

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

In the Matter of)
)
Comparative Consideration of 34 Groups of) NCE FM 2021 Window, MX Group
Mutually Exclusive Applications) Numbers 14, 16, 32, 34, 49B, 50, 51, 54, 55,
for Permits to Construct New Noncommercial) 63, 79, 83, 92, 106, 124, 137B, 137C, 144,
Educational FM Stations) 145, 153, 156, 174, 177, 181, 184, 185, 192,
) 198, 200, 201, 206, 219, 220, and 223

MEMORANDUM OPINION AND ORDER

Adopted: January 23, 2023

Released: January 24, 2023

By the Commission:

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I. BACKGROUND

1. The Commission has before it for comparative consideration 34 groups of mutually exclusive (MX) applications for new noncommercial educational (NCE) FM station construction permits.¹ By this Memorandum Opinion and Order (Order), we perform threshold fair distribution of service analyses and use a point system to tentatively select an application for grant in each group. Petitions to deny the application of any of these tentative selectees must be filed within 30 days of the

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

date of release of this Order.²

2. We address in this Order applications that were filed in November 2021, during the most recent filing window for new NCE FM applications.³ These applicants have had an opportunity to enter into settlement agreements among themselves to resolve mutual exclusivity,⁴ and, in the absence of any such settlement, are now subject to a simplified, comparative process codified in Part 73, Subpart K, of our rules.⁵

II. GENERAL NCE COMPARATIVE PROCEDURES

3. Given the finite nature of and high demand for spectrum, the Commission cannot grant a construction permit to every qualified NCE applicant. Due to the noncommercial nature of the NCE service, MX⁶ applications for new station construction permits are not subject to auction, but are resolved by applying comparative procedures.⁷ Specifically, the Commission's comparative analysis of MX NCE applications generally consists of three main components. First, when NCE FM applicants in an MX group propose service to different communities, the Commission performs a threshold fair distribution analysis under section 307(b) of the Communications Act of 1934, as amended (the Act).⁸ Second, application conflicts that are not resolved under this "fair distribution" analysis are compared by the Commission under an NCE point system,⁹ which is a simplified, "paper hearing" process.¹⁰ Third, if

² See 47 CFR § 73.7004(b).

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

⁴ See *NCE MX Public Notice* at 2-5. The NCE FM applicants had an opportunity to enter into and file settlement agreements and to submit technical amendments to resolve conflicts and expedite the grant of applications filed in the NCE FM window.

⁵ 47 CFR §§ 73.7000 – 7005. See also *Comparative Consideration of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 22-61 (2022) (*27 Group Comparative Order*) (applying the comparative procedures to identify and tentatively select 27 NCE FM applications from the November 2021, window for grant).

⁶ Conflicting NCE applications, which cannot all be granted consistent with the Commission's technical rules, are considered mutually exclusive. An MX group consists of all applications which are MX to at least one other application in the group.

⁷ See *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 15 FCC Rcd 7386 (2000) (*2000 NCE Order*), clarified, Memorandum Opinion and Order, 16 FCC Rcd 5074 (2001) (*2001 NCE MO&O*), recon. denied, Memorandum Opinion and Second Order on Reconsideration, 17 FCC Rcd 13132 (2002). See also *Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, MB Docket No. 19-3, Report and Order, 34 FCC Rcd 12519 (2019) (*NCE LPFM Order*) (amending the comparative rules and procedures), *aff'd*, Order on Reconsideration, FCC 20-121, 35 FCC Rcd 10180 (2020) (*NCE Order on Reconsideration*).

⁸ 47 U.S.C. § 307(b) (Section 307(b)). Although the Media Bureau has delegated authority to perform the Section 307(b) analyses, we are performing the Section 307(b) analyses, where applicable herein, for certain groups in conjunction with our point system analyses in order to expedite consideration of these groups. See *Comparative Consideration of 76 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 22 FCC Rcd 6101, n.16 (2007) (*NCE Omnibus*); *27 Group Comparative Order*, *supra* note 5. See also 47 CFR §§ 0.61 and 0.283.

⁹ See 47 CFR § 73.7003 (point system selection procedures).

¹⁰ See note 7, *supra*.

necessary, the Commission makes a tie-breaker determination, based on applicant-provided data and certifications. Each of these steps is described in greater detail below.¹¹

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

4. Section 307(b) states that the Commission must “provide a fair, efficient, and equitable distribution” of broadcast service among the states and communities.¹² In accordance with this directive, the Commission considers the fair distribution of service as a first, or threshold, issue in its NCE FM comparative review process¹³ in order to ascertain whether grant of any of the applications would best further the Section 307(b) objective.¹⁴ The first step of the Section 307(b), or fair distribution, analysis, is to determine whether any of the applicants in the MX group is a federally recognized Native American Tribe or Alaska Native Village proposing to serve Tribal Lands¹⁵ and claims the Tribal Priority.¹⁶

5. If there is no Tribal Applicant in the MX group,¹⁷ the second step in the Section 307(b) analysis is to determine whether any applicant would provide a first or second reserved band channel NCE aural service to a substantial population (the First or Second NCE Service Preference) by comparing population coverage totals.¹⁸ Specifically, during this step, an NCE FM applicant is eligible to receive a

¹¹ In advance of the November 2021 filing window, the Commission amended its rules and procedures for filing NCE FM applications and selecting and licensing competing NCE FM applications. *See NCE LPFM Order, supra* note 7. The changes were designed to improve the comparative selection procedures, reduce confusion among future applicants, expedite the initiation of new service to the public, and eliminate unnecessary applicant burdens. *See also Media Bureau Announces October 30, 2020, Effective Date of New NCE and LPFM Rules*, Public Notice, MB Docket No. 19-3, DA 20-1298 (Nov. 2, 2020).

¹² 47 U.S.C. § 307(b).

¹³ *See* 47 CFR § 73.7002; *2000 NCE Order*, 15 FCC Rcd at 7396 (2000) (concluding that “fair distribution of stations to communities should remain a threshold issue”); *2001 NCE MO&O*, 16 FCC Rcd at 5077 (“when competing FM applications propose to serve different communities, a proposal would be considered best, as a threshold matter, if it would provide service to a significant unserved or underserved population”).

¹⁴ *See* 47 U.S.C. § 307(b) (“In considering applications for licenses . . . when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.”); 47 CFR § 73.7002(a). Applicants’ Form 2100, Schedule 340, Fair Distribution of Service certifications enable the Commission to consider whether service to one community over the other would best achieve the Commission’s directive to distribute radio service fairly among communities.

¹⁵ *See* 47 CFR §§ 73.7000, 73.7002(b).

¹⁶ An NCE FM applicant is eligible to receive a fair distribution preference, and ultimately be awarded the construction permit, if it identifies itself as a Tribal Applicant, proposes Tribal Coverage, and proposes the first reserved channel NCE service owned by any Tribal Applicant at a community of license located on Tribal Lands (the Tribal Priority). *See* 47 CFR § 73.7000 (defining a “Tribal Applicant” and “Tribal Coverage”); *see also* 47 CFR § 73.7002(b); *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, First Report and Order, 25 FCC Rcd 1583 (2010) (establishing the Section 307(b) Tribal Priority). *Threshold Fair Distribution Analysis of Mutually Exclusive Applications of the Southern California Tribal Chairman’s Association and the Foundation for Economic Justice d/b/a/ Center for Economic Justice for Permits to Construct New Noncommercial Educational FM Stations Filed in November 2021 Window*, FCC 22-28, Memorandum Opinion and Order (rel. April 19, 2022).

¹⁷ None of the MX groups addressed in this Order contain a Tribal Applicant. Accordingly, the first step of the Section 307(b) analysis, the Tribal Priority analysis, is inapplicable herein.

¹⁸ *See* 47 CFR § 73.7002(b).

fair distribution preference (or Section 307(b) preference)¹⁹ if it would provide a first or second reserved band channel NCE aural service to at least 10% of the population (in the aggregate), within the proposed station's service area, provided that the population served is at least 2,000 people. If only one applicant in an MX group qualifies for the First or Second NCE Service Preference, its "fair distribution" (Section 307(b)) preference is dispositive,²⁰ and that applicant will be awarded the construction permit.

6. If more than one applicant in the MX group claims a First or Second NCE Service Preference, the applicant proposing to provide the greatest number of people with the highest level of service will be awarded a construction permit, if it will provide such service to at least 10% of the people within the station's 60 dBu contour *and* to at least 5,000 more people than the next best applicant.²¹ First service will be preferred over second service.²² Accordingly, the Commission first examines the applicants' first service levels alone to determine whether one of the proposals is superior and should receive a decisive preference. If such applicants are equivalent with respect to first service, or no applicant qualifies for a first service preference, the Commission considers combined first and second NCE aural service population totals. At each stage of the Section 307(b) analysis, any applicant that is comparatively disfavored in terms of Section 307(b) eligibility or service totals is eliminated. The process ends when the Commission determines that one applicant is entitled to a Section 307(b) preference, or that either (1) none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference, or (2) each remaining applicant proposes to serve the same community. Any remaining MX applicants proposing equivalent service overall, or proposing the same community, proceed to a point system analysis.²³

7. Each applicant claiming a First or Second NCE Service preference must support its fair distribution claim with an exhibit identifying the population residing within the proposed station's 60 dBu service contour and the number of people that would receive a new first or second NCE aural service.²⁴ Further, any applicant which receives a decisive Section 307(b) preference is required to construct and operate technical facilities substantially as proposed, and cannot downgrade service to the area on which the preference was based for a period of four years of on-air operations.²⁵

¹⁹ The terms "fair distribution preference" and "Section 307(b) preference" are used interchangeably to refer to the preference given to an MX application that is deemed to substantially further the fair distribution of service goals enunciated in Section 307(b).

²⁰ As noted, in the case of an MX group with a Tribal Applicant, an applicant qualifying for a Tribal Priority, however, will prevail over any MX applicant claiming a First or Second NCE Service Preference.

²¹ 47 CFR § 73.7002(b).

²² *Id.*

²³ See 47 CFR § 73.7003 (point system selection procedures).

²⁴ See *id.* § 73.7002(b). Applicants were required to use the most recently available, *i.e.*, 2010 Census, population data. See *Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2-9, 2021, Window*, DA 21-885, at 5-7 and n.24 (MB rel. July 23, 2021) (*NCE Filing Procedures Public Notice*); FCC Form 2100, Schedule 340, Instructions for Fair Distribution of Service at 12-14. An applicant's fair distribution showing must be computed as of the time of filing (close of the filing window for applications filed prior to the window) and cannot be enhanced thereafter. See 47 CFR § 73.7003(e) and (f)(3); *NCE Filing Procedures Public Notice* at 11; *2001 NCE MO&O*, 16 FCC Rcd at 5082-83. However, an applicant that subsequently makes engineering changes that would diminish its fair distribution position must amend its application to reflect that diminished position. See 47 CFR §§ 1.65 and 73.7003(e).

²⁵ See 47 CFR § 73.7005(b); see also 47 CFR § 73.7002(c). During this period, such applicant may make minor modifications to its authorized facilities, provided that "(i) the modification does not downgrade service to the area on which the preference was based, or (ii) any potential loss of first and second NCE service is offset by at least equal first and, separately, combined first and second NCE service population gain(s), and the applicant would continue to qualify for a decisive Section 307(b) preference." *Id.*

B. Point System Selection Process.

8. The Commission compares mutually exclusive groups of NCE FM applications, which cannot be decided pursuant to the Section 307(b) analysis, under the point system set forth in section 73.7003 of the rules.²⁶ The NCE point system awards a maximum of seven merit points, based on four distinct criteria, described below.²⁷ When MX NCE FM applications proceed to a point system analysis, the Commission reviews the applicants' point submissions²⁸ to compare the MX applications and tentatively select the application with the highest point total from each MX group for grant.²⁹

9. First, we award three points to applicants certifying that they have been local and established for at least two years. To qualify for the three points as an "established local applicant"³⁰ an applicant must certify that it has been local and established in the community to be served continuously for at least two years immediately prior to the application filing.³¹ To be considered local, a non-governmental applicant must have a physical headquarters, campus, or 75% of its governing board members residing within 25 miles of the reference coordinates of the proposed community of license.³² A governmental unit is considered local within its jurisdictional boundaries.³³

10. If an applicant certifies that it is an "established local applicant" it must submit substantiating documentation with its application to illustrate how it qualifies as local and established.³⁴ Examples of acceptable documentation include corporate material from the secretary of state, lists of names, addresses, and length of residence of board members and copies of governing documents requiring a 75% local governing board, or course brochures indicating that classes have been offered at a local campus for the preceding two years.³⁵ Any applicant awarded localism points in this Order has provided support for its certification. Thus, the specific point system determinations for each MX group

²⁶ See 47 CFR § 73.7003. Unlike the 307(b) analysis, the point system selection process cannot be performed by the Bureau on delegated authority. See *2000 NCE Order*, 15 FCC Rcd at 7420.

²⁷ See 47 CFR § 73.7003(b).

²⁸ Each NCE FM applicant was required to complete the "Point System Factors/Tie Breakers" Section of FCC Form 2100, Schedule 340, Noncommercial Educational Station for Reserved Channel Construction Permit Application (Schedule 340) in the Bureau's Licensing and Management System (LMS) by the November 9, 2021 filing deadline.

²⁹ The Commission has reaffirmed its longstanding one-grant policy. See *NCE Order on Reconsideration*, *supra* note 7. The one-grant policy provides that only one application should be granted out of each mutually exclusive group, while providing the remaining competing applicants the opportunity to file again in the next filing window. *Id.* The Commission will not authorize "secondary grants" in MX NCE FM groups after the initial resolution of the MX applications. A secondary grant process would allow non-winning applicants that are not mutually exclusive with the tentative selectee to proceed to a second round of analysis by the Commission. *Id.* See also *NCE LPFM Order*, 34 FCC Rcd at 12528, n.68 (reaffirming the established one-grant policy and declining to pursue a secondary application grant practice).

³⁰ See 47 CFR § 73.7000.

³¹ See *id.* § 73.7003(b)(1).

³² A local headquarters or residence must be a primary place of business or residence and not, for example, a post office box, lawyer's office, branch office, or vacation home, which are more easily feigned and/or present less of an opportunity for meaningful contact with the community. See *2000 Order*, 15 FCC Rcd at 7410, para. 54.

³³ For example, a state government is considered local throughout the state; a City Board of Education is considered local through the city; a state university is considered local throughout the state.

³⁴ An applicant claiming points as an established local applicant must also pledge to maintain localism characteristics during the period from grant of the construction permit until the station has achieved at least four years of on-air operations. See 47 CFR § 73.7005(c); see also *NCE LPFM Order*, 34 FCC Rcd at 12523, para. 8.

³⁵ See *NCE Filing Procedures Public Notice* at 8.

that follows only discuss an applicant's documentation if it is insufficient to justify awarding localism points.

11. Second, we award two points for local diversity of ownership if no party to the application holds an attributable interest in any other station within the principal community contours of the applicant's proposed station.³⁶ To qualify for the diversity of ownership points, an applicant must submit either a contour map showing no overlap with the proposed NCE FM station, a statement that the applicant holds no attributable interests in any nearby radio stations, or a certification that it holds no attributable interests in any broadcast stations.³⁷ Any applicant awarded diversity of ownership points in this Order has either satisfied this requirement or submitted a divestiture pledge, as detailed below. Thus, the specific point system determinations for each MX group that follows only discuss an applicant's documentation if it is insufficient to justify awarding diversity points.

12. We note that an NCE FM applicant with an overlapping attributable interest, however, can still qualify for diversity of ownership points if it commits to divest the broadcast interest or resign from the attributable positional interest.³⁸ The applicant must submit the divestiture pledge with the application by the close of the filing window. We do not require the applicant to divest or resign by the close of the filing window. Rather, if we award that applicant a construction permit based on points, the applicant must complete the actual divestiture or resignation by the time the new NCE FM station commences program test operations.³⁹

13. Third, we award two points for certain state-wide networks providing programming to accredited schools. These points are available only to applicants that cannot claim a credit for local diversity of ownership.⁴⁰ The state-wide network credit is an alternative for applicants that use multiple stations to serve large numbers of schools and, therefore, do not qualify for the local diversity of ownership credit. Applicants claiming points as a state-wide network must submit supporting documentation as an application exhibit.⁴¹

14. 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 10% greater than those of the next best area and population proposals, or two points if both are 25% greater than those of the next best area and population proposals as measured by each proposed station's predicted 60 dBu signal strength contour.⁴² If the best technical proposal does not meet the 10% threshold, no applicant is

³⁶ See 47 CFR § 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 CFR § 73.7000. Interests of certain entities providing more than 33% of the applicant's equity and/or debt are also attributable. *Id.*

³⁷ See Attributable Interests, Other Authorizations, of Schedule 340. An applicant claiming points for diversity of ownership must also pledge to comply with the restrictions on station modifications and acquisitions during the period from grant of the construction permit until the station has achieved at least four years of on-air operations. See 47 CFR § 73.7005(c); see also *NCE LPFM Order*, 34 FCC Rcd at 12524, para. 12.

³⁸ See *NCE LPFM Order*, 34 FCC Rcd at 12525, para. 13 (expanding the Commission's divestiture policy by recognizing full-service station divestiture pledges for comparative purposes and crediting all contingent divestiture pledges that are made and submitted by the close of the filing window).

³⁹ *Id.*

⁴⁰ See 47 CFR § 73.7003(b)(3).

⁴¹ See Form 2100, Schedule 340 Instructions at page 16 (detailing preferred documentation to support this point claim).

⁴² *Id.* § 73.7003(b)(4). See *NCE Omnibus*, 22 FCC Rcd at 6121-22, paras. 50-51. If there is one top applicant in terms of area and population, that applicant will receive one point even if there is no single next best applicant for

(continued....)

awarded points under this criterion. In considering this criterion, we have accepted applicants' coverage and population claims.⁴³

15. 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.

16. In the event MX applicants are tied with the highest number of points, the tied applicants proceed to a tie-breaker round.⁴⁴ The first tie-breaker for NCE FM applicants is the number of radio station authorizations attributable to each applicant.⁴⁵ The applicant with the fewest attributable authorizations prevails and becomes the tentative selectee. If the tie is not broken by this first factor, we apply a second tie-breaker: the number of pending radio station applications attributable to each applicant.⁴⁶ The tentative selectee will be the applicant with the fewest pending new and major change applications in the same service.

17. If a tie remains after the second tie-breaker, applicants are considered under a third and final tie-breaker criterion – prior NCE applications.⁴⁷ The tentative selectee will be the applicant that can demonstrate that: (1) it applied in a previous filing window, and had its application accepted for filing and processed, but subsequently dismissed in favor of an applicant possessing superior points or a tie-breaker showing; (2) it was in continuous existence as a legal entity at all times from the date of the previous NCE window filing until the present; and (3) it does not hold any NCE construction permit or license.⁴⁸ If this third factor fails to break the tie, we use time-sharing as the tie-breaker of last resort. Specifically, we designate the remaining tied applicants in the MX group as the tentative selectees and direct the tentative selectees to submit, within 90 days of the release of the Order identifying the tentative selectees, a voluntary time-sharing agreement.⁴⁹

both factors. The Commission will compare the top applicant's proposed area to the proposed area of the applicant with the next best area proposal and the top applicant's population to the proposed population of the applicant with the next best population proposal.

⁴³ Our procedures for this filing window required applicants to measure area in square kilometers and exclude significant areas of water, *e.g.*, oceans and lakes, and measure population using the 2010 Census Block Data available from the Census Bureau. *See* Form 2100, Schedule 340 Instructions at page 16.

⁴⁴ *See* 47 CFR § 73.7003(c).

⁴⁵ *Id.* § 73.7003(c)(1). Applicants are required to count all attributable full service commercial and NCE radio stations (licenses and construction permits) and any FM translator stations providing non-fill-in service. An applicant may exclude fill-in translators, any translator which the applicant seeks to replace with its applied for full-service NCE FM station, and any station, which it pledges to divest. *See 2001 NCE MO&O*, 16 FCC Rcd at 5102-03, para. 85; *see also* Form 2100, Schedule 340 Instructions at page 17.

⁴⁶ *See* 47 CFR § 73.7003(c)(2). When reporting pending applications, applicants were required to include new and major change radio applications, including the subject application and all other applications filed in the window by the November 9, 2021 deadline. Applicants should not have included any requests to participate in an auction filed on Schedule 175 and other applications such as voluntary assignment of license, license renewal, and minor change in existing facilities. *See NCE Filing Procedures Public Notice* at 10.

⁴⁷ *See NCE LPFM Order*, 34 FCC Rcd at 12527-28, para. 19; 47 CFR § 73.7003(c)(3).

⁴⁸ *Id.* Applicants were required to submit an attachment demonstrating their qualifications under this third tie-breaker criterion.

⁴⁹ *See* 47 CFR § 73.7003(c)(4). If the tentative selectees do not agree on a voluntary time sharing arrangement within 90 days, we will impose mandatory time sharing, granting all tentative selectees "equal, concurrent, non-renewable" licenses. 47 CFR § 73.7003(c)(5).

D. Timely Documentation of Comparative Qualifications.

18. The NCE FM application, Schedule 340, is certification-based, but requires applicants to document certain of their claims by submitting supporting information.⁵⁰ Applicants must submit timely-filed exhibits supporting their point claims. We will not give credit to certifications which require the applicant to submit documentation, but which are not supported with any such timely submitted documentation. For example, we reject claims in this Order where the applicant certifies that it qualifies for points as an established local applicant but fails to supply supporting information referred to in the certification. While there is some flexibility in the type of documentation an applicant may provide, an applicant that does not submit timely support cannot have made a valid certification and will not receive the claimed points.⁵¹ Similarly, we will not consider documentation to support a claimed comparative point if it was submitted in an amendment after the November 2021, filing deadline. In such cases, we adjust the points of such applicants downward.

19. Finally, the NCE FM applicant's qualifications for points are initially determined "as of the closing of the filing window" *i.e.*, the November 9, 2021, filing deadline.⁵² For example, NCE organizations are considered "established" if they have operated as local entities since November 9, 2019, *i.e.*, for at least two years prior to the November 9, 2021, Application Deadline. These "snap shot" applicant characteristics establish an applicant's maximum points and its maximum position in the event of a tie-breaker. This common reference date ensures a level competitive field for applicants, with their qualifications all compared as of the same time.⁵³ In order to prevent gamesmanship, any changes made after the filing deadline may potentially diminish, but cannot enhance, an applicant's comparative position and point total. Therefore, we have taken into account any amendments that adversely affect an applicant's point total and comparative position. We have not considered any amendments, filed after the filing deadline, which improve an applicant's comparative position.⁵⁴

III. GROUP-BY-GROUP ANALYSES

20. This Section contains narrative descriptions of our analyses, organized sequentially by group number. Unless otherwise noted, each component of the analysis is based on information provided by each of the respective applicants.⁵⁵ We have provided readers with an Appendix that condenses the group-by-group narratives that follow into chart form for quick reference.

⁵⁰ See 2000 NCE Report and Order, 15 FCC Rcd at 7423, para. 89.

⁵¹ See, e.g., *Comparative Consideration of 32 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations Filed in the October 2007 Filing Window*, Memorandum Opinion and Order, 25 FCC Rcd 5013, 5017, para. 11 (2010) ("applicant submitting no timely documentation at all cannot be found to have made a valid certification").

⁵² See 47 CFR § 73.7003(e).

⁵³ See, e.g., *2001 NCE MO&O*, 16 FCC Rcd at 5082-83, paras. 23-26; see also *id.* at 5083, para. 26 ("Of overall concern to us in this area is that we are comparing applications that use the same data. Reliance on information as of the close of the window will ensure that applicants have essentially a common reference date. With a common reference date and a common method of calculating population, the staff will analyze applicants on a similar basis.").

⁵⁴ See 47 CFR § 73.7003(e). For example, an applicant may lose claimed points, such as the diversity of ownership points, as a result of acquiring an overlapping station after the November 2021, filing deadline. In contrast, if an applicant certifies that it does not qualify for one of the point factors, it cannot later amend its application to claim such points. This is the case even if the applicant actually would have qualified for the point it is seeking at the time it filed the application.

⁵⁵ See FCC Form 2100, Schedule 340, Fair Distribution of Service certifications and Point System Factors/Tiebreakers certifications.

21. At the outset, we again note that each group of applicants has had an opportunity to resolve mutual exclusivities by settlement and technical amendment. In addition, we emphasize that applicants were required to report their qualifications as of the date of closing of the filing window.⁵⁶ Any changes made thereafter may potentially have diminished, but could not enhance, an applicant's comparative position. Finally, we note that the majority of these 34 groups require no discussion of the initial 307(b) analysis because the applicants within the group either all proposed to serve the same community⁵⁷ or certified that they are not eligible for a fair distribution preference. In such cases, we proceed directly to the point system analysis.

22. **Group 14.** This group consists of three applications proposing service to different communities in Arkansas, Oklahoma, and Missouri. Gentry Communications Network, Inc. (GCN) proposes to serve Sulphur Springs, Arkansas; Centro Familiar de Restauracion y Vida (CFRV) proposes to serve Noel, Missouri; and Citizenship Tulsa, Inc. (CT) proposes to serve Adair, Oklahoma. Each applicant claims that it is eligible for a fair distribution preference.⁵⁸ GCN and CT each claims a fair distribution preference based on first NCE service population totals. CFRV does not, and is therefore, eliminated. GCN and CT claim to provide first NCE service to 7,772 people and 6,198 people, respectively. The proposals are comparable because neither exceeds the other by at least 5,000 people. Accordingly, we consider combined first and second NCE service population totals. GCN would provide a first or second NCE service to 18,334 people (7,772 first service plus 10,562 second service); CT to 18,332 people (6,198 first service plus 12,134 second service). Because these proposals are also comparable, GCN and CT proceed to a point system analysis.

23. GCN claims three points as an established local applicant. CT certifies that it is not entitled to any points under this criterion. Each applicant claims two points for diversity of ownership, with GCN's claim based on a commitment to divest LPFM station KOZR-LP, Gentry, Arkansas. CT did not submit documentation to support its diversity claim, and certifies that it has two other existing authorizations. Thus, we do not award diversity of ownership points to CT.⁵⁹ Neither applicant claims points as a state-wide network. With respect to technical parameters, GCN's proposed 60 dBu contour would encompass 1,973 square kilometers with a population of 34,210. CT's proposed 60 dBu contour would encompass 1,674 square kilometers with a population of 29,747. GCN qualifies for one point as the best technical proposal because it proposes to serve at least 10% more area and population than CT. Accordingly, CT is not credited with any points, and GCN is credited with a total of six points. GCN is, therefore, the tentative selectee in Group 14.

24. **Group 16.** This group consists of two applications proposing service to different communities in Arizona. Remanente Broadcasting Network (RBN) proposes to serve Dudleyville, and Arizona Board of Regents for Benefit of University of Arizona (ABOR) proposes to serve Kearny. Neither applicant claims eligibility for a fair distribution preference. Accordingly, the applicants proceed to a point system analysis.

⁵⁶ *NCE Filing Procedures Public Notice* at 10-11.

⁵⁷ The fair distribution analysis is only considered when applicants in an MX group propose to serve different communities.

⁵⁸ See File Nos. 167736, 167086 and 167841, Fair Distribution of Service Section, and associated exhibits. GCN's 60 dBu contour encompasses 34,210 people, and its claimed aggregated first and second NCE service is 18,334 people. CFRV's 60 dBu contour encompasses 40,137 people, and its claimed aggregated first and second NCE service is 15,524 people. CT's 60 dBu contour encompasses 29,747 people, and its claimed aggregated first and second NCE service is 18,332 people. Thus, each applicant would provide a combined first and second NCE service to at least 10% of the population within its 60 dBu contour and to more than 2,000 people.

⁵⁹ We note that even if we were to award the two diversity points to CT, it would not change the outcome of this group.

25. ABOR claims three points as an established local applicant. RBN certifies that it is not entitled to any points under this criterion. RBN claims two points for diversity of ownership; ABOR does not. Neither applicant claims points as a state-wide network. With respect to technical parameters, RBN's proposed 60 dBu contour would encompass 4,140 square kilometers with a population of 23,872. ABOR's proposed 60 dBu contour would encompass 3,523 square kilometers with a population of 7,351. RBN qualifies for one point as the best technical proposal because it would serve at least 10% more area and population than ABOR. Accordingly, RBN and ABOR are each credited with three points and proceed to the tie-breaker analysis.

26. 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. RBN certifies that it has no attributable interest in any radio authorization, and ABOR certifies that it has attributable interests in 26 radio authorizations. RBN is, therefore, the tentative selectee in Group 16.⁶⁰

27. **Group 32.** This group consists of three applications proposing service to different communities in California. Delta 2000 (Delta) proposes to serve Byron; Iglesia del Valle (IDV) proposes to serve Manteca; and Hatch Workshop (HW) proposes to serve Terminous. No applicant claims eligibility for a fair distribution preference. Accordingly, the applicants proceed to a point system analysis.

28. Each applicant claims three points as an established local applicant. However, because IDV did not submit any supporting documentation for its localism claim, we do not award IDV localism points. Each applicant claims two points for diversity of ownership. IDV, however, certifies that it has one other existing authorization and did not submit documentation to support its diversity claim. We, therefore, do not award IDV points under this criterion. IDV also claims two points as a state-wide network. Such points, however, are only available to applicants that do not qualify for two points for diversity of ownership. IDV cannot claim points under both criteria.⁶¹ With respect to technical parameters, Delta's proposed 60 dBu contour would encompass 167 square kilometers with a population of 10,376. HW's proposed 60 dBu contour would encompass 274 square kilometers with a population of 37,566. IDV's application is incomplete because it only lists the proposed population, and we, therefore, cannot consider IDV's technical parameters in our analysis. HW qualifies for two points as the best technical proposal because it proposes to serve at least 25% more area and population than Delta. Accordingly, IDV is not credited with any points, Delta is credited with a total of five points, and HW is credited with a total of seven points. HW is, therefore, the tentative selectee in Group 32.

29. **Group 34.** This group consists of three applications proposing service to different communities in California. Remanente Broadcasting Network (RBN) proposes to serve Boron; Cedar Broadcasting, Inc. (CBI) proposes to serve Randsburg; and Nevada Public Radio (NPR) proposes to serve Ridgecrest. No applicant claims eligibility for a fair distribution preference. Accordingly, the applicants proceed to a point system analysis.

30. No applicant claims points as an established local applicant or as a state-wide network. RBN and NPR claim two points each for diversity of ownership. CBI certifies that it is not entitled to points under this criterion. With respect to technical parameters, RBN's proposed 60 dBu contour would encompass 8,002 square kilometers with a population of 42,073. CBI's proposed 60 dBu contour would encompass 4,838 square kilometers with a population of 49,003. NPR's proposed 60 dBu contour would

⁶⁰ We note that Triangle Access Broadcasting, Inc. (TABI) filed an Informal Objection to the RBN application. See Pleading No. 167141. We generally do not consider objections at this stage, but rather, review the merits of any objection if/when the subject application becomes accepted for filing. We will review the merits of TABI's objection after the tentative selectee's application is accepted for filing.

⁶¹ See 47 CFR § 73.7003(b)(3). Moreover, IDV does not submit any information to support its claim that it qualifies as a state-wide network.

encompass 8,571 square kilometers with a population of 53,539. Because no applicant's proposal would serve at least 10% more area and population than the next best proposal, we do not award points for this criterion. Accordingly, CBI is not credited with any points; RBN and NPR are each credited with a total of two points and proceed to a tie-breaker analysis.

31. 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. RBN certifies that it has no attributable interests in any radio authorization, and NPR certifies that it has attributable interests in 15 radio authorizations. RBN is, therefore, the tentative selectee in Group 34.⁶²

32. **Group 49B.**⁶³ This group consists of three applications proposing service to different communities in Virginia. Positive Alternative Radio, Inc. (PAR) proposes to serve Courtland; Redeemer Broadcasting, Inc. (RBI) proposes to serve Fredericksburg; and Calvary Baptist Church of Spotsylvania (CBCS) proposes to serve Spotsylvania. No applicant claims eligibility for a fair distribution preference. Accordingly, the applicants proceed to a point system analysis.

33. CBCS claims three points as an established local applicant. PAR and RBI do not claim points under this criterion. RBI and CBCS claim two points each for diversity of ownership. PAR certifies that it does not qualify for points under this criterion. No applicant claims points as a state-wide network. With respect to technical parameters, PAR's proposed 60 dBu contour would encompass 1,764 square kilometers with a population of 153,432. RBI's proposed 60 dBu contour would encompass 1,164 square kilometers with a population of 133,089. CBCS's proposed 60 dBu contour would encompass 1,407 square kilometers with a population of 146,515. No applicant qualifies for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, PAR is not credited with any points; RBI is credited with a total of two points; CBCS is credited with a total of five points. CBCS is, therefore, the tentative selectee in Group 49B.

34. **Group 50.** This group consists of two applications proposing service to different communities in Florida. Putnam Radio Ministries, Inc. (PRMI) proposes to serve Keystone Heights, and Inverse Focus Ministry, Inc. (IFMI) proposes to serve Starke. Neither applicant claims eligibility for a fair distribution preference. Accordingly, the applicants proceed to a point system analysis.

35. Neither applicant claims points as an established local applicant or state-wide network. PRMI and IFMI each certifies that it is entitled to two points for diversity of ownership. PRMI, however, provides no support for its diversity claim, and certifies that it has one existing authorization. Accordingly, we do not award points to PRMI under this criterion.⁶⁴ With respect to technical parameters, PRMI's proposed 60 dBu contour would encompass 840 square kilometers with a population of 29,383. IFMI's proposed 60 dBu contour would encompass 925 square kilometers with a population

⁶² We note that Triangle Access Broadcasting, Inc. (TABI) filed an Informal Objection to the RBN application. *See* Pleading No. 167141. We generally do not consider objections at this stage, but rather, review the merits of any objection if/when the subject application becomes accepted for filing. We will review the merits of TABI's objection after the tentative selectee's application is accepted for filing.

⁶³ Group 49, which originally contained 13 applications, was bifurcated as a result of a technical amendment. The other applications in the group were evaluated as Group 49A in a previous order. *See Threshold Fair Distribution Analysis of 13 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, DA 22-477, at para. 10 (MB May 2, 2022) (*13 Group Fair Distribution Order*).

⁶⁴ We note that even if we were to award PRMI points for diversity of ownership, it would not change the outcome of this group.

of 34,857. IFMI receives one point under the best technical proposal criterion because it would serve at least 10% more area and population than PRMI. Accordingly, PRMI is not credited with any point, and IFMI is credited with a total of three points. IFMI is, therefore, the tentative selectee in Group 50.

36. **Group 51.** This group consists of two applications proposing service to the same community in Florida. Teleamerica Communications West Palm Beach Corp. (TCW) and Newland Broadcasters Incorporated (NBI) each proposes service to Key West. Because the applicants propose service to the same community, TCW and NBI proceed to a point system analysis.

37. Neither applicant claims points as an established local applicant. Each applicant claims two points for diversity of ownership. NBI also claims points as a state-wide network. Such points, however, are only available to applicants that do not qualify for two points for diversity of ownership. NBI cannot receive points under both criteria.⁶⁵ With respect to technical parameters, TCW's proposed 60 dBu contour would encompass 16 square kilometers with a population of 24,649. NBI's proposed 60 dBu contour would encompass 11 square kilometers with a population of 23,342. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Thus, TCW and NBI are each credited with a total of two points and proceed to a tie-breaker analysis.

38. 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. TCW certifies that it has no attributable interests in any radio authorization, and NBI certifies that it has an attributable interest in one radio authorization. TCW therefore prevails based on this first tie-breaker and is the tentative selectee in Group 51.⁶⁶

39. **Group 54.** This group consists of four applications proposing service to the same community in Florida. Call Communications Group, Inc. (CCGI), Ethree Group, Inc. (EGI), New Media Humanity Association Inc. (NMHA), and Central Baptist Church of Ocala Inc. (CBCO) each proposes to serve Weeki Wachee. Because the applicants propose to serve the same community, they proceed to a point system analysis.

40. No applicant claims that it qualifies for points as an established local applicant or state-wide network. Each applicant claims two points for diversity of ownership with NMHA's claim based on a pledge to divest its LPFM station, WYPW-LP, Brandon, Florida. With respect to technical parameters, CCGI's proposed 60 dBu contour would encompass 847 square kilometers with a population of 110,411. EGI's proposed 60 dBu contour would encompass 693 square kilometers with a population of 88,689. NMHA's proposed 60 dBu contour would encompass 668 square kilometers with a population of 97,594. CBCO's proposed 60 dBu contour would encompass 945 square kilometers with a population of 105,470. No applicant is eligible for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, CCGI, EGI, NMHA, and CBCO are credited with a total of two points each and proceed to a tie-breaker analysis.

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. CCGI certifies that it has attributable interests in nine radio authorizations, and CBCO certifies that it has attributable interests in two radio authorizations. EGI and NMHA each certifies that it has no

⁶⁵ See 47 CFR §73.7003(b)(3). Moreover, NBI does not submit any information to support its claim that it qualifies as a state-wide network.

⁶⁶ Between December 20, 2021, to May 11, 2022, NBI filed several petitions to deny the TCW application. See Pleading Nos. 177507, 186288, and 190458. Because the TCW application has not yet been accepted for filing, the NBI petitions are premature and will not be considered at this stage. We will review the merits of the NBI petitions after the TCW application is accepted for filing.

attributable interest in any radio authorization. CCGI and CBCO are therefore eliminated, and EGI and NMHA proceed to the second tie-breaker – the number of pending radio applications attributable to each applicant. The applicant with the fewest applications prevails. EGI certifies it has no pending applications, and NMHA certifies it has one pending application. EGI's count, however, is inaccurate because it does not include the instant application and its six other pending applications.⁶⁷ After accounting for this error and adjustment, NMHA prevails on the basis of this second tie-breaker and is the tentative selectee in Group 54.

42. **Group 55.** This group consists of four applications to serve different communities in Florida. Ethree Group, Inc. (EGI) proposes to serve Big Pine; Key West Radio (KWR) and Specialized Educational Broadcasting (SEB) each proposes to serve Key West; Frequency Zero, Inc. (FZI) proposes to serve Stock Island. Each applicant certifies that it is not eligible for a fair distribution preference. Accordingly, all four applicants proceed to a point system analysis.

43. No applicant claims that it qualifies for points as an established local applicant or state-wide network. Each applicant claims two points for diversity of ownership. With respect to technical parameters, EGI's proposed 60 dBu contour would encompass 312 square kilometers with a population of 26,234. KWR's proposed 60 dBu contour would encompass 30 square kilometers with a population of 29,890. SEB's proposed 60 dBu contour would encompass 37 square kilometers with a population of 29,550. FZI's proposed 60 dBu contour would encompass 33 square kilometers with a population of 31,066. No applicant is eligible for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, EGI, KWR, SEB, and FZI are each credited with a total of two points and proceed to a tie-breaker analysis.

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. Each applicant certifies that it has no attributable interest in any radio authorization. All four applicants, therefore, proceed to the second tie-breaker – the number of pending radio applications attributable to each applicant. The applicant with the fewest applications prevails. EGI certifies it has no pending applications; KWR certifies it has one pending application; SEB certifies that it has five pending applications; FZI certifies it has two pending applications. EGI's count, however, is inaccurate because it does not include the instant application and its six other pending applications.⁶⁸ After accounting for this error and adjustment, KWR has the fewest pending applications, and is therefore, the tentative selectee in Group 55.

45. **Group 63.** This group consists of three applications proposing service to the same community in Georgia. Inverse Focus Ministry, Inc. (IFM), Frequency Zero, Inc. (FZI), and Sanctuary Church (SC) each proposes to serve Darien. Because each applicant proposes to serve the same community, the three applicants proceed to a point system analysis.

46. SC claims that it qualifies for three points as an established local applicant; IFM and FZI do not claim points under this criterion. Each applicant claims two points for diversity of ownership with SC's claim based on a pledge to divest LPFM station WWZR-LP, Brunswick, Georgia. No applicant claims that it qualifies for points as a state-wide network. With respect to technical parameters, IFM's proposed 60 dBu contour would encompass 3,018 square kilometers with a population of 59,210. FZI's proposed 60 dBu contour would encompass 348 square kilometers with a population of 36,249. SC's proposed 60 dBu contour would encompass 667 square kilometers with a population of 54,575. No applicant is eligible for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than another. Accordingly, SC is credited with a total of five

⁶⁷ See File Nos. 166667, 166680, 166720, 166738, 167098, 167113, and 167131.

⁶⁸ See File Nos. 166667, 166680, 166720, 166738, 167098, 167113, and 167131.

points, and IFM and FZI are each credited with two points. SC is, therefore, the tentative selectee in Group 63.

47. **Group 79.** This group consists of seven applications proposing service to four different communities in Iowa. Friendship Baptist Church (FBC), Bible Broadcasting Network, Inc. (BBN), Community Public Radio, Inc. (CPR), and Calvary Chapel Iowa (CCI) each proposes to serve Cedar Rapids. Rising Tide Broadcasting, Inc. (RTB) proposes to serve Center Point. Vida Ministry Inc. (VM) proposes to serve Marion, and Extend the Dream Foundation (EDF) proposes to serve Swisher. Each applicant certifies that it is not eligible for a fair distribution preference, and accordingly, all seven applicants proceed to a point system analysis.

48. FBC, CCI, and EDF each claims that it qualifies for three points as an established local applicant. BBN, CPR, RTB, and FM do not claim points under this criterion. Each applicant claims two points for diversity of ownership with CCI's claim based on a pledge to divest LPFM station KEWR-LP, Cedar Rapids, Iowa, and EDF's claim based on a pledge to divest KICI-LP, Iowa City, Iowa. No applicant claims that it qualifies for points as a state-wide network. With respect to technical parameters, the applicants' proposed 60 dBu contours would encompass areas and populations as follows: FBC, 1,598 square kilometers with a population of 207,189; BBN, 1,551 square kilometers with a population of 205,737; CPR, 4,034 square kilometers with a population of 250,043; CCI, 2,008 square kilometers with a population of 217,630; RTB, 2,011 square kilometers with a population of 211,469; VM, 2,685 square kilometers with a population of 231,036; and EDF, 2,846 square kilometers with a population of 230,891. No applicant is eligible for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, FBC, CCI, and EDF are each credited with a total of five points; BBN, CPR, RTB, and VM are each credited with two points. FBC, CCI, and EDF, therefore, proceed to a tie-breaker analysis.

49. 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. Each applicant certifies that it has no attributable interest in any radio authorization.⁶⁹ Accordingly, FBC, CCI, and EDF proceed to the second tie-breaker – the number of pending radio applications attributable to each applicant. The applicant with the fewest applications prevails. FBC and EDF each certifies it has one pending application, and CCI certifies it has no pending applications. Applicants, however, were required to count the application at issue when reporting their pending applications. Therefore, “one” pending application is the lowest possible number of pending applications that can be specified correctly on the Schedule 340.⁷⁰ With this adjustment, FBC, CCI, and EDF remain tied and proceed to a third tie-breaker - prior NCE applications.

50. The tentative selectee will be the applicant that can demonstrate that: (1) it applied in a previous filing window, and had its application accepted for filing and processed, but subsequently dismissed in favor of an applicant possessing superior points or a tie-breaker showing; (2) it was in continuous existence as a legal entity at all times from the date of the previous NCE window filing until the present; and (3) it does not hold any NCE construction permit or license. No applicant certifies that it satisfies this final tie-breaker criterion. Accordingly, FBC, CCI, and EDF are all the tentative selectees

⁶⁹ CCI and EDF pledge to divest their current LPFM stations, and accordingly, were not required to count these stations as existing authorizations. See Schedule 340, Point System/Tie-breakers Section, Existing Authorizations (“Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest/resign from an attributable positional interest) under Diversity of Ownership”).

⁷⁰ See *NCE Filing Procedures Public Notice*, *supra* note 24 (“When reporting pending applications, applicants must include new and major change radio applications, including the subject application and all other applications filed in this window by the Application Deadline.”).

for Group 79, and, we direct the applicants to submit, within 90 days of the release of the Order, a voluntary time-sharing agreement.

51. **Group 83.**⁷¹ This group consists of two applications proposing service to the same community in Idaho. First Baptist Church of Riverview (FBCR) and Salt & Light Radio, Inc. (SLRI) each proposes to serve Mountain Home. Because the applicants propose service to the same community, FBCR and SLRI proceed to a point system analysis.

52. Neither applicant claims points as an established local applicant or state-wide network. Each applicant certifies that it is entitled to two points for diversity of ownership. With respect to technical parameters, FBCR's proposed 60 dBU contour would encompass 1,815 square kilometers with a population of 25,104. SLRI's proposed 60 dBU contour would encompass 1,809 square kilometers with a population of 23,846. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Accordingly, FBCR and SLRI are each credited with two points and proceed to a tie-breaker analysis.

53. 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. FBCR certifies that it has attributable interests in seven radio authorizations, and SLRI certifies that it has five radio attributable interests. Accordingly, SLRI is the tentative selectees in Group 83.

54. **Group 92.** This group consists of four applications to serve different communities in Illinois and Indiana. Covenant Network (CN) and 2820 Communications Inc. (2820) each proposes to serve Danville, Illinois. Appalachian Educational Communication Corporation (AECC) proposes to serve Paris, Illinois, and Olivet Nazarene University (ONU) proposes to serve Wingate, Indiana. Each applicant certifies that it is not eligible for a fair distribution preference, and accordingly, all four applicants proceed to a point system analysis.

55. No applicant claims that it qualifies for points as an established local applicant or state-wide network. Each applicant claims two points for diversity of ownership. However, because CN and 2820 did not submit documentation to support this claim, we cannot award either applicant points under this criterion.⁷² With respect to technical parameters, CN's proposed 60 dBU contour would encompass 402 square kilometers with a population of 16,197. 2820's proposed 60 dBU contour would encompass 2,375 square kilometers with a population of 85,330. AECC's proposed 60 dBU contour would encompass 1,272 square kilometers with a population of 18,443. ONU's proposed 60 dBU contour would encompass 1,620 square kilometers with a population of 35,227. 2820 is eligible for two points under the

⁷¹ Group 83 was analyzed in a previous point system order, and First Baptist Church of Riverview (FBCR) was declared the tentative selectee. *See Comparative Consideration of 32 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 22-78 (rel. Oct. 25, 2022). On November 1, 2022, FBCR notified Bureau staff that it had prepared an amendment to update its count of existing authorizations to reflect recent grants and assignments, all of which had occurred prior to the October 25, 2022, release of the point order, but inadvertently neglected to file the amendment. Therefore, on November 1, 2022, FBCR concurrently filed its amendment to update its count of existing authorizations. On November 25, 2022, Salt & Light Radio, Inc. filed a petition to deny the FBCR application (SLRI Petition), asserting that FBCR's recent amendment changes the result of the previous point system analysis and "had the information now available to the agency staff been before the staff when the Order was released 30 days ago, the staff would have tentatively selected Salt & Light's competing application." *See* Pleading No. 204286. FBCR did not file an opposition to the SLRI Petition. The initial tentative selection of the FBCR application was an interlocutory decision, not a final action on the two applications in Group 83, and therefore, can be modified or rescinded when, as the case here, new facts arise which demonstrate the tentative selection was made without accurate data, and therefore, wrong. We, therefore, re-analyze Group 83 herein and dismiss the SLRI Petition as moot.

⁷² CN and 2820 each hold attributable interests in Illinois and/or nearby states. Each applicant neglected to submit a statement that there is no overlap with the proposed station.

best technical proposal criterion because it proposes to serve at least 25% more area and population than each other applicant. Accordingly, CN is not credited with any points. 2820, AECC, and ONU are each credited with two points and proceed to a tie-breaker analysis.

56. 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. 2820 certifies that it has an attributable interest in nine radio authorizations, AECC in five, and ONU in seven. Accordingly, AECC is the tentative selectee for Group 92.

57. **Group 106.** This group consists of two applications proposing service to the same community in Rhode Island. Radio Sharon Foundation (RSF) and Horizon Christian Fellowship (HCF) each proposes to serve Narragansett Pier. Because the applicants propose to serve the same community, RSF and HCF proceed to a point system analysis.

58. RSF certifies that it is entitled to three points as an established local applicant. HCF does not claim points under this criterion. Each applicant claims two points for diversity of ownership. Neither applicant claims points as a state-wide network. With respect to technical parameters, RSF's proposed 60 dBu contour would encompass 203 square kilometers with a population of 49,310 people. HCF's proposed 60 dBu contour would encompass 976 square kilometers with a population of 59,822 people. HCF is eligible for one point under the best technical proposal criterion because it proposes to serve at least 10% more area and population than RSF. Accordingly, RSF is credited with a total of five points, and HCF is credited with a total of three points. Thus, RSF is the tentative selectee in Group 106.

59. **Group 124.** This group consists of six applications to serve different communities in Minnesota. Southern Minnesota Catholic Radio has two applications in the group, one for Mankato (SMCR-Mankato) and one for Waseca (SMCR-Waseca). The other applicants are: Minnesota State University, Mankato (MSUM), One Day Church Project, Inc. (ODCPI), and Fairmont Area Catholic Radio (FACR), each for Mankato; and Minn-Iowa Christian Broadcasting Inc. (MICBI) for Mapleton. No applicant claims eligibility for a fair distribution preference. Accordingly, the six applicants proceed to a point system analysis.

60. MSUM and MICBI each claim three points as an established local applicant. The other four applicants do not claim points under this criterion. ODCPI, SMCR-Mankato, FACR, and SMCR-Waseca each claim two points for diversity of ownership, with ODCPI's claim based on a pledge to divest LPFM station KCJL-LP, Dodge Center, Minnesota, and with FACR's claim based on a pledge to divest LPFM station KYEJ-LP, Fairmont, Minnesota. MSUM and MICBI do not claim diversity points. No applicant claims points as a state-wide network. With respect to technical parameters, each applicant's proposed 60 dBu contours would encompass areas and populations as follows: MSUM, 4,352 square kilometers with a population of 120,672; ODCPI, 4,951 square kilometers with a population of 133,200; SMCR-Mankato, 755 square kilometers with a population of 70,902; FACR, 1,104 square kilometers with a population of 76,602; MICBI, 756 square kilometers with a population of 6,485; and SMCR-Waseca, 617 square kilometers with a population of 25,524. ODCPI is credited with one point under the best technical proposal criterion because its proposal will serve at least 10% more area and population than MSUM's next best proposal. Accordingly, SMCR-Mankato, FACR, and SMCR-Waseca are each credited with a total of two points; MSUM, MICBI, and ODCPI are each credited with a total of three points and therefore proceed to the tie-breaker analysis.

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. MSUM certifies that it has attributable interests in three radio authorizations. MICBI certifies that it has attributable interests in 25 radio authorizations, and ODCPI certifies it has no attributable radio authorizations. ODCPI therefore prevails based on this first tie-breaker and is the tentative selectee in Group 124.

62. **Group 137B.**⁷³ This group consists of three applications to serve different communities in North Carolina. Hitquake Community Radio Network (HCRN) proposes to serve Glencoe. Church Planters of America (CPA) proposes to serve McLeansville, and Hispanic American Christian Network, Inc. (HACNI) proposes to serve Sedalia. No applicant claims eligibility for a fair distribution preference. Accordingly, the three applicants proceed to a point system analysis.

63. No applicant claims points as an established local applicant or state-wide network. Each applicant claims two points for diversity of ownership. With respect to technical parameters, HCRN's proposed 60 dBu contour would encompass 129 square kilometers with a population of 31,147. CPA's proposed 60 dBu contour would encompass 305 square kilometers with a population of 47,401. HACNI did not provide information regarding its proposed 60 dBu contour or population served, and is therefore not included in our analysis for the best technical proposal. CPA qualifies for two points as the best technical proposal because it proposes to serve at least 25% more area and population than the HCRN proposal. Accordingly, HCRN and HACNI are each credited with two points. CPA is credited with a total of four points, and is, therefore, the tentative selectee in Group 137B.

64. **Group 137C.**⁷⁴ This group consists of three applications to serve the same community in Virginia. Positive Alternative Radio, Inc. (PARI), Church Planters of America (CPA), and Hitquake Community Radio Network (HCRN) all propose to serve Danville. Because each applicant proposes to serve the same community, the three applicants proceed to a point system analysis.

65. No applicant claims points as an established local applicant or state-wide network. CPA and HCRN each claim two points for diversity of ownership; PARI does not. With respect to technical parameters, PARI's proposed 60 dBu contour would encompass 351 square kilometers with a population of 59,098. CPA's proposed 60 dBu contour would encompass 665 square kilometers with a population of 60,139. HCRN's proposed 60 dBu contour would encompass 813 square kilometers with a population of 72,547. HCRN qualifies for one point under the best technical proposal criterion because its proposal would serve at least 10% more area and population than CPA's next best proposal. Accordingly, PARI is not credited with any points, CPA is credited with two points, and HCRN is credited with a total of three points. HCRN is, therefore, the tentative selectee in Group 137C.

66. **Group 144.** This group consists of four applications to serve different communities in New Jersey. Radio Vision Cristiana Management Corporation (RVCMC) proposes to serve Brick. Rejuvenation Outreach Center Inc. (ROCI) and Community Public Radio, Inc. (CPRI) each proposes to serve Lakewood. Cantico Nuevo Ministry, Inc. (CNMI) proposes to serve Leisure Village. No applicant claims eligibility for a fair distribution preference. Accordingly, the four applicants proceed to a point system analysis.

67. CNMI claims three points as an established local applicant, but did not submit documentation to support its claim. Accordingly, we will not award CNMI the three localism points. RVCMC, ROCI, and CPRI do not claim points under this criterion. RVCMC, ROCI, and CPRI claim two points for diversity of ownership; CNMI does not. CNMI claims two points as a state-wide network, but did not submit documentation to support its claim. Accordingly, we will not award CNMI the two points as a state-wide network. With respect to technical parameters, RVCMC's proposed 60 dBu contour would encompass 520 square kilometers with a population of 392,195. ROCI's proposed 60 dBu contour would encompass 113 square kilometers with a population of 126,118.⁷⁵ CPRI's proposed 60

⁷³ Group 137, which originally consisted of 16 applications, was divided into three sub-groups as a result of a technical amendment. Groups 137B and 137C are evaluated herein. The applications in Group 137A were evaluated in a previous order. See *13 Group Fair Distribution Order*, *supra* note 63.

⁷⁴ See *supra* note 73.

⁷⁵ On December 23, 2021, ROCI amended its application to increase its proposed area to 116.5 square kilometers and its proposed population to 130,531. Because the amendment was filed after the close of the filing window, we
(continued....)

dBu contour would encompass 534 square kilometers with a population of 396,270. CNMI's proposed 60 dBu contour would encompass 173 square kilometers with a population of 128,350. No applicant is eligible for any points under the best technical proposal criterion because no proposal will serve at least 10% more area and population than the next best proposal. Accordingly, CNMI is not credited with any points; RVCMC, ROCI, and CPRI are each credited with two points and proceed to the tie-breaker analysis.

68. 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. RVCMC certifies that it has attributable interests in five radio authorizations. ROCI certifies that it has no attributable radio interests. CPRI certifies that it has attributable interests in one radio authorization. ROCI therefore prevails based on this first tie-breaker and is the tentative selectee in Group 144.

69. **Group 145.** This group consists of five applications to serve different communities in New Jersey. Casa de Destino (CDD) and Calvary Chapel Morris Hills (CCMH) each proposes to serve Bernardsville; Redeemer Broadcasting, Inc. (RBI) proposes to serve Mendham; Transmission Communications Network (TCN) proposes to serve Millington; and Cantico Nuevo Ministry, Inc. (CNM) proposes to serve Watchung. CDD, CCMH, and RBI each claim eligibility for a fair distribution preference.⁷⁶ TCN and CNM do not claim eligibility for a fair distribution preference. Although CDD certifies that it is eligible for a fair distribution preference, it failed to timely provide sufficient documentation to support its claim in its original application.⁷⁷ Accordingly, TCN, CNM, and CDD are each eliminated. CCMH claims to provide new first NCE service to 36,190 people; RBI to 38,643 people. The proposals of CCMH and RBI are comparable because neither proposal exceeds the other by at least 5,000 people. Accordingly, we consider combined first and second NCE service population totals. CCMH would provide a first or second NCE service to 83,722 people (36,190 first service plus 47,532 second service); RBI to 88,378 people (38,643 first service plus 49,735 second service). Because the CCMH and RBI applications are still comparable, CCMH and RBI proceed to a point system analysis.

70. CCMH claims three points as an established local applicant; RBI does not. Both CCMH and RBI claim two points for diversity of ownership, with CCMH's claim based on a pledge to divest LPFM station WCFT-LP, Dover, New Jersey. Neither applicant claims points as a state-wide network. With respect to technical parameters, CCMH's proposed 60 dBu contour would encompass 431 square kilometers with a population of 177,699. RBI's proposed 60 dBu contour would encompass 457 square kilometers with a population of 157,527. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Accordingly, CCMH

do not consider it. We have repeatedly disallowed the enhancement of qualifications in NCE comparative cases, consistent with section 73.7003(e) of the rules. *See* 47 CFR §73.7003(e).

⁷⁶ *See* File Nos. 167880, 167028, and 166759, Fair Distribution of Service Section, and associated exhibits. CDD's 60 dBu contour encompasses 134,947 people, and its claimed aggregated first and second NCE service is 75,634 people. CCMH's 60 dBu contour encompasses 177,699 people, and its claimed aggregated first and second NCE service is 83,722 people. RBI's 60 dBu contour encompasses 157,527 people, and its claimed aggregated first and second NCE service is 88,378 people. Thus, each applicant would provide a combined first and second NCE service to at least 10% of the population within its 60 dBu contour and to more than 2,000 people.

⁷⁷ *See* File No. 167880, Fair Distribution of Service Section, and associated exhibits. In CDD's original application, submitted on November 9, 2021, it did not certify that it would provide a first or second NCE service, nor did it attach the required documentation. CDD submitted an amendment to the original application on January 24, 2022, that "corrects the [fair distribution of service] certifications and supplies the required supporting documentation." *Id.* We find that CDD's amended application, which claimed fair distribution preference for the first time, was a prohibited attempt to enhance its comparative position, and will therefore not be considered.

is credited with a total of five points, and RBI is credited with a total of two points. CCMH is, therefore, the tentative selectee in Group 145.⁷⁸

71. **Group 153.** This group consists of three applications to serve the same community in New Mexico. Off the Cuff Educational Broadcasting (OTCEB), City of Hobbs, NM (CHN), and The Association for Community Education, Inc. (AFCEI) all propose to serve Hobbs. Because each applicant proposes to serve the same community, the three applicants proceed to a point system analysis.

72. CHN claims three points as an established local applicant; OTCEB and AFCEI do not claim localism points. CHN and AFCEI each claim two points for diversity of ownership, with CHN's claim based on a pledge to divest LPFM station KHBX-LP, Hobbs, New Mexico. OTCEB does not claim points under this criterion. No applicant claims points as a state-wide network. With respect to technical parameters, OTCEB's proposed 60 dBu contour would encompass 484 square kilometers with a population of 34,628. CHN's proposed 60 dBu contour would encompass 1,304 square kilometers with a population of 44,280. AFCEI's proposed 60 dBu contour would encompass 495 square kilometers with a population of 42,589. No applicant is eligible for any points under the best technical proposal criterion because no proposal will serve at least 10% more area and population than the next best proposal. Accordingly, OTCEB is not credited with any points, CHN is credited with five points, and AFCEI is credited with two points. CHN is, therefore, the tentative selectee in Group 153.

73. **Group 156.** This group consists of three applications proposing service to the same community in New Mexico. Northern New Mexico Radio Foundation (NMRF), The Association for Community Education, Inc. (ACE), and The Rock Christian Outreach of Las Vegas (RCLV) each proposes to serve Las Vegas. Because the applicants propose service to the same community, NMRF, ACE, and RCLV proceed to a point system analysis.

74. RCLV claims it qualifies for three points as an established local applicant. NMRF and ACE do not claim points under this criterion. Each applicant claims two points for diversity of ownership, with RCLV's claim based on a pledge to divest LPFM station KLYN-LP, Las Vegas, New Mexico. No applicant claims points as a state-wide network. With respect to technical parameters, NMRF's proposed 60 dBu contour would encompass 339 square kilometers with a population of 18,311. ACE's proposed 60 dBu contour would encompass 548 square kilometers with a population of 18,938. RCLV's proposed 60 dBu contour would encompass 390 square kilometers with a population of 18,476. No applicant qualifies for points under the best technical proposal criterion because no applicant proposes to serve least 10% more area and population than the next best proposal. Accordingly, RCLV is credited with a total of five points. NMRF and ACE are each credited with two points. Thus, RCLV is the tentative selectee in Group 156.

75. **Group 174.** This group consists of two applications proposing service to the same community in Oklahoma. Woodward Catholic Radio, Inc. (WCR) and Great Plains Christian Radio, Inc. (GPCR) each proposes to serve Woodward. Because the applicants propose to serve the same community, WCR and GPCR proceed to a point system analysis.

76. WCR claims that it qualifies for three points as an established local applicant. GPCR does not claim points under this criterion. WCR also claims two points for diversity of ownership based on its pledge to divest LPFM station, KFPP-LP, Woodward, Oklahoma. GPCR does not claim diversity points. Neither applicant claims points as a state-wide network. With respect to technical parameters, WCR's proposed 60 dBu contour would encompass 1,248 square kilometers with a population of 17,400.

⁷⁸ On January 7, 2022, RBI filed an Informal Objection to the CCMH's application. See Pleading No. 179137. We generally do not consider objections at this stage, but rather, review the merits of any objection if/when the subject application becomes accepted for filing. We will review the merits of RBI's objection after the tentative selectee's application is accepted for filing.

GPCR's proposed 60 dBu contour would encompass 1,212 square kilometers with a population of 18,652. Neither applicant is eligible for points under the best technical proposal criterion because neither proposes to serve at least 10% more area and population than the other. Accordingly, WCR is credited with a total of five points, and GPCR is not credited with any points. WCR is, therefore, the tentative selectee in Group 174.

77. **Group 177.** This group consists of three applications to serve three different communities in Oklahoma. Outside the Doors Ministry Foundation (ODMF) proposes to serve Altus, Western Oklahoma Catholic Faith Foundation (WOCF) proposes to serve Elk City, and Top O' Texas Educational Broadcasting Foundation, Inc. (TEBF) proposes to serve Sayre. No applicant claims eligibility for a fair distribution preference.⁷⁹ ODMF, WOCF, and TEBF, therefore, proceed to a point system analysis.

78. WOCF claims it qualifies for three points as an established local applicant. ODMF and TEBF do not claim points under this criterion. ODMF and WOCF each claim two points for diversity of ownership, with WOCF's claim based on a pledge to divest LPFM station KPFS-LP, Elk City, Oklahoma. TEBF certifies that it is not entitled to diversity points. ODMF also claims points as a state-wide network. Such points, however, are only available to applicants that do not qualify for two points for diversity of ownership. ODMF cannot claim points under both criteria.⁸⁰ With respect to technical parameters, ODMF's proposed 60 dBu contour would encompass 985 square kilometers with a population of 26,084. WOCF's proposed 60 dBu contour would encompass 4,419 square kilometers with a population of 23,870. TEBF's proposed 60 dBu contour would encompass 2,176 square kilometers with a population of 8,115. No applicant qualifies for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, ODMF is credited with a total of two points, WOCF is credited with five points, and TEBF is not credited with any points. Thus, WOCF is the tentative selectee in Group 177.

79. **Group 181.** This group consists of two applications to serve the same community in Oregon. Coos Commons Protection Council (CCPC) and Southern Oregon University (SOU) each propose to serve Bandon. Because each applicant proposes to serve the same community, the applicants proceed to a point system analysis.

80. CCPC and SOU each claim three points as an established local applicant. CCPC and SOU also each claim two points for diversity of ownership. SOU certifies that its diversity claim is based on a divestiture pledge, but it neglects to provide such a pledge or submit any information to support its claim. Accordingly, we will not award SOU points under this criterion. Neither applicant claims points as a state-wide network. With respect to technical parameters, CCPC's proposed 60 dBu contour would encompass 1,410 square kilometers with a population of 11,439. SOU's proposed 60 dBu contour would encompass 1,306 square kilometers with a population of 11,040. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this

⁷⁹ See File No. 167817, Fair Distribution of Service Section, and associated exhibits. In its initial application, WOCF claimed eligibility for a fair distribution preference based on first and second NCE service population totals and was named the tentative selectee of Group 177. See *Threshold Fair Distribution Analysis of 19 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, DA 22-314 (MB Mar. 24, 2022). On April 22, 2022, WOCF filed an amendment to its application to disclaim its eligibility for a fair distribution preference. The initial tentative selection of the WOCF application was an interlocutory decision, not a final action on the three applications in Group 177, and therefore, can be modified or rescinded when, as the case here, facts arise which nullify the previous fair distribution analysis. In any event, WOCF remains the tentative selectee based on application of the established criteria as outlined above.

⁸⁰ See 47 CFR § 73.7003(b)(3). Moreover, ODMF does not submit any information to support its claim that it qualifies as a state-wide network.

criterion. Accordingly, CCPC is credited with a total of five points, and SOU is credited with a total of three points. CCPC is, therefore, the tentative selectee in Group 181.

81. **Group 184.** This group consists of three applications proposing service to the same community in Oregon. First Baptist Church of Riverview (FBCR), Idaho Conference of Seventh-Day Adventists, Inc. (ICSA), and Baker Art Guild (BAG) each proposes to serve Baker City. Because the applicants propose service to the same community, FBCR, ICSA, and BAG proceed to a point system analysis.

82. ICSA and BAG each claim three points as an established local applicant. FBCR does not claim points under this criterion. FBCR and BAG claim two points each for diversity of ownership; ICSA does not. No applicant claims points as a state-wide network. With respect to technical parameters, FBCR's proposed 60 dBu contour would encompass 507 square kilometers with a population of 10,865. ICSA's proposed 60 dBu contour would encompass 562 square kilometers with a population of 11,985. BAG's proposed 60 dBu contour would encompass 1,307 square kilometers with a population of 13,193. BAG qualifies for one point under the best technical proposal criterion because its proposal would serve at least 10% more area and population than ICSA's next best proposal. Accordingly, BAG is credited with a total of six points, ICSA is credited with three points, and FBCR is credited with two points. BAG is, therefore, the tentative selectee in Group 184.

83. **Group 185.** This group consists of two applications to serve the same community in Oregon. Ondas de Vida, Inc. (ODVI) and Modoc Broadcasting Corporation (MBC) each proposes to serve Altamont. Because the applicants propose to serve the same community, ODVI and MBC proceed to a point system analysis.

84. MBC claims three points as an established local applicant; ODVI does not. ODVI and MBC each claim two points for diversity of ownership. ODVI, however, certifies that it has 10 existing authorizations and does not submit documentation to support its diversity claim.⁸¹ Accordingly, we will not award ODVI points under this criterion. Neither applicant claims points as a state-wide network. With respect to technical parameters, ODVI's proposed 60 dBu contour would encompass 162 square kilometers with a population of 37,281. MBC's proposed 60 dBu contour would encompass 2,833 square kilometers with a population of 26,633. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Accordingly, ODVI is not credited with any points, and MBC is credited with a total of five points. MBC is, therefore, the tentative selectee in Group 185.

85. **Group 192.** This group consists of two applications to serve the same community in Texas. Hallettsville Right to Life, Inc. (HRLI) and Vida Ministry Inc. (VMI) each proposes to serve Hallettsville. Because HRLI and VMI propose to serve the same community, the applicants proceed to a point system analysis.

86. HRLI claims three points as an established local applicant; VMI does not. HRLI and VMI each claim two points for diversity of ownership. Neither applicant claims points as a state-wide network. With respect to technical parameters, HRLI's proposed 60 dBu contour would encompass 3,541 square kilometers with a population of 27,122. VMI's proposed 60 dBu contour would encompass 3,752 square kilometers with a population of 13,792. Neither applicant qualifies for any points under the best technical proposal criterion because neither proposes to serve at least 10% more area and population than the other. Accordingly, HRLI is credited with a total of five points, and VMI is credited with two points. HRLI is, therefore, the tentative selectee in Group 192.

⁸¹ We note that even if we were to award ODVI points for diversity of ownership, it would not change the outcome of this group.

87. **Group 198.** This group consists of two applications to serve the same community in Texas. Vida Ministry Inc. (VMI) and Ixoye Productions, Inc. (IPI) each proposes to serve Thorndale. Because VMI and IPI propose to serve the same community, the applicants proceed to a point system analysis.

88. Neither applicant claims points as an established local applicant or state-wide network. VMI and IPI each claim two points for diversity of ownership. With respect to technical parameters, VMI's proposed 60 dBu contour would encompass 440 square kilometers with a population of 3,462. IPI's proposed 60 dBu contour would encompass 150 square kilometers with a population of 2,129. VMI qualifies for two points as the best technical proposal because it proposes to serve at least 25% more area and population than the IPI proposal. Accordingly, VMI is credited with a total of four points, and IPI is credited with two points. VMI is, therefore, the tentative selectee in Group 198.

89. **Group 200.** This group consists of four applications proposing service to three different communities in Texas. Call Communications Group, Inc. (CCGI) proposes to serve Beaumont. Vida Ministry Inc. (VMI) proposes to serve Central Gardens. Christian Ministries of the Valley, Inc. (CMV) and CCS Radio, Inc. (CCSR) each proposes to serve Port Arthur. No applicant claims eligibility for a fair distribution preference. Accordingly, the four applicants proceed to a point system analysis.

90. No applicant claims points as an established local applicant or state-wide network. CCGI and VMI each claim two points for diversity of ownership. CMV and CCSR do not claim points under this criterion. With respect to technical parameters, CCGI's proposed 60 dBu contour would encompass 1,157 square kilometers with a population of 218,225; VMI, 539 square kilometers and 114,876 people; CMV, 1,882 square kilometers and 221,770 people; and CCSR, 1,402 square kilometers and 108,218 people. No applicant qualifies for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Accordingly, CMV and CCSR are not credited with any points. CCGI and VMI are each credited with a total of two points and proceed to a tie-breaker analysis.

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. VMI certifies that it has no attributable interests in any radio authorization, and CCGI certifies that it has attributable interests in nine radio authorizations. VMI therefore prevails based on this first tie-breaker and is the tentative selectee in Group 200.

92. **Group 201.** This group consists of five applications to serve five different communities in Texas. Radio Inc. (RI) proposes to serve Ballinger. The other applicants are: La Promesa Foundation (LPF) for Brady; Hispanic American Christian Network, Inc. (HACN) for El Dorado; Sun Radio Foundation (SRF) for Mason; and Centro Cristiano de Vida Eterna San Antonio (CCSA) for Rock Springs. LPF and CCSA each claim eligibility for a first NCE service fair distribution preference.⁸² RI, HACN, and SRF do not claim eligibility for a first NCE service fair distribution preference. Accordingly, RI, HACN, and SRF are each eliminated. We note that Albert David (David) filed an Informal Objection (Objection) to the CCSA application,⁸³ asserting that CCSA's population figures in support of its fair distribution claim are unreliable because it failed to consider NCE FM stations KKER(FM), Kerrville, Texas, and KTXI(FM), Ingram, Texas. CCSA, however, amended its application to account for these

⁸² See File Nos. 167328 and 167127, Fair Distribution of Service Section, and associated exhibits. LPF claims that it would provide first NCE service to 6,907 of the 6,907 people encompassed within its 60 dBu contour, and CCSA to 5,470 of the 5,529 people. Thus, each applicant would provide first NCE service to at least 10% of the population within its 60 dBu contour and to more than 2,000 people.

⁸³ See Pleading No. 184828 (filed February 15, 2022). We generally do not consider objections at this stage, but rather, review the merits of any objection if/when the subject application becomes accepted for filing. Here, we dismiss David's Objection to the CCSA application as moot because CCSA amended its application to correct and update its population data in response to the Objection.

stations and correct and update its population data.⁸⁴ Accordingly, we dismiss the David Objection as moot.⁸⁵

93. LPF claims to provide new first NCE service to 6,907 people, and CCSA to 5,470 people. The applications are comparable because neither exceeds the other by at least 5,000 people. Accordingly, we consider combined first and second NCE service population totals. LPF claims to provide combined first and second service to 6,907 people (all first service); CCSA to 5,483 (5,470 first service plus 13 second service). The applications are still comparable, and therefore, LPF and CCSA proceed to a point system analysis.

94. Neither applicant claims points as an established local applicant or state-wide network. LPF and CCSA each claim two points for diversity of ownership. With respect to technical parameters, LPF's proposed 60 dBu contour would encompass 1,468 square kilometers with a population of 6,907. CCSA's proposed 60 dBu contour would encompass 6,518 square kilometers with a population of 5,529. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Accordingly, LPF and CCSA are each credited with a total of two points and proceed to a tie-breaker analysis.

95. 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. LPF certifies that it has attributable interests in 32 radio authorizations, and CCSA certifies that it has attributable interests in ten radio authorizations. CCSA therefore prevails based on this first tie-breaker and is the tentative selectee in Group 201.

96. **Group 206.** This group consists of two applications to serve the same community in Utah. Castle Valley Inc. (CVI) and University of Utah (UU) each propose to serve Moab. Because the applicants proposes to serve the same community, CVI and UU proceed to a point system analysis.

97. CVI and UU each claim three points as an established local applicant, but CVI does not submit documentation to support its claim. Accordingly, we will not award CVI points under this criterion.⁸⁶ CVI and UU each claim two points for diversity of ownership with CVI's claim based on a pledge to divest LPMF station KCVD-LP, Castle Valley, Utah and UU's claim based on a pledge to divest FM translator stations K219KR, Moab, Utah, and K215EL, North Moab, Utah. Neither applicant claims points as a state-wide network. With respect to technical parameters, UU's proposed 60 dBu contour would encompass 4,995 square kilometers with a population of 9,850. CVI's proposed 60 dBu contour would include a population of 8,379. CVI does not provide information regarding its proposed area served. To allow us to compare the proposals, and not unfairly disadvantage UU, we will only consider the proposed population served. We therefore award UU one point under the best technical

⁸⁴ See File No. 167127 (amended February 16, 2022); see also CCSA Opposition to Objection, Pleading No. 189092 (filed April 8, 2022). CCSA's amendment reduced its first NCE service population count from 5,529 to 5,470 people.

⁸⁵ In his Reply to CCSA's Opposition, David acknowledges that CCSA corrected the population figures and states that he "does not object to the amended figures being used in a determination of a fair distribution preference." See Pleading No. 189432 (filed April 18, 2022). David, however, argues that the initial inaccurate figures "appears to qualify as a willful false statement," and the subsequent correction "does not appear to nullify what was committed in the first place." *Id.* We disagree. Although it is undisputed that CCSA made a mistake in its initial population count, a mistake standing alone is not a misrepresentation. In this case, there is no evidence of any intent to deceive. See, e.g., *Fox River Broadcasting*, Order, 93 FCC 23 127 (1983).

⁸⁶ We note that even if we were to award CVI points as an established local applicant, it would not change the outcome of this group.

proposal criterion because it proposes to serve at least 10% more population than the CVI proposal.⁸⁷ Accordingly, UU is credited with a total of six points, and CVI is credited with a total of two points. UU is, therefore, the tentative selectee in Group 206.

98. **Group 219.** This group consists of three applications proposing service to two different communities in Washington. Iglesia Case de Milagros (ICM) proposes to serve Leavenworth. Upper Columbia Mission Society of Seventh-Day Adventists (UPMS) and First Baptist Church of Riverview (FBC) each proposes to serve Wenatchee. No applicant claims a fair distribution preference. Accordingly, ICM, UPMS and FBC proceed to a point system analysis.

99. UPMS claims three points as an established local applicant; ICM and FBC do not claim points under this criterion. Each applicant claims two points for diversity of ownership. No applicant claims points as a state-wide network. With respect to technical parameters, ICM's proposed 60 dBu contour would encompass 1,666 square kilometers with a population of 72,249. UPMS's proposed 60 dBu contour would encompass 294 square kilometers with a population of 67,368. FBC's proposed 60 dBu contour would encompass 172 square kilometers with a population of 64,836. No applicant is eligible for points under the best technical proposal criterion because no applicant proposes to serve at least 10% more area and population than the next best proposal. Thus, UPMS is credited with a total of five points, and ICM and FBC are each credited with two points. Accordingly, UPMS is the tentative selectee in Group 219.

100. **Group 220.** This group consists of two applications to serve different communities in Washington. Iglesia Casa de Milagros (ICM) proposes to serve Chelan, and Northwest Communities Education Center (NCEC) proposes to serve Manson. Neither applicant claims eligibility for a fair distribution preference. Accordingly, ICM and NCEC proceed to a point system analysis.

101. Neither applicant claims points as an established local applicant or state-wide network. ICM and NCEC claim two points each for diversity of ownership. With respect to technical parameters, ICM's proposed 60 dBu contour would encompass 817 square kilometers with a population of 10,451. NCEC's proposed 60 dBu contour would encompass 993 square kilometers with a population of 13,307. NCEC qualifies for one point as the best technical proposal because it proposes to serve at least 10% more area and population than the ICM proposal. Accordingly, ICM is credited with two points, and NCEC is credited with a total of three points. NCEC is, therefore, the tentative selectee in Group 220.

102. **Group 223.** This group consists of eight applications to serve different communities in Wisconsin. The Salvation Poem Foundation, Inc. (SPF) proposes to serve Cedar Grove. Call Communications Group, Inc. (Call) proposes to serve Eden. Educational Media Foundation (EMF) proposes to serve Fond Du Lac. State of Wisconsin - Educational Communications Board (State) proposes to serve Plymouth. Vanguard Association of Sunbelt Colleges Corporation (Vanguard) proposes to serve Rosendale. Immanuel Bible Church (Immanuel) proposes to serve Sheboygan. Finally, Waupun Baptist Church (Waupun) and Wrvm, Inc. (WRVM) each proposes to serve Waupun. SPF, Vanguard, and WRVM each claims eligibility for a fair distribution of service preference based on first NCE service population totals.⁸⁸ The other applicants do not. Accordingly, Call, EMF, State, Immanuel, and Waupun are each eliminated. SPF would provide a first NCE service to 2,929 people; Vanguard to 18,092 people; and WRVM to 19,906 people. Because Vanguard and WRVM would each provide a first

⁸⁷ We note that even if, due to CVI's incomplete application, we did not compare the proposals and award points under the best technical proposal criterion, it would not change the outcome of the group. UU would remain the tentative selectee for Group 206.

⁸⁸ See File Nos. 167767, 167734, and 166135, Fair Distribution of Service Section, and associated exhibits. SPF claims that it would provide a first NCE service to 2,929 of the 27,330 people within its proposed 60 dBu contour; Vanguard to 18,092 of the 163,678 people; and WRVM to 19,906 of the 170,548 people within its proposed 60 dBu contour. Thus, each applicant would provide first NCE service to at least 10% of the population within its 60 dBu contour and to more than 2,000 people.

NCE service to at least 5,000 more people than SPF, SPF is eliminated. The Vanguard and WRVM first service proposals are comparable because neither exceeds the other by at least 5,000 people. Accordingly, we consider combined first and second NCE service population totals. Vanguard would provide a first or second NCE service to 69,122 people (18,092 first service plus 51,030 second service); WRVM to 72,677 people (19,906 first service plus 52,771 second service). Because neither proposal exceeds the other by at least 5,000 people, Vanguard and WRVM proceed to the point system analysis.

103. Neither applicant claims points as an established local applicant or state-wide network. Vanguard and WRVM each claim two points for diversity of ownership. With respect to technical parameters, Vanguard's proposed 60 dBu contour would encompass 3,324 square kilometers with a population of 163,678 people. WRVM's proposed 60 dBu contour would encompass 3,963 square kilometers with a population of 170,548 people. Because neither applicant's proposal would serve at least 10% more area and population than the other, we do not award points for this criterion. Accordingly, Vanguard and WRVM are each credited with two points and proceed to the tie-breaker analysis.

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. Vanguard certifies that it has no attributable interests, and WRVM certifies that it has attributable interests in 30 radio authorizations. Vanguard is, therefore, the tentative selectee for Group 223.⁸⁹

IV. NEXT STEPS

105. **Acceptability Studies and Filing of Petitions.** Once the Bureau or Commission identifies a tentative selectee pursuant to the fair distribution analysis or point system, the next step is to consider whether the selectee's application has defects.⁹⁰ The Commission has studied the application of each tentative selectee identified herein for application defects. Each tentative selectee identified in this Order and its Appendix appears to be fully qualified to become the licensee of the new NCE FM station it has proposed. We tentatively conclude that the grant of these applications would serve the public interest, convenience and necessity. Accordingly, upon the release of this Order, the tentative selectees are accepted for filing. This triggers a 30-day period for the filing of petitions to deny.⁹¹

106. 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 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. Likewise a disappointed applicant that believes the tentative selectee should have received fewer points would make such an argument in a petition to deny. Parties should not raise such matters as petitions for reconsideration of the instant Order

⁸⁹ On December 15, 2021, Call filed an Informal Objection to Vanguard's application, and on January 11, 2022, WRVM filed a Petition to Deny the Vanguard application. See Pleading Nos. 177311 and 179670. We generally do not consider objections at this stage, but rather, review the merits of any objection if/when the subject application becomes accepted for filing. We will review the merits of Call and WRVM's pleadings after Vanguard's application is accepted for filing.

⁹⁰ If a tentative selectee's application is found unacceptable for filing, it is dismissed. The applicant then has one opportunity to submit a curative amendment and a petition for reconsideration requesting reinstatement *nunc pro tunc* within 30 days, provided that the amendment is minor and does not alter the fair distribution analysis. See 47 CFR § 73.3522(b)(1). A tentative selectee that is unable to cure the defect is disqualified. 47 CFR § 73.7004(d).

⁹¹ 47 CFR § 73.7004.

because the point hearings herein take no final action on any application, and petitions for reconsideration do not lie against such interlocutory decisions.⁹²

107. **Forthcoming Staff Action.** We direct the Bureau staff, once the petition to deny 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 the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there are no substantial and material questions of fact, and that a grant of the application would be consistent with the public interest, convenience, and necessity, it shall make the grant on the basis of the fair distribution analyses and point system determinations made herein, dismiss all competing applications, deny any petition to deny, and issue a concise statement of the reasons for denying such petition and disposing of all substantial issues raised by the petition.⁹³

108. With the exception of issues that are novel or require Commission consideration as specified below, 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.⁹⁴ The staff need not refer such matters to the full Commission 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 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.⁹⁵ In such cases, the staff would refer the mutually exclusive group to the Commission for resolution of the novel issue and/or the determination of a successor tentative selectee.

109. **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 for purposes of administrative or judicial review under section 1.103(b) of our rules with respect to any other group.⁹⁶

V. ORDERING CLAUSES

110. 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, subsequent petitions for reconsideration and reconsideration by the Commission or

⁹² See *NCE Order on Reconsideration*, 35 FCC Rcd 10180, para. 13 (“A tentative selection is not final until the entire administrative process of resolving petitions to deny, and any subsequent pleadings, is complete”); 47 CFR § 1.106 (a)(1). See also *Patrick J. Vaughn, Esq.*, Letter, 22 FCC Rcd 11165 (MB 2007).

⁹³ 47 U.S.C. § 309(d).

⁹⁴ 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).

⁹⁵ See generally *NCE Omnibus*, 22 FCC Rcd at 6162, n.230 (2007) (“If the Bureau finds that there are no new or novel questions, or material questions that would cause the tentative selectee to have fewer than or the same number of points as another applicant in the group, the staff would act on the petition(s) to deny, and by public notice grant the application of the tentative selectee and dismiss the competing mutually exclusive application. This function is consistent with the Bureau’s delegated authority. See 47 C.F.R. §§ 0.61(h), 0.283.”).

⁹⁶ See 47 CFR § 1.103(b).

Bureau on its own motion, applications for review and review on the Commission's own motion, and appeals.⁹⁷ 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.

111. **Group 14.** Accordingly, IT IS ORDERED, That the Application filed by Gentry Communications Network, Inc. (File No. 167736) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sulphur Springs, Arkansas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Centro Familiar de Restauracion y Vida (File No. 167086) and Citizenship Tulsa, Inc. (File No. 167841), and TO GRANT the application of Gentry Communications Network, Inc. (File No. 167736) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, 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, Gentry Communications Network, Inc. must surrender or otherwise divest itself of its license for KOZR-LP, Gentry, Arkansas, prior to commencement of program tests of the full service NCE FM station.

112. **Group 16.** Accordingly, IT IS ORDERED, that the Application filed by Remanente Broadcasting Network (File No. 167141) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dudleyville, Arizona, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Arizona Board of Regents for Benefit of University of Arizona (File No. 167743), and TO GRANT the application of Remanente Broadcasting Network (File No. 167141) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

113. **Group 32.** Accordingly, IT IS ORDERED, that the Application filed by Hatch Workshop (File No. 167448) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Terminous, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications

⁹⁷ See 5 U.S.C. §§ 702, 704, 706; 47 U.S.C. §§ 309(d), 402(b), 405; 47 CFR §§ 1.106-08, 1.113, 1.115, 1.117 73.7004. In cases that involve separate mutually exclusive groups, but present common issues, the petitions or appeals may be filed jointly or may be consolidated at the discretion of the Commission or the court. See, e.g., FED. R. APP. P. 3(b).

of Delta 2000 (File No. 167856) and Iglesia del Valle (File No. 165739), and TO GRANT the application of Hatch Workshop (File No. 167448) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

114. **Group 34.** Accordingly, IT IS ORDERED, that the Application filed by Remanente Broadcasting Network (File No. 167635) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Boron, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Cedar Broadcasting, Inc. (File No. 166110) and Nevada Public Radio (File No. 167275), and TO GRANT the application of Remanente Broadcasting Network (File No. 167635) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

115. **Group 49B.** Accordingly, IT IS ORDERED, that the Application filed by Calvary Baptist Church of Spotsylvania (File No. 167280) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Spotsylvania, Virginia, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Positive Alternative Radio, Inc. (File No. 167369) and Redeemer Broadcasting, Inc. (File No. 166860), and TO GRANT the application of Calvary Baptist Church of Spotsylvania (File No. 167280) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

116. **Group 50.** Accordingly, IT IS ORDERED, that the Application filed by Inverse Focus Ministry, Inc. (File No. 167485) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Starke, Florida, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Putnam Radio Ministries, Inc. (File No. 166157), and TO GRANT the application of Inverse Focus Ministry, Inc. (File No. 167485) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

117. **Group 51.** Accordingly, IT IS ORDERED, that the Application filed by Teleamerica Communications West Palm Beach Corp. (File No. 167478) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Key West, Florida, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to

deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Newland Broadcasters Incorporated (File No. 166303), and TO GRANT the application of Teleamerica Communications West Palm Beach Corp. (File No. 167478) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

118. **Group 54.** Accordingly, IT IS ORDERED, that the Application filed by New Humanity Association Inc. (File No. 166731) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Weeki Wachee, Florida, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the applications serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Ethree Group, Inc. (File No. 167131), Call Communications Group, Inc. (File No. 167753), and Central Baptist Church Of Ocala Inc. (File No. 166338), and TO GRANT the application of New Media Humanity Association Inc. (File No. 166731) CONDITIONED UPON the selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, New Media Humanity Association Inc. must surrender or otherwise divest itself of its license for WYPW-LP, Brandon, Florida prior to commencement of program tests of the full service NCE FM station.

119. **Group 55.** Accordingly, IT IS ORDERED, that the Application filed by Key West Radio (File No. 167215) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Key West, Florida, and its applications IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Ethree Group, Inc. (File No. 166738), Specialized Educational Broadcasting (File No. 166812), and Frequency Zero, Inc. (File No. 166105), and TO GRANT the application of Key West Radio (File No. 167215) CONDITIONED UPON the selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

120. **Group 63.** Accordingly, IT IS ORDERED, that the Application filed by Sanctuary Church (File No. 165972) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Darien, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Inverse Focus Ministry, Inc. (File No. 167489) and Frequency Zero, Inc. (File No. 166102), and TO

GRANT the application of Sanctuary Church (File No. 165972) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, Sanctuary Church must surrender or otherwise divest itself of its license for WWZR-LP, Brunswick, Georgia, prior to commencement of program tests of the full service NCE FM station.

121. **Group 79.** Accordingly, IT IS ORDERED, that the Applications filed by Friendship Baptist Church (File No. 167757), Calvary Chapel Iowa (File No. 166692), and Extend The Dream Foundation (File No. 167226) are TENTATIVELY SELECTED to be awarded construction permits on a TIME-SHARING BASIS for a new NCE FM stations in Cedar Rapids, Iowa, and Swisher, Iowa, and their 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectees' applications, and it is determined that grant of the applications serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Bible Broadcasting Network, Inc. (File No. 167295), Community Public Radio, Inc. (File No. 166734), Rising Tide Broadcasting, Inc. (File No. 167391), and Vida Ministry Inc. (File No. 167106). IT IS FURTHER ORDERED, that the tentative selectee applicants electronically submit, within 90 days of the release of this Order, a time-sharing agreement among themselves, in accordance with section 73.7003(c)(4) of the Commission's rules, 47 CFR § 73.7003(c)(4), and pursuant to an acceptable agreement, we direct the Media Bureau, by public notice, TO GRANT the applications of Friendship Baptist Church (File No. 167757), Calvary Chapel Iowa (File No. 166692), and Extend the Dream Foundation (File No. 167226) CONDITIONED UPON each selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, Calvary Chapel Iowa and Extend the Dream Foundation must each surrender or otherwise divest itself of the licenses for KEWR-LP, Cedar Rapids, Iowa, and KICI-LP, Iowa City, Iowa, respectively, prior to commencement of program tests of the full service NCE FM station. If the tentative selectees are unable to reach a voluntary time-sharing agreement within the 90-day period, the tentative selectees will proceed to mandatory time-sharing, in accordance with section 73.7003(c)(5) of the Commission's rules, 47 CFR § 73.7003(c)(5).

122. **Group 83.** Accordingly, IT IS ORDERED, that the Application filed by Salt & Light Radio, Inc. (File No. 167208) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Mountain Home, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of First Baptist Church Of Riverview (File No. 167589), and TO GRANT the application of Salt & Light Radio, Inc. (File No. 167208) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions. IT IS FURTHER ORDERED, that the Petition to Deny, filed by Salt & Light Radio, Inc., is DISMISSED AS MOOT.

123. **Group 92.** Accordingly, IT IS ORDERED, that the Application filed by Appalachian Educational Communication Corporation (File No. 167454) is TENTATIVELY SELECTED to be

awarded a construction permit for a new NCE FM station in Paris, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Covenant Network (File No. 167843), 2820 Communications Inc (File No. 166175), and Olivet Nazarene University (File No. 166138), and TO GRANT the application of Appalachian Educational Communication Corporation (File No. 167454) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

124. **Group 106.** Accordingly, IT IS ORDERED, that the Application filed by Radio Sharon Foundation (File No. 167597) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Narragansett Pier, Rhode Island, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Horizon Christian Fellowship (File No. 167259), and TO GRANT the application of Radio Sharon Foundation (File No. 167597) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

125. **Group 124.** Accordingly, IT IS ORDERED, that the Application filed by One Day Church Project, Inc. (File No. 167673) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Mankato, 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, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Minnesota State University, Mankato (File No. 167682), Southern Minnesota Catholic Radio (File Nos. 167620 and 167625), Fairmont Area Catholic Radio (File No. 167070), and Minn-Iowa Christian Broadcasting (File No. 165778), and TO GRANT the application of One Day Church Project, Inc. (File No. 167673) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, One Day Church Project, Inc. must surrender or otherwise divest itself of its license for LPFM station KCJL-LP, Dodge Center, Minnesota prior to commencement of program tests of the full service NCE FM station.

126. **Group 137B.** Accordingly, IT IS ORDERED, that the Application filed by Church Planters of America (File No. 167094) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in McLeansville, 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, the Bureau finds on the basis of the application, the pleadings filed, or

other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Hitquake Community Radio Network (File No. 166837) and Hispanic American Christian Network, Inc. (File No. 167572), and TO GRANT the application of Church Planters of America (File No. 167094) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

127. **Group 137C.** Accordingly, IT IS ORDERED, that the Application filed by Hitquake Community Radio Network (File No. 166834) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Danville, Virginia, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Positive Alternative Radio, Inc. (File No. 167367) and Church Planters of America (File No. 167093), and TO GRANT the application of Hitquake Community Radio Network (File No. 166834) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

128. **Group 144.** Accordingly, IT IS ORDERED, that the Application filed by Rejuvenation Outreach Center Inc. (File No. 167401) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Lakewood, New Jersey, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Radio Vision Cristiana Management Corporation (File No. 166943), Community Public Radio, Inc. (File No. 166754), and Cantico Nuevo Ministry, Inc. (File No. 165806), and TO GRANT the application of Rejuvenation Outreach Center Inc. (File No. 167401) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

129. **Group 145.** Accordingly, IT IS ORDERED, that the Application filed by Calvary Chapel Morris Hills (File No. 167028) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bernardsville, New Jersey, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Casa de Destino (File No. 167880), Redeemer Broadcasting, Inc. (File No. 166759), Transmission Communications Network (File No. 166781), and Cantico Nuevo Ministry, Inc. (File No. 165805), and TO GRANT the application of Calvary Chapel Morris Hills (File No. 167028) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47

CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, 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 Morris Hills must surrender or otherwise divest itself of its license for LPFM station WCFT-LP, Dover, New Jersey prior to commencement of program tests of the full service NCE FM station.

130. **Group 153.** Accordingly, IT IS ORDERED, that the Application filed by City of Hobbs, NM (File No. 167469) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hobbs, New Mexico, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Off the Cuff Educational Broadcasting (File No. 167821) and The Association for Community Education, Inc. (File No. 167312), and TO GRANT the application of City of Hobbs, NM (File No. 167469) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, City of Hobbs, NM must surrender or otherwise divest itself of its license for LPFM station KHBX-LP, Hobbs, New Mexico, prior to commencement of program tests of the full service NCE FM station.

131. **Group 156.** Accordingly, IT IS ORDERED, that the Application filed by The Rock Christian Outreach of Las Vegas (File No. 166077) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Las Vegas, New Mexico, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Northern New Mexico Radio Foundation (File No. 167494) and The Association for Community Education, Inc. (File No. 167010), and TO GRANT the application of The Rock Christian Outreach of Las Vegas (File No. 166077) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, The Rock Christian Outreach of Las Vegas must surrender or otherwise divest itself of its license for KLYN-LP, Las Vegas, New Mexico, prior to commencement of program tests of the full service NCE FM station.

132. **Group 174.** Accordingly, IT IS ORDERED, that the Application filed by Woodward Catholic Radio, Inc. (File No. 167721) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Woodward, Oklahoma, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Great Plains Christian Radio, Inc. (File No. 165757), and TO GRANT the

application of Woodward Catholic Radio, Inc. (File No. 167721) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, Woodward Catholic Radio, Inc. must surrender or otherwise divest itself of its license for KFPP-LP, Woodward, Oklahoma, prior to commencement of program tests of the full service NCE FM station.

133. **Group 177.** Accordingly, IT IS ORDERED, that the Application filed by Western Oklahoma Catholic Faith Foundation (File No. 167817) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Elk City, Oklahoma, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Outside the Doors Ministry Foundation (File No. 167013) and Top O' Texas Educational Broadcasting Foundation, Inc. (File No. 166005), and TO GRANT the application of Western Oklahoma Catholic Faith Foundation (File No. 167817) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, Western Oklahoma Catholic Faith Foundation must surrender or otherwise divest itself of its license for KPFS-LP, Elk City, Oklahoma, prior to commencement of program tests of the full service NCE FM station.

134. **Group 181.** Accordingly, IT IS ORDERED, that the Application filed by Coos Commons Protection Council (File No. 167441) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Bandon, Oregon, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Southern Oregon University (File No. 167389), and TO GRANT the application of Coos Commons Protection Council (File No. 167441) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

135. **Group 184.** Accordingly, IT IS ORDERED, that the Application filed by Baker Art Guild (File No. 166621) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Baker City, Oregon, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of First Baptist Church of Riverview (File No. 167571) and Idaho Conference of Seventh-Day Adventists, Inc. (File No. 167277), and TO GRANT the application of Baker Art Guild (File No. 166621) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use

of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

136. **Group 185.** Accordingly, IT IS ORDERED, that the Application filed by Modoc Broadcasting Corporation (File No. 167163) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Altamont, Oregon, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Ondas de Vida, Inc. (File No. 167246), and TO GRANT the application of Modoc Broadcasting Corporation (File No. 167163) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

137. **Group 192.** Accordingly, IT IS ORDERED, that the Application filed by Hallettsville Right to Life, Inc. (File No. 167303) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hallettsville, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Vida Ministry Inc. (File No. 167108), and TO GRANT the application of Hallettsville Right to Life, Inc. (File No. 167303) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

138. **Group 198.** Accordingly, IT IS ORDERED, that the Application filed by Vida Ministry Inc. (File No. 167109) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Thorndale, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Ixoye Productions, Inc. (File No. 165569), and TO GRANT the application of Vida Ministry Inc. (File No. 167109) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

139. **Group 200.** Accordingly, IT IS ORDERED, that the Application filed by Vida Ministry Inc. (File No. 167104) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Central Gardens, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public

interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Call Communications Group, Inc. (File No. 167747), Christian Ministries of the Valley, Inc. (File No. 166728), and CCS Radio, Inc. (File No. 166698), and TO GRANT the application of Vida Ministry Inc. (File No. 167104) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

140. **Group 201.** Accordingly, IT IS ORDERED, that the Application filed by Centro Cristiano de Vida Eterna San Antonio (File No. 167127) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Rock Springs, Texas, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Radio Inc. (File No. 166362), La Promesa Foundation (File No. 167328), Hispanic American Christian Network, Inc. (File No. 167616), and Sun Radio Foundation (File No. 167690), and TO GRANT the application of Centro Cristiano de Vida Eterna San Antonio (File No. 167127) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, 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. IT IS FURTHER ORDERED, that the Informal Objection, filed by Albert David, is DISMISSED AS MOOT.

141. **Group 206.** Accordingly, IT IS ORDERED, that the Application filed by University of Utah (File No. 166310) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Moab, Utah, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Castle Valley Inc. (File No. 167701), and TO GRANT the application of University of Utah (File No. 166310) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, and PROVIDED THAT, University of Utah must surrender or otherwise divest itself of its licenses for FM translator stations K219KR, Moab, Utah, and K215EL, North Moab, Utah, prior to commencement of program tests of the full service NCE FM station.

142. **Group 219.** Accordingly, IT IS ORDERED, that the Application filed by Upper Columbia Mission Society of Seventh-Day Adventists (File No. 167882) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wenatchee, Washington, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Iglesia Casa de Milagros (File No. 167612)

and First Baptist Church of Riverview (File No. 167593) and TO GRANT the application of Upper Columbia Mission Society of Seventh-Day Adventists (File No. 167882) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

143. **Group 220.** Accordingly, IT IS ORDERED, that the Application filed by Northwest Communities Education Center (File No. 167564) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Manson, Washington, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application, and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive application of Iglesia Casa de Milagros (File No. 167599), and TO GRANT the application of Northwest Communities Education Center (File No. 167564) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions.

144. **Group 223.** Accordingly, IT IS ORDERED, that the Application filed by Vanguard Association of Sunbelt Colleges Corporation (File No. 167734) is TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Rosendale, Wisconsin, and its application IS ACCEPTED FOR FILING, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, the Bureau finds on the basis of the application, the pleadings filed, or other matters which it may officially notice that there is no substantial and material question concerning the grantability of the tentative selectee's application and it is determined that grant of the application serves the public interest, we direct the Media Bureau, by public notice, TO DISMISS the mutually exclusive applications of Salvation Poem Foundation, Inc. (File No. 167767), Call Communications Group, Inc. (File No. 167822), Educational Media Foundation (File No. 166014), State of Wisconsin – Educational Communications Board (File No. 166857), Immanuel Bible Church (File No. 167658), Waupun Baptist Church (File No. 167816), and Wrvn, Inc. (File No. 166135), and TO GRANT the application of Vanguard Association of Sunbelt Colleges Corporation (File No. 167734) CONDITIONED UPON that selectee's compliance with section 73.7005 of the Commission's rules, 47 CFR § 73.7005, which sets forth a four-year period in which an applicant, that is awarded a permit by use of the point system, must maintain the comparative qualifications for which it received points, and must comply with the restrictions on station modifications and acquisitions, 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.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary