d), 402(b), 405; 47 C.F.R. §§ 1.106-08, 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 a reviewing court. See, e.g., FED. R. APP. P. 3(b).

140. **Group 300.** Accordingly, IT IS ORDERED, That Alaska Federation for Community Self Reliance is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Fairbanks, Alaska, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Voice for Christ Ministries, Inc. (File Nos. BNPED-20071017AFW and 20071017AFZ), One Ministries, Inc. (File Nos. BNPED-20071018AGA and 20071018AGC), University of Alaska (File No. BNPED-20071019AAI), Fairbanks Seventh-Day Adventist Church (File No. BNPED-20071019APR), Pioneer Baptist Church (File No. BNPED-20071022ANU), Fairbanks Catholic Radio (File No. BNPED-20071022AZI), Koahnic Broadcast Corporation (File No. BNPED-20071022BHK), and Educational Media Foundation (File No. BNPED-20071022BVO), and TO GRANT the application of Alaska Federation for Community Self Reliance (File No. BNPED-20071018AVG) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

141. **Group 301.** Accordingly, IT IS ORDERED, That Kodiak Public Broadcasting Corporation is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kodiak, Alaska, and its applications ARE ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. We direct Kodiak Public Broadcasting Corporation to voluntarily dismiss one of its mutually exclusive applications (File No. BNPED-20071018AKN or 20071018AKP) within thirty (30)-days of the release of this Order. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's applications and Kodiak Public Broadcasting Corporation has voluntarily dismissed one of its mutually exclusive applications, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of New Life Tabernacle Homer AK (File Nos. BNPED-20071022AOZ, 20071022BBN, and 20071022BCB), Alaska Educational Radio System, Inc. (File No. BNPED-20071022BTM), and Praise Temple of the Church of Christ, Inc. (File No. BNPED-20071022BUH), and TO GRANT the remaining application of Kodiak Public Broadcasting Corporation (File No. BNPED-20071018AKN or 20071018AKP) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

142. **Group 302.** Accordingly, IT IS ORDERED, That Kachemak Bay Broadcasting, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Homer, Alaska, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Blessed Hope Baptist Mission (File No. BNPED-20071018BAL), New Life Tabernacle Homer AK (File Nos. BNPED-20071019AJC and 20071019AJM), Homer Seventh-Day Adventist Church (File No. BNPED-20071022AEP), and Alaska Educational Radio System, Inc. (File No. BNPED-20071022AQT) and TO GRANT the application of Kachemak Bay Broadcasting, Inc. (File No. BNPED-20071019ADH) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and PROVIDED THAT Kachemak Bay Broadcasting, Inc. must for that time period provide service to the community of Homer, which formed the basis for its proceeding to a point hearing following the elimination of an applicant for a different community.

143. **Group 303.** Accordingly, IT IS ORDERED, That New Life Tabernacle Homer AK is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kenai, Alaska, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Blessed Hope Baptist Mission (File Nos. BNPED-20071018BBBL and 20071018BBV) and Alaska Educational Radio System, Inc. (File Nos. BNPED-20071022ARK, 20071022ART, and 20071022BUN) and TO GRANT the application of New Life Tabernacle Homer AK (File No. BNPED-20071019AKO) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

144. **Group 304.** Accordingly, IT IS ORDERED, That Harvest Christian Fellowship, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Piedmont, Alabama, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Jimmy Jarrell Communications Foundation, Inc. (File No. BNPED-20071015ABB), Joy Christian Communications, Inc. (File No. BNPED-20071017ABV), and Southwest Radio Church of the Air, Inc. (File No. BNPED-20071012AFG), and TO GRANT the application of Harvest Christian Fellowship, Inc. (File No. BNPED-20071022BHR) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

145. **Group 305A.** Accordingly, IT IS ORDERED, That Enon Grove Community Church and Christian Eagle Association, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Franklin, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive application of B. Jordan Communications Corporation (BNPED-20071019ALN) and TO GRANT the application of Enon Grove Community Church and Christian Eagle Association, Inc. (File No. BNPED-20071019ASW) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

146. **Group 305B.** Accordingly, IT IS ORDERED, That Harvest Christian Fellowship, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Union Springs, Alabama, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Jimmy Jarrell Communications Foundation, Inc. (File Nos. BNPED-20071012AON and 20071015AAY), B. Jordan Communications Corporation (File No. BNPED-20071018ALE), Immanuel Broadcasting Network (File No. BNPED-20071019BBW), and KMZD Radio, Inc. (File No. BNPED-20071022AIZ), and TO GRANT the application of Harvest Christian Fellowship, Inc. (File No. BNPED-20071022AYJ) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by

use of a point system, and PROVIDED THAT Harvest Christian Fellowship, Inc. must for that time period provide service to the community of Union Springs, which formed the basis for its proceeding to a point hearing following the elimination of applicants for different communities.

147. **Group 309.** Accordingly, IT IS ORDERED, That East Valley Institute of Technology District # 401 is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Apache Junction, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Community Impact Foundation, Inc. (File No. BNPED-20071012AER), Arizona Community Media Foundation (File No. BNPED-20071016AGR), Black Entrepreneur Association (File No. BNPED-20071017ADZ), The Johnson Foundation (File No. BNPED-20071018ANA), Tohono O'odham Nation (File No. BNPED-20071019AVH), The Helpline (File No. BNPED-20071019BCN), Hispanic Family Christian Network, Inc. (File No. BNPED-20071022ALR), and Primera Iglesia Evangelica de Apostoles y Profetas (File No. BNPED-20071018BAO), and TO GRANT the application of East Valley Institute of Technology District # 401 (File No. BNPED-20071018DEM) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

148. **Group 311A.** Accordingly, IT IS ORDERED, That Bird Street Media Project is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Oroville, California, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Centro Cristiano Sion (File No. BNPED-20071018AVT) and Gold City Media Group (File No. BNPED-20071022AKC) and TO GRANT the application of Bird Street Media Project (File No. BNPED-20071015ALT) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system, and PROVIDED THAT pursuant to a waiver of Section 73.860(a) of the Commission's Rules, 47 C.F.R. § 73.860(a), Bird Street Media Project must divest or surrender its license for LPFM station KRBS-LP, Oroville, California, prior to commencement of program tests of the full service NCE-FM station.

149. **Group 312.** Accordingly, IT IS ORDERED, That Regents of the University of California is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Livermore, California, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Los Positas College (File No. BNPED-20071012AIT), Old Time Gospel Ministries (File No. BNPED-20071015ADP), Les Seraphim (File No. BNPED-20071018ANC), and Centro Palebra de Fe Church (File No. BNPED-20071018AUU), and TO GRANT the application of Regents of the University of California (File No. BNPED-20071019ASG) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

150. **Group 314.** Accordingly, IT IS ORDERED, That People of Progress, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Shasta, California, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we

direct the staff, by public notice, TO DISMISS the mutually exclusive applications of One Ministries, Inc. (File No. BNPED-20071018AJT), Centro Cristiano Sion (File No. BNPED-20071018AVX), Calvary Chapel of Red Bluff (File No. BNPED-20071019ASY), Centro Cristiano de Fe, Inc. (File Nos. BNPED-20071022AAT and 20071022AAZ), Iglesia Alto Refugio (File No. BNPED-20071022ADQ), and Ink People, Inc. (File No. BNPED-20071022AOX), and TO GRANT the application of People of Progress, Inc. (File No. BNPED-20071019BDI) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

151. **Group 315.** Accordingly, IT IS ORDERED, That Immaculate Conception Apostolic School is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Colfax, California, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Vida Worth Vivir, Inc. (File No. BNPED-20071019AEZ), Educational Media Foundation (BMAPED-20071019AKK), Company One, Inc. (BNPED-20071019AQP), and Grass Valley Seventh-Day Adventist Church (File No. BNPED-20071022BEF), and TO GRANT the application of Immaculate Conception Apostolic School (File No. BNPED-20071022AIX) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

152. **Group 316.** Accordingly, IT IS ORDERED, That California Association for Research and Education is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Paicines, California, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Centro Cristiano Vida Abundante (File No. BNPED-20071018AAX), Centro Cristiano Sion (BNPED-20071018AVS), Centro Cristiano de Fe, Inc. (File No. BNPED-20071022AAU), and Colina Alta Ministries, Inc. (File No. BNPED-20071022AHK) and TO GRANT the application of California Association for Research and Education (File No. BNPED-20071022BQY) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005 which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

153. **Group 318.** Accordingly, IT IS ORDERED, That Calvary Chapel of Modesto, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dos Palos, California, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Centro Cristiano Vida Abundante (File No. BNPED-20071018ABH), Generations Four Square Church (File No. BNPED-20071018APA), Centro Cristiano Sion (File No. BNPED-20071018AVQ), Samsno Educational Media (File No. BNPED-20071019ARS), National Hispanic University (File No. BNPED-20071019ATF), Centro Cristiano Cosecha Final (File Nos. BNPED-20071022ABS and 20071022ABX), Common Frequency, Inc. (File No. BNPED-20071022APW), and Advance Ministries Inc. (File No. BNPED-20071022BLR), and TO GRANT the application of Calvary Chapel of Modesto, Inc. (File No. BNPED-20071022BOJ) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as

proposed for a period of four years of on-air operations, and PROVIDED THAT Calvary Chapel of Modesto, Inc. must for that time period provide service to the community of Dos Palos, which formed the basis for its proceeding to a point hearing following the elimination of applicants for different communities.

154. **Group 320.** Accordingly, IT IS ORDERED, That South Valley Peace Center is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Tulare, California, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Vida Worth Vivir, Inc. (File No. BNPED-20071019AAS) and First Unitarian Universal Life Church of Hanford (File Nos. BNPED-20071019ABH and 20071019ATR), and TO GRANT the application of South Valley Peace Center (File No. BNPED-20071022ANE) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

155. **Group 322.** Accordingly, IT IS ORDERED, That Crested Butte Mountain Educational Radio, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Gunnison, Colorado, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Public Broadcasting of Colorado, Inc. (File No. BNPED-20071017ADG), Cedar Cove Broadcasting, Inc. (File No. BNPED-20071018ABJ), San Miguel Educational Fund (File No. BNPED-20071018APW), Academy Media Inc. (File No. BNPED-20071018AXS), Make a Difference Foundation, Inc. (File Nos. BNPED-20071019AYG and 20071019AYK), Cheyenne Mountain Public Broadcast House, Inc. (File No. BNPED-20071022AFN), and United Ministries (File No. BNPED-20071022BFB), and TO GRANT the application of Crested Butte Mountain Educational Radio, Inc. (File No. BNPED-20071019AHW) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and PROVIDED THAT, Crested Butte Mountain Educational Radio, Inc. must surrender its license for FM translator station K210BS, Gunnison, Colorado, prior to commencement of program tests of the full service NCE-FM station.

156. **Group 323.** Accordingly, IT IS ORDERED, That Summit Public Radio and TV, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Breckenridge, Colorado, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Carbondale Community Access Radio, Inc. (File No. BNPED-20071017AFL), Academy Media Inc. (File No. BNPED-20071018AXZ), Mountain Air Radio, Inc. (File No. BNPED-20071019AWY), HO. LY., Inc. (File No. BNPED-20071022ANX), Wren Communications, Inc. (File No. BNPED-20071022ATA), NC Friends Broadcasting, Inc. (File No. BNPED-20071022BBF), and Tightrope Broadcasting, Inc. (File No. BNPED-20071022BNU), and TO GRANT the application of Summit Public Radio and TV, Inc. (File No. BNPED-20071018AKW) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

157. **Group 325.** Accordingly, IT IS ORDERED, That Community Radio for Northern Colorado is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Silverthorne, Colorado, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Academy Media Inc. (File No. BNPED-20071018AXV), Make a Difference Foundation, Inc. (File Nos. BNPED-20071018AYC and 20071018AYE), Educational Communications of Colorado Springs, Inc. (File No. BNPED-20071018AZP), Crested Butte Mountain Educational Radio, Inc. (File No. BNPED-20071019AID), Crystal Mountain Center for the Performing Arts (File No. BNPED-20071019AXA), St. Paul Cultural Broadcasting, Inc. (File No. BNPED-20071019BAH), Cheyenne Mountain Public Broadcast House, Inc. (File Nos. BNPED-20071022AFO and 20071022AFP), Mountain Air Radio, Inc. (File No. BNPED-20071022AUB), and NC Friends Broadcasting, Inc. (File No. BNPED-20071022BPA), and TO GRANT the application of Community Radio for Northern Colorado (File No. BNPED-20071019BCI) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and PROVIDED THAT, Community Radio for Northern Colorado must surrender its license for FM translator station K202CV, Breckenridge, Colorado, prior to commencement of program tests of the full service NCE-FM station.

158. **Group 326.** Accordingly, IT IS ORDERED, That Bryant University is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Danielson, Connecticut, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Calvary Chapel of Southeastern Connecticut (File Nos. BNPED-20071017AAX and 20071017AAZ), Franciscan Friars of the Immaculate Incorporated (File No. BNPED-20071022AVO), and His Voice Ministries (File No. BNPED-20071012ADV), and TO GRANT the application of Bryant University (File No. BNPED-20071019ALZ) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

159. **Group 327.** Accordingly, IT IS ORDERED, That Legion of Christ College, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wethersfield, Connecticut, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days thereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Northeast Hartford Acorn (File No. BNPED-20071019AMM), WNYC Radio (File No. BNPED-20071019APG), WAMC (File No. BNPED-20071019ATG), Cape Cod Christian Broadcasting (File No. BNPED-20071022BEM), and Morgan Brook Christian Radio, Inc. (File No. BNPED-20071022BHI), and TO GRANT the application of Legion of Christ College, Inc. (File No. BNPED-20071019AME) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

160. **Group 328.** Accordingly, IT IS ORDERED, That Help Save the Apalachicola River Group, Inc. and Martin Bayou Management Corporation are TENTATIVELY SELECTED to be awarded construction permits ON A TIMESHARING BASIS for new NCE FM stations in Port St. Joe and Mexico Beach, Florida. The two applications ARE 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, there is no substantial and material question concerning the grantability of the tentatively selected applications, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Victor Broadcasting, Inc. (File No. BNPED-20071012ABX), Faith Radio Network, Inc. (File No. BNPED-20071012AKJ), Community Radio Foundation of Florida, Inc. (File No. BNPED-20071015AIM), Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ADB), Cornerstone Community Radio, Inc. (File No. BNPED-20071019ARE), De Mujer a Mujer International (File No. BNPED-20071022AGP), Calvary Fellowship, Inc. (File No. BNPED-20071022BIL), and Gulf Coast Community College (File No. BNPED-20071022BUF). We further direct the staff to provide the tentatively selected applicants ninety (90) days in which to reach a timesharing agreement among themselves and, upon execution of an acceptable agreement within this time period, TO GRANT the applications of Help Save the Apalachicola River Group, Inc. (File No. BNPED-20071018AQD) and Martin Bayou Management Corporation (File No. BNPED-20071022BQK) CONDITIONED UPON each selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations. If the applicants are unable to reach a voluntary timesharing agreement, the staff shall designate the applications for hearing on the sole issue of an appropriate timesharing arrangement.

161. **Group 329.** Accordingly, IT IS ORDERED, That Clean Air Broadcasting Corporation is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Key West, Florida, and that 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Calvary Chapel of Twin Falls, Inc. (File No. BNPED-20071012ACT), Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ACZ), Tillandsia Radio Outreach, Inc. (File No. BNPED-20071018ARN), Call Communications Group, Inc. (File No. BNPED-20071019ADQ), St. Paul Cultural Broadcasting, Inc. (File No. BNPED-20071019BBD), Educational Public Radio, Inc. (File No. BNPED-20071022AJT), and Cultural Renewal Radio, UA (File No. BNPED-20071022AME), and TO GRANT the application of Clean Air Broadcasting Corporation (File No. BNPED-20071017AGO) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

162. **Group 333.** Accordingly, IT IS ORDERED, That Calvary Chapel of Melbourne, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kenansville, Florida, and that 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Oscar Aguero Ministry (File No. BNPED-20071015AFX), Community Radio Foundation of Florida, Inc. (File No. BNPED-20071017AAW), Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BBA), Seminole Tribe of Florida (File No. BNPED-20071019AUS), Calvary Fellowship, Inc. (File No. BNPED-20071022AGJ), Black Media Works, Inc. (File Nos. BNPED-20071022AMN, 20071022ANC, and 20071022ANJ), Central Florida Educational Foundation, Inc. (File No. BNPED-20071022AZC), and Westminster Academy (File No. BNPED-20071022BLU), and TO GRANT the application of Calvary Chapel of Melbourne, Inc. (File No. BNPED-20071022BJV) CONDITIONED UPON that selectee's

compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

163. **Group 334.** Accordingly, IT IS ORDERED, That Calvary Fellowship, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Tavernier, Florida, and that 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BBC), Educational Public Radio, Inc. (File No. BNPED-20071022AJL), Cultural Renewal Radio, UA (File No. BNPED-20071022BBI), and NC Friends Broadcasting, Inc. (File No. BNPED-20071022BCE), and TO GRANT the application of Calvary Fellowship, Inc. (File No. BNPED-20071022AGK) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

164. **Group 336.** Accordingly, IT IS ORDERED, That Radio Training Network, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Claxton, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Community Impact Foundation, Inc. (File No. BNPED-20071012AEG), Indiana Community Radio Corporation (File No. BNPED-20071012AFH), Mineral Springs Public Radio, Inc. (File No. BNPED-20071012AGM), Tillandsia Radio Outreach, Inc. (File No. BNPED-20071018ARS), and Tighrope Broadcasting, Inc. (File No. BNPED-20071022BOA), and TO GRANT the application of Radio Training Network, Inc. (File No. BNPED-20071022BIT) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and PROVIDED THAT, Radio Training Network, Inc. must surrender its license for FM translator station W257BG, Statesboro, Georgia, prior to commencement of program tests of the full service NCE-FM station.

165. **Group 337A.** Accordingly, IT IS ORDERED, That Southwest Project for Community Education, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sasser, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Victor Broadcasting, Inc. (File No. BNPED-20071012AXX), Darton College (File No. BNPED-20071018AUL), and Radio Training Network, Inc. (File No. BNPED-20071022AFS), and TO GRANT the application of Southwest Project for Community Education, Inc. (File No. BNPED-20071015ABU) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

166. **Group 337B.** Accordingly, IT IS ORDERED, That Mission Support Service is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hawkinsville, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Indiana Community

Radio Corporation (File No. BNPED-20071012AFE), Athens Christian Radio, Inc. (File No. BNPED-20071015ACK), and Lighthouse Christian Fellowship (File No. BNPED-20071022BKZ), and TO GRANT the application of Mission Support Service (File No. BNPED-20071022AWP) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

167. **Group 338.** Accordingly, IT IS ORDERED, That Calvary Chapel of Thomasville, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pavo, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of God's Final Call & Warning, Inc. (File No. BNPED-20071012AII), Augusta Radio Fellowship Institute, Inc. (File No. BNPED-20071012AOV), Colquitt Community Radio, Inc. (File No. BNPED-20071015AAM), and B. Jordan Communications Corporation (File No. BNPED-20071019ALP), and TO GRANT the application of Calvary Chapel of Thomasville (File No. BNPED-20071015AHD), CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and PROVIDED THAT, pursuant to a waiver of Section 73.860(a) of the Commission's Rules, 47 C.F.R. § 73.860(a), Calvary Chapel of Thomasville must divest or surrender its license for LPFM station WJGG-LP, Thomasville, Georgia, prior to commencement of program tests of the full service NCE-FM station.

168. **Group 340.** Accordingly, IT IS ORDERED, That Common Ground Athens, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Nicholson, Georgia, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Community Public Radio, Inc. (File No. BNPED-20071015ABL), Hope Through Education, Inc. (File No. BNPED-20071016AHT), Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BBI), Iglesia Jesucristo es mi Refugio de Austin, Inc. (File No. BNPED-20071022ACZ), and Edgewater Broadcasting, Inc. (File No. BNPED-20071022BFC) and TO GRANT the application of Common Ground Athens, Inc. (File No. BNPED-20071022AQA) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

169. **Group 341.** Accordingly, IT IS ORDERED, That Calvary Chapel Kauai is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Lihue, Hawaii, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Hoosier Broadcasting Corporation (File No. BNPED-20071012AEA), Hawaii Public Radio, Inc. (File No. BNPED-20071018ANY), and Wren Communications, Inc. (File No. BNPED-20071022ATT), and TO GRANT the application of Calvary Chapel Kauai (File No. BNPED-20071019AFY) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005 which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

170. **Group 342.** Accordingly, IT IS ORDERED, That Aina'E Co., Ltd. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Kailua Kona, Hawaii, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Linda Jerome Foundation (File No. BNPED-20071012AED), Hoosier Broadcasting Corporation (File No. BNPED-20071012AHV), Calvary Chapel Kona, Inc. (File No. BNPED-20071012AVE), Haola Inc. (File No. BNPED-20071012AXR), and Kona Info FM, Inc. (File No. BNPED-20071022AMB) and TO GRANT the application of Aina'E Co., Ltd. (File No. BNPED-20071019APO) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

171. **Group 344.** Accordingly, IT IS ORDERED, That Bloomington Normal Broadcasting Corporation is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hamilton, Illinois, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Cornerstone Community Radio, Inc. (File No. BNPED-20071017AHL), The University of Iowa (File No. BNPED-20071018AKC), Fort Madison Seventh-Day Adventist Church (File No. BNPED-20071022BDE), and Believer's Broadcasting Corporation (File No. BNPED-20071016AFT) and TO GRANT the application of Bloomington Normal Broadcasting Corporation (File No. BNPED-20071016AJN) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

172. **Group 346.** Accordingly, IT IS ORDERED, That Idaho Conference of Seventh-Day Adventists, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in McCall, Idaho, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive application of Nassuna Broadcasting, Inc. (File No. BNPED-20071022BBC), and TO GRANT the application of Idaho Conference of Seventh-Day Adventists, Inc. (File No. BNPED-20071022BLS) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

173. **Group 347.** Accordingly, IT IS ORDERED, That Cornerstone Community Radio, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Macomb, Illinois, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of H.O.P.E Broadcasting Corporation (File No. BNPED-200710112AFS), Believer's Broadcasting Corporation (File No. BNPED-20071016AFS), and 2820 Communications Incorporated (File No. BNPED-20071022AQX), and TO GRANT the application of Cornerstone Community Radio, Inc. (File No. BNPED-20071016AJC) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the

Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

174. **Group 350.** Accordingly, IT IS ORDERED, That Inter Mirifica, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Noblesville, Illinois, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Hometown Radio Corporation (File No. BNPED-20071015ADG), Horizon Christian Fellowship of Indianapolis, Inc. (File No. BNPED-20071017ABW), The President and Trustees of Miami University (File No. BNPED-20071019ALG), and Community Radio for Hoosiers, Inc. (BNPED-20071022AAQ), and TO GRANT the application of Inter Mirifica, Inc. (File No. BNPED-20071022BHU) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

175. **Group 351.** Accordingly, IT IS ORDERED, That Horizon Christian Fellowship of Indianapolis, Inc. is TENTATIVELY SELECTED to be awarded a permit to construct a new NCE FM station at Morristown, Indiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Hoosier Public Radio Corporation (File Nos. BNPED-20071012ACL and 20071012ACQ), Community Impact Foundation, Inc. (File No. BNPED-20071012ADY), Indiana Educational Broadcast Corporation (File Nos. BNPED-20071019ADF and 20071019AFX), The President and Trustees of Miami University (File No. BNPED-20071019AKX), Family Worship Center Church, Inc. (File No. BNPED-20071019AMS), and Friends of Radio Maria, Inc. (File Nos. BNPED-20071019AUD and 20071019AUJ), and TO GRANT the application of Horizon Christian Fellowship of Indianapolis, Inc. (File No. BNPED-20071017ABZ) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

176. **Group 353.** Accordingly, IT IS ORDERED, That Summit Seekers, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Laurel, Indiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Connersville Apostolic Lighthouse Incorporated (File No. BNPED-20071012AHJ), Gabriel Broadcasting Corporation (File No. BNPED-20071015ADI), The Cedarville University (File No. BNPED-20071017ADD), Friends of Radio Maria, Inc. (File No. BNPED-20071019BBQ), Knights of Columbus Home Association of Anderson (File No. BNPED-20071022AYD), and Spryx Communications, Inc. (File No. BNPED-20071019AMT), and TO GRANT the application of Summit Seekers, Inc. (File No. BNPED-20071022AXE) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

177. **Group 354.** Accordingly, IT IS ORDERED, That Harvest Chapel, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Otterbein, Indiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Community Public Radio, Inc. (File No. BNPED-20071012AUL), Bridgebuilders International Leadership Network (File No. BNPED-20071019AQI), Friends of Radio Maria, Inc. (File No. BNPED-20071019AUW), and Nassuna Broadcasting, Inc. (File No. BNPED-20071022BAT), and TO GRANT the application of Harvest Chapel, Inc. (File No. BNPED-20071022BJS) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and must for that time period provide service to the community of Otterbein, which formed the basis for its proceeding to a point hearing following the elimination of applicants for a different community, and PROVIDED THAT pursuant to a waiver of Section 73.860(a) of the Commission's Rules, 47 C.F.R. § 73.860(a), Harvest Chapel, Inc. must divest or surrender its license for LPFM station WTGO-LP, Lafayette, Indiana, prior to commencement of program tests of the full service NCE-FM station.

178. **Group 359.** Accordingly, IT IS ORDERED, That Covenant Network is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Houma, Louisiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Amor Viviente, Inc. (File No. BNPED-20071012AFY), Providence Educational Foundation, Inc. (File No. BNPED-20071012AJX), United Houma Nation, Inc. (File No. BNPED-20071015AGA), Crisis Pregnancy Help Center of Slidell (File No. BNPED-20071016ABS), Port Allen Educational Broadcasting Foundation (File No. BNPED-20071017AKJ), Educational Media Foundation (File No. BMAPED-20071018AKY), Friends of Radio Maria, Inc. (File No. BNPED-20071019ABN), Public Urban Digital Broadcasting (File No. BNPED-20071019ACY), and New Horizon Christian Fellowship (File No. BNPED-20071022BAP) and TO GRANT the application of Covenant Network (File No. BNPED-20071018BDD) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

179. **Group 360.** Accordingly, IT IS ORDERED, That Crisis Pregnancy Help Center of Slidell is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Slidell, Louisiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Educational Media Foundation (File No. BMAPED-20071018AQL), Pensacola Christian College, Inc. (File Nos. BNPED-20071018DEU and 20071018DFC), and New Horizon Christian Fellowship (File No. BNPED-20071022BAS), and TO GRANT the application of Crisis Pregnancy Help Center of Slidell (File No. BNPED-20071016ABC) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations, and PROVIDED THAT pursuant to a waiver of

Section 73.860(a) of the Commission's Rules, 47 C.F.R. § 73.860(a), Crisis Pregnancy Help Center of Slidell must divest or surrender its license for LPFM station WGON-LP, Slidell, Louisiana, prior to commencement of program tests of the full service NCE-FM station.

180. **Group 362.** Accordingly, IT IS ORDERED, That Glory2Glory Educational Foundation, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bastrop, Louisiana, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Lighthouse Christian Fellowship (File No. BNPED-20071022BLA), Iglesia Cristiana Ebenezer (File No. BNPED-20071018AZW), Enterprise Corporation of the Delta (File No. BNPED-20071019AVV), Black Media Works, Inc. (File No. BNPED-20071022BHS), Mahogany Community Development, Inc. (File No. BNPED-20071022BOR), and Network of Glory, LLC (File No. BNPED-20071019AFE), and TO GRANT the application of Glory2Glory Educational Foundation, Inc. (File No. BNPED-20071018AGG) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

181. **Group 365.** Accordingly, IT IS ORDERED, That Prayers for Life, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Shirley, Massachusetts, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Christian Educational Association (File No. BNPED-20071018AOT), Horizon Christian Fellowship (File No. BNPED-20071019ALC), Centro de Intercesion y Adoracion Internacional, Inc. (File No. BNPED-20071022AIL), and Three Pyramids, Inc. (File No. BNPED-20071022BVF), and TO GRANT the application of Prayers for Life, Inc. (File No. BNPED-20071022ARY) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

182. **Group 371.** Accordingly, IT IS ORDERED, That Rochester Community and Technical College is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Stewartville, Minnesota, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Decorah Lutheran Church (File No. BNPED-20071012AUO), VCY America Inc. (File No. BNPED-20071012AAM), Crossfire Incorporated (File No. BNPED-20071018ANQ), Pensacola Christian College, Inc. (File No. BNPED-20071018DEW), Southern Minnesota Catholic Radio (File No. BNPED-20071022AOA), We Have this Hope Christian Radio, Inc. (File No. BNPED-20071022BCR), and Calvary Iowa City (File No. BNPED-20071022BPB), and TO GRANT the application of Rochester Community and Technical College (File No. BNPED-20071022AQD) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

183. **Group 374.** Accordingly, IT IS ORDERED, That Immanuel Baptist Church is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pine City, Minnesota, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Minnesota Public Radio (File No. BNPED-20071016AHJ), Refuge Media Group (File No. BNPED-20071019AAJ), De Mujer a Mujer International (File No. BNPED-20071022AGV), and State of Wisconsin – Educational Communications Board (File No. BNPED-20071018AWN), and TO GRANT the application of Immanuel Baptist Church (File No. BNPED-20071022AWE) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

184. **Group 379.** Accordingly, IT IS ORDERED, That Toccoa Foundation, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dillsboro, North Carolina, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Central Educational Broadcasting, Inc. (File No. BNPED-20071012AAN), The Canary Coalition, Inc. (File No. BNPED-20071015AFV), Cherokee Youth Center/Boys & Girls Club, Inc. (File No. BNPED-20071017AHA), and Western North Carolina Public Radio, Inc. (File No. BNPED-20071017AHN), and TO GRANT the application of Toccoa Foundation, Inc. (BNPED-20071022AEE) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

185. **Group 380.** Accordingly, IT IS ORDERED, That Pathway Christian Academy, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hertford, North Carolina, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Mineral Springs Public Radio, Inc. (File No. BNPED-20071012AFP), The Popular Assembly of New Horizons 3000 and His Successors (File No. BNPED-20071012AIW), Richburg Educational Broadcasters, Inc. (File No. BNPED-20071018APV), Liberty University, Inc. (File No. BNPED-20071022AUL), and Breath of the Spirit Ministries (File No. BNPED-20071022BQL), and TO GRANT the application of Pathway Christian Academy, Inc. (BNPED-20071018AJS) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

186. **Group 381.** Accordingly, IT IS ORDERED, That Brice's Creek Bible Church is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Newport, North Carolina, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Craven Community College (File No. BNPED-20071018ALE), Immanuel Broadcasting Network (File No. BNPED-20071019AHD), Down East Communications/CDC & Center for the Performing Arts (File No. BNPED-20071019ARG), and Airwaves for Jesus, Inc. (File No. BNPED-20071022AVG), and TO GRANT the

application of Brice's Creek Bible Church (File No. BNPED-20071015AFC) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

187. **Group 384.** Accordingly, IT IS ORDERED, That Great Falls Community Broadcasting Company is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bellows Falls, Vermont, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Vinikoor Family Foundation, Inc. (File Nos. BNPED-20071018AKB and 20071018AKD), Horizon Christian Fellowship (File No. BNPED-20071019AGZ), New Hampshire Public Radio, Incorporated (File No. BNPED-20071019AMA), Granite State Educational Fellowship (File No. BNPED-20071019ARY), Franklin County Christian Ministries (File No. BNPED-20071019BDF), and Christian Ministries, Inc. (File No. BNPED-20071012ATJ), and TO GRANT the application of Great Falls Community Broadcasting Company (File No. BNPED-20071017AAI) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system, and PROVIDED THAT pursuant to a waiver of Section 73.860(a) of the Commission's Rules, 47 C.F.R. § 73.860(a), Great Falls Community Broadcasting Company must divest itself of its interest in LPFM station WOOL-LP, Bellows Falls, Vermont, prior to commencement of program tests of the full service NCE-FM station.

188. **Group 389.** Accordingly, IT IS ORDERED, That Available Media, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Tohajiilee Indian Reservation, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Calvary Chapel of Albuquerque, Inc. (File No. BNPED-20071016AHZ), Better Public Broadcasting Association (File No. BNPED-20071018AUQ), Laguna Department of Education (File No. BNPED-20071019ATP), Misioneros Cristianos en Accion (File No. BNPED-20071022ADA), and Board of Regents – New Mexico Highlands University (File No. BNPED-20071022BPX), and TO GRANT the application of Available Media, Inc. (File No. BNPED-20071018BAR) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

189. **Group 392.** Accordingly, IT IS ORDERED, That Hamptons Community Radio Corporation is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Westhampton, New York, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Northeast Gospel Broadcasting, Inc. (File No. BNPED-20071012ACE), Christian Charities Deliverance Church (File No. BNPED-20071016AAH), Primera Iglesia Evangelica de Apostoles y Profetas (File No. BNPED-20071018BAE), Templo Apostoles y Profetas Bethel (File No. BNPED-20071018BBE), Long Island Broadcasters Wireless (File No. BNPED-20071019BDP), Ocean Side Broadcasting, Inc. (File No. BNPED-20071022AKP), and Community Bible Church (File No. BNPED-20071022BOF), and TO GRANT the application of Hamptons Community Radio Corporation (File No. BNPED-20071022BAZ) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by

use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

190. **Group 393.** Accordingly, IT IS ORDERED, That Mission Connecticut, Inc. is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Brewster, New York, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Community Impact Foundation, Inc. (File No. BNPED-20071012AEK), Danbury Community Radio, Inc. (File No. BNPED-20071019AMW), WAMC (File No. BNPED-20071019APS), WNYC Radio (File No. BNPED-20071019AQT), and JCM Radio of NY, Inc. (File No. BNPED-20071019BFN), and TO GRANT the application of Mission Connecticut, Inc. (File No. BNPED-20071015AEN) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system and also provides that an applicant receiving a Section 307(b) preference that is decisive over another applicant must operate technical facilities substantially as proposed for a period of four years of on-air operations.

191. **Group 394.** Accordingly, IT IS ORDERED, That Long Island Acorn is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Riverhead, New York, 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, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the staff, by public notice, TO DISMISS the mutually exclusive applications of Oscar Aguero Ministry (File No. BNPED-20071015AGE), Community Bible College (File No. BNPED-20071015AHH), St. Joseph Church (File No. BNPED-20071019BAR), Hampton Community Radio Corporation (File No. BNPED-20071022AAS), and Sacred Heart University, Inc. (File No. BNPED-20071022BNA), and TO GRANT the application of Long Island Acorn (File No. BNPED-20071019AVG) CONDITIONED UPON that selectee's compliance with Section 73.7005 of the Commission's Rules, 47 C.F.R. § 73.7005, which sets forth a four-year holding period for applicants that are awarded permits by use of a point system.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX

Noncommercial Educational Groups

1. The Appendix consists of a chart and this explanatory text. The chart lists each proceeding by group number. Boldface type is used to designate the applicant(s) in each group that the Commission has tentatively selected to receive a construction permit.

2. An entry of “n/a” in the Appendix’s Section 307(b) column indicates that Section 307(b) principles are not applicable to that mutually exclusive application, typically because each of the applicants in the group proposed to serve the same community. We also use this “n/a” designation for defective submissions, which were eliminated from the group prior to our consideration of Section 307(b) factors. When applicants propose service to different communities, the Appendix identifies each applicant’s eligibility for Section 307(b) consideration with a “yes” or “no” entry.¹¹⁸ Where applicable, the Appendix lists the population which each applicant claims would receive a new first service or aggregated first and second service. The Appendix includes population numbers only to the extent that such information is material to the analysis. For example, if no applicant in a group claimed a preference based on first service alone, the Appendix does not report specific first service data. If an applicant provided numbers but did not claim and/or qualify for a preference, the chart notes either “<10 %” or “<2,000,” to indicate that the number of people served was less than 10 percent of the population or fewer than 2,000 people. Such data would be included in the aggregated first and second service numbers, if the applicants claimed a preference on that basis. If an applicant is eliminated on the basis of a Section 307(b) analysis, that outcome is noted as “Elim on 307b” in the Appendix.

3. With respect to points, the Appendix to this Order places three points in the “Established Local Applicant” column, two points in the “Diversity of Ownership” column, and two points in the “Statewide Network” column of each applicant claiming eligibility for such points. In cases where an applicant claimed points, but failed to satisfy the respective requirements for receipt of such points, the Appendix lists the points claimed followed in parenthesis by the points credited. For example, an applicant that claimed two points for diversity of ownership, but which did not submit any documentation in support of its claim would have the notation 2(0) in the diversity of ownership column, *i.e.*, it claimed two points but received none. A note “no d exh” or “defect d exh” in the notes column would indicate that the applicant did not support its diversity claim, either because it submitted no exhibit or because an exhibit was deemed defective for lack of the most basic information necessary. Similar notes, of “no l exh” and “no s exh” indicate a lack of support for a local applicant and statewide network claim, respectively. An applicant may receive zero, one, or two points in the Best Technical Parameters column depending upon the size of the area and population to be covered by its proposed station.

4. In the case of a tie, the Appendix lists any tiebreaker factors considered including the number of attributable authorizations and/or applications reported by each tied applicant. The lowest number value for pending applications is “one” because the subject application is included in the calculation. Some applicants erroneously claimed zero pending applications. These applicants have the notation 0(1) in the tie-breaker column, thus specifying that they claimed zero applications but are considered to have one application for purposes of the tie-breaker. Any applications that did not proceed to a tiebreaker because they were entitled to fewer points than the tied applicants are designated with the note “Elim Points.”

¹¹⁸ The “no” designation is used when applicants propose to serve different communities, but each certifies that it would not qualify for a Section 307(b) preference because it would not provide a new first or second service to ten percent of the population within its respective service area.

5. Notes are also used to describe certain application characteristics. For example, the note “Trans Divest” is used to identify applicants which excluded existing translators from their diversity showings by pledging to request cancellation of the translator upon commencement of full service operations. The note “LPFM Divest” is used to denote applicants that excluded existing LPFM stations that would be divested upon grant of a full service authorization.

6. Finally, the Appendix contains a “See Text” column which refers the reader to a section or footnote within the text, typically in connection with a listed note. References to textual discussion are generally reserved for applications with omissions, errors, novel arguments, or which required consideration of rule waivers. The “See Text” column is blank for most applications because the applicants did not raise issues that required an analysis of these types of issues. This column is also used for miscellaneous notes.