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

In the Matter of	)	
	)	
Reexamination of the Comparative Standards for	)	
Noncommercial Educational Applicants	)	MM Docket No. 95-31
	)	

MEMORANDUM OPINION AND SECOND ORDER ON RECONSIDERATION

Adopted: June 27, 2002 **Released: July 5, 2002**

By the Commission:

I. INTRODUCTION

1. The Commission by this decision disposes of five petitions for further reconsideration of the standards for selecting among applications to construct noncommercial educational ("NCE") broadcast stations on channels "reserved" exclusively for NCE purposes.[1] These standards enable the Commission to select a permittee when an NCE broadcast application is mutually exclusive, *i.e.* in technical conflict, with another timely filed NCE broadcast application.

2. The petitions for further reconsideration suggest relatively small alterations to, or exemptions from, the current reserved channel NCE selection standards. Specifically petitioners question: (1) the method for counting existing NCE-FM radio stations for determining whether a community is underserved; (2) the operative dates and policies for determining whether an applicant is considered "established" for purposes of receiving points as an established local applicant; and (3) whether we adequately clarified the scope of Section 73.3555(f) of our rules concerning attribution of an applicant's other broadcast interests.[2] Overall, however, petitioners accept the elements of our NCE comparative process. For the reasons stated herein, we conclude that reconsideration is unwarranted and decline to alter the NCE comparative standards.

[1] The standards were adopted in April 2000 and clarified in February 2001. 15 FCC Rcd 7386 (2000) ("*NCE R&O*"); 16 FCC Rcd 5074 (2001) *("NCE MO&O*").

[2] Jimmy Swaggart Ministries ("Swaggart") and Real Life Educational Foundation ("Real Life") also question the applicability of the new comparative procedures to terminated hearing proceedings. Swaggart and Real Life are the applicants in the only such terminated hearing. On June 14, 2002 Swaggart and Real Life filed a settlement agreement that, if approved, would make that issue moot. Accordingly, the Commission is not addressing the issue at this time.

II. DISCUSSION

A. Fair Distribution of Service (Full Service FM Only)

3. Petitioner Michiana Christian Broadcasting ("Michiana") suggests that we modify our fair distribution analysis, which is performed as a threshold matter when competing full service NCE-FM applicants propose service to different communities. Pursuant to Section 307(b) of the Communications Act,[3] our analysis favors the applicant proposing to serve a significant population that currently receives no more than one NCE signal.[4] In the *NCE MO&O* we clarified that the only NCE signals relevant for this analysis are those operating on channels reserved exclusively for NCE-FM use because it is relatively easy for NCE stations operating in the nonreserved band to convert to commercial operations.[5] Michiana objects to our focus on reserved channel signals and suggests instead that we supplement this standard with a rebuttable presumption that would recognize long-lived non-reserved channel NCE stations. Under Michiana's proposal, an interested party could rebut an opposing applicant's claim of introducing service to an underserved area by showing that a non-reserved channel station has provided ongoing NCE service to the community for at least four years. Michiana believes that a non-reserved channel station that had operated noncommercially for four years has demonstrated a firm commitment to maintain its noncommercial operations.

4. Spring Arbor College ("Spring Arbor") opposes Michiana's suggestion. Spring Arbor maintains that an inference of continued NCE operations by a non-reserved channel station would be entirely unreliable. It observes that stations on non-reserved channels are valuable resources that can also be operated commercially or sold to commercial operators. Such options, it argues, become particularly attractive when a licensee experiences a financial crisis, which can occur unexpectedly and at any time. Spring Arbor also maintains that our policy of considering only reserved channel service makes sense because most NCE stations operate in the reserved band, and the public is accustomed to tuning there when looking for NCE service.

5. We decline to alter the types of stations relevant to an NCE Section 307(b) analysis. The suggestion under consideration could result in a finding that a community's need for NCE service is fully satisfied by non-reserved channel stations. As discussed in earlier stages of this proceeding, however, there is the potential for rapid change in the nature of non-reserved channel stations, because there is no requirement that such stations currently operating noncommercially continue such operations indefinitely.[6] Stations operating with noncommercial formats on commercially available channels do so

[3] 47 U.S.C. § 307(b).

[4] Specifically, when FM applicants propose different communities, an applicant receives a decisive Section 307(b) preference, as a threshold matter, if it would provide the first or second full service NCE aural signal to 10% of the people within the proposed station's 60dBu contour, but to no fewer than 2,000 people. If more than one applicant meets this standard, first service prevails over second service. Among applicants proposing the same level of service, the one that would provide service to 5,000 more people than the next best proposal will prevail. The Bureau has by public notice provided examples of how the fair distribution analysis applies to specific illustrative situations. *Public Notice*, *Deadline for NCE Settlements and Supplements Extended/Mass Media Bureau provides Examples of Application of NCE Section 307(b) Criteria*, 16 FCC Rcd 10892 (2001). The NCE Section 307(b) analysis applies only to full service FM applicants.

[5] *NCE MO&O,* 16 FCC Rcd at 5089.

[6] *NCE R&O*, 15 FCC Rcd at 7431; *NCE MO&O*, 16 FCC Rcd at 5089.

at the discretion of the licensee and can easily convert to commercial operations by filing a minor change application. In contrast, noncommercial educational operations are mandatory on the channels reserved for that purpose.[7] Thus, we believe the better approach is not to consider current, potentially temporary, noncommercial service to a community on a non-reserved channel as part of our analysis of whether one community needs permanent NCE service more than another community.

6. We recognize that the Commission has adopted in this proceeding a holding period requirement of four years for stations licensed pursuant to the point system. However, that requirement is not comparable to the one suggested by Michiana. The forward-looking holding period requires a reserved channel licensee that was selected by point system to adhere to those commitments on which its comparative qualifications were established. It guarantees that selection factors will be maintained at least four years into the future. The licensee also must include its commitment in the organization's governing documents. Further, the Commission retains the ability to disapprove any assignment or modification application, and to sanction stations for violating the holding period requirements.[8] In contrast, Michiana would use a backwards-looking four-year test to predict continued NCE operations by a station that has made no commitment of continued noncommercial operation to the Commission, and which can be converted to commercial status by routine application. Accordingly, we affirm our decision to count only reserved channel stations in our NCE Section 307(b) analysis, and will exclude non-reserved channel NCE stations from that analysis regardless of the amount of time they may have operated.

B. Established Local Applicant Points for Pending Applicants in Closed Groups

7. In NCE television proceedings, in FM translator proceedings, and in full service FM proceedings that are not resolved on a threshold Section 307(b) fair distribution analysis, a point system is used to comparatively evaluate conflicting proposals. The point system assigns a numerical value to various aspects of each proposal and selects the applicant with the highest score.[9] Three points (out of a total of seven) are available to "established local applicants." Several petitioners ask us to reconsider or clarify the class of organizations that can qualify for this credit.

8. Applicants qualify for the established local applicant credit if they are both "local" [10] and "established" within the meaning of our rules.[11] The petitioners focus on the requirement that applicants

[7] *Id.*

[8] *See* 47 C.F.R. §§ 73.7003(b) and 73.7005.

[9] Points are awarded as follows: (a) 3 points for applicants that have been local to the community for at least two years; (b) 2 points for local diversity of ownership, *i.e.* if there is no overlap of the principal community contour of the proposed station and any other station attributable to the applicant; (c) 2 points for certain state-wide networks providing programming to accredited schools; and (d) 1 to 2 points for the best technical proposal in terms of both area and population served. 47 C.F.R. § 73.7003.

[10] To be considered "local," an applicant must have a headquarters, campus, or 75 percent of its governing board residing within 25 miles of the proposed community of license. Distances are measured from the community's center coordinates. Only primary residences qualify. An applicant relying on a local board residence to claim points as an established local applicant must demonstrate that its governing documents, *i.e.* by-laws, require that such localism be maintained for at least four years of station operations. *See NCE R&O,* 15 FCC Rcd at 7410, 7419.

[11] 47 C.F.R. § 73.7000.

be "established" for a period of two years in the local area and the application of this rule to pending applications.[12] The *NCE MO&O* established for pending applicants in closed groups[13] a single uniform date of June 4, 2001,[14] to compute their non-technical qualifications.[15] It also clarified that NCE organizations in existence for fewer than two years by the relevant "snap shot" date cannot be considered established, even if formed by long-term local citizens.[16] In sum, under current policy, NCE organizations involved in pending closed group proceedings are considered "established" if they have operated as local entities since June 4, 1999, *i.e.,* for at least two years prior to June 4, 2001.

9. Jimmy Swaggart Ministries ("Swaggart")[17] and Adventist Radio Network ("Adventist") maintain that we should alter the reference date from which pending applicants calculate whether they have been "established" for two years. Specifically, Swaggart and Adventist advocate replacing the current June 4, 2001, "look back" date (applicable to pending applicants in closed groups) with the date on which each particular pending applicant filed its application. Adventist argues that using the date of filing to apply this point criterion is the best way to treat all applicants fairly. Youngshine Media, Inc. ("Youngshine") also argues that relatively new local organizations should be considered "established" if formed by long time local residents. In response, Real Life Educational Foundation ("Real Life") supports maintaining the established local applicant credit in its current form.

10. With respect to use of the June 4, 2001, "look back" date for pending closed group applications, Swaggart and Adventist note that this policy differs from the date of filing requirement that will apply to future applicants. Adventist argues that use of a recent date is arbitrary and produces

[12] We adopted the requirement that the applicant be "established" to ensure the bona fides of "local" qualification claims, to establish the applicant's educational credentials in the particular locality, and to foster participation by truly local entities in noncommercial educational broadcasting. *NCE R&O,* 15 FCC Rcd at 7410; *NCE MO&O*, 16 FCC Rcd at 5093. We also noted that an organization that has been local for two years or more can sooner respond to the needs of the community.

[13] We have, throughout this proceeding used the term "closed group" to refer to groups of pending applications which are no longer subject to additional competing applications. *NCE MO&O*, 16 FCC Rcd at 5084. In addition to these closed group applications, there are over 200 applications that are not "closed" to future competition because they were not "cut-off" prior to elimination of our former "A/B cut-off" procedures.

[14] The *NCE MO&O* refers to a uniform "supplement date" and directs the staff to issue a public notice announcing a date certain. *NCE MO&O,* 16 FCC Rcd at 5085. The staff, by public notice, announced a date of June 4, 2001. *Public Notice, Supplements and Settlements to Pending Closed Groups of NCE Broadcast Applications Due by June 4, 2001*, 16 FCC Rcd 6893 (2001). *See also*, Public *Notice, Deadline for NCE Settlements and Supplements Extended to July 19, 2001/Date for Calculating Comparative Qualifications Remains June 4, 2001*, 16 FCC Rcd 10892 (2001). The June 4, 2001date will not be used to calculate localism points for pending applications that are not in closed groups. *NCE MO&O*, 16 FCC Rcd at 5085, 5093. The Commission previously established that comparative qualifications for these applicants will be based on the date of the next NCE filing window, when competing applications may be filed. *NCE MO&O*, 16 FCC Rcd at 5086.

[15] This differs for applicants applying in future filing windows. Such applicants will count back two years from the date of application to determine whether an applicant is "established."

[16] *NCE MO&O*, 16 FCC Rcd at 5085, 5093.

[17] Subsequent to initiation of this rulemaking proceeding, Jimmy Swaggart Ministries merged into Family Worship Center Church, an organization with identical officers and directors. For ease of identification of its position throughout this proceeding, we will continue to refer to "Swaggart."

inequitable results. Specifically, Adventist is concerned that the treatment of corporations formed by local citizens for the sole purpose of applying for a license, will differ depending on whether the corporation was formed before or after June 4, 1999. It argues that older corporations, which might exist on paper only, could become "established" merely by waiting a lengthy period for action on their applications. In contrast, corporate applicants formed after June 4, 1999, would not qualify as "established" due simply to the shorter waiting period. Swaggart is concerned that use of a June 4, 2001, "look back" date engenders abuse in older groups of applications. It is concerned that "sham" applicants, that did not become local until well after their application filing date will now be considered equivalent to legitimate long-established local applicants. Real Life contests Swaggart's view that sham applicants will receive localism points under our current policy. According to Real Life, only applicants that have maintained a local presence for two or more years and that have the required organizational documents mandating that they maintain local attributes into the future will receive points.

11. On reconsideration we affirm our standards for computing "localism" points for this class of pending applications. Significant differences between pending applicants and future NCE applicants justify different approaches for these two classes of applications. Pending applicants submitted their applications under lengthy A/B cut-off filing procedures, whereas future applicants will all file at about the same time in brief filing windows. Under the Swaggart and Adventist proposals, pending applicants in the same proceeding would have different reference dates that could potentially vary by months or even years.[18] Our decision to use a single "snap shot" date provides a level competitive field for such applicants, with their qualifications all compared as of the same time. Further, as many of the pending proceedings involve applications filed a considerable time ago, use of a relatively recent "snap shot" date would more accurately reflect the current characteristics of the applicants.

12. We also believe that the petitioners' proposal that pending applicants use the filing date for purposes of determining localism points would unnecessarily complicate the comparative process. Many applicants are competing in multiple groups and, to comply with our new rules, were required to submit separate point supplements in many different proceedings. Our use of a common "snap shot" date for all non-technical qualifications has facilitated speedy and accurate filings. Adoption of petitioners' proposal would add needless complexity and potential delay to the process.

13. We do not take lightly petitioners' concerns of potential abuse of the established local applicant credit. Nevertheless, we do not find a significant potential for pending applicants to abuse the established local applicant credit. As Real Life notes in its opposition, it would be incorrect to presume illegitimacy for all pending applicants based solely on their first becoming established some time after their original date of filing. In fact, the two-year "look back" period at issue here was designed, in part, to prevent such abuse.[19] Existing applicants would have had no motivation to feign local qualifications on June 4, 1999, (two years prior to the "snap shot" date) because the localism criteria were not adopted until April 4, 2000, almost a year later. Thus, any applicant with a pending application trying to adopt local characteristics in response to our new point criteria would fail to qualify because the applicant would be

[18] Pending applications were filed under A/B cut off procedures in which there was often considerable lag time between the filing of lead "A" applications and conflicting "B" applications. *E.g., NCE MO&O, Appendix D, Section 3, Full Service FM Closed Groups,* Group No. 89101E ("A" applicant filed 18 months before "B" applicant).

[19] *E.g.*, *NCE MO&O*, 16 FCC Rcd at 5093.

considerably short of the two-year period needed to be considered "established."[20]

14. In creating a recent "snap shot" date for points we sought to recognize legitimate changes to applicants occurring between the date of filing and the first opportunity to claim points.[21] For example, a private college that began offering classes at a new local campus only one year before application (and thus not "established" at that time), would be treated as an established local applicant if, by June 4, 2001, it had operated continuously at that campus for two or more years. Similarly, we would consider as "established" a non-profit organization formed shortly prior to its time of application, but which, by the June 4, 2001, "snap shot" date, had engaged in active and continuous non-broadcast activities in the community for two or more years. Thus, a new church, providing weekly worship services and outreach activities to the community over two years while its broadcast application was pending would satisfy this prong of the "localism" test.

15. We take note, however, of Adventist's concern that some NCE organizations formed solely to apply for an NCE permit, and engaged in virtually no activities while awaiting our decision, might consider themselves qualified as "established" merely because the organization was formed before June 4, 1999. The Commission designed the established local applicant credit, however, to favor local applicants that have been operating in the community prior to receiving a broadcast permit.[22] It has never been our intent to award the established local applicant credit to organizations engaged in virtually no activities in the community of interest. In the *NCE R&O*, for example, we indicated an expectation of "contact" between the station's policy makers and the area to be served.[23] Similarly, in the *NCE MO&O*, we stressed that an established local applicant's interaction with the community would be "continuing," building upon its past experiences.[24] For example, we indicated that an organization that has been local for two or more years would have already "become such a part of the community" as to have the knowledge and accountability needed to "hit the ground running," unlike organizations that do not begin "operating within a community" until later.[25] A shell organization's mere paper existence for two or more years establishes no "operations," "contact," or "continuing interaction with the community" from which the organization might "hit the ground running." Paper existence serves neither to "establish the applicant's educational credentials in a particular locality" nor "to foster participation by truly local entities in noncommercial educational broadcasting."[26] Further, with respect to future applicants, for which feigning of qualifications will be a concern, an interpretation of our "established" requirement that would allow mere shell organizations to qualify would clearly be contrary to our stated purpose of limiting opportunity for such potential abuse.[27]

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[20] *Id.* at 5085.

[21] *Id.* at 5084-85.

[22] *Id.* at 5091.

[23] *NCE R&O*, 15 FCC Rcd at 7410.

[24] *See NCE MO&O*, 16 FCC Rcd at 5093.

[25] *Id.* at 5091.

[26] *Id.* at 5093.

[27] *Id.*

16. We believe that most of the local applicants claiming credit as "established" will have had more than a shell existence for the two-year period at issue. If, however, Adventist correctly predicts that some applicants may have misunderstood this factor, our existing petition to deny process would provide a meaningful opportunity to show that a purportedly "established" applicant was only a "paper" organization. In the event that a petitioner succeeds in raising a substantial and material question about whether the applicant correctly claimed to be "established," there would be many ways for the applicant to demonstrate that it indeed was an established force **"**operating within the community" throughout the pertinent two-year period. These could include, for example, the applicant's showing that it convened meetings with the community, taught classes at its local campus, undertook community programs and/or activities, regularly generated income or incurred expenses from community-based assets, engaged in active planning of its program service for the community, or similar ongoing community-based operations by the organization within the two-year period.

17. Finally, we consider the views of Youngshine, which believes that an organization with a 75 percent local governing board composed of long-time active residents should be treated as "established" for purposes of awarding localism points. Youngshine argues that the Commission adopted this provision to prevent future abuses, but that applications filed prior to announcement of the new NCE comparative standards had no opportunity to feign local characteristics, such as by "renting" local citizens to make its application appear local. Youngshine maintains that pending applicants in closed groups should qualify for points as "established local applicants" based on whether board members had been local for two years at the time of filing. It argues that organizations are only local because the individuals behind them are local.

18. Although we agree with Youngshine that organizations formed prior to announcement of our point system had no opportunity to feign localism, as would be the case with organizations formed later, we decline to expand, for pending applications, the "established" component of the local organization criterion. As specified in the rules, points are awarded under this criterion for "established local" applicants.[28] This preference is grounded on our conclusion that an applicant entity that has an established local presence and a track record of serving the local educational needs of a community is more likely to be able to serve those needs immediately than an applicant with no such track record or no such local ties.[29] The long-term residence of board members is not, by itself, a reliable basis on which to award a preference in this context. While having a board with 75 percent local residents is likely to ensure a level of community awareness that may be reflected in future station policies and programming, we cannot say that the mere presence of local residents on the board of an applicant (which may be a new organization or an organization that has no previous ties to the community) establishes the track record of serving the community's educational needs on which this preference relies as a predictor of future performance. Thus, we will not alter the qualifications for the established local applicant credit. Applicants will continue to be able to establish that they are "local" by demonstrating that 75 percent of their board members are local residents, and will continue to have to show that they were a nonprofit educational organization established in the community for two years in order to obtain a preference as an "established" local applicant.[30] Youngshine's request is therefore denied.

[28] 47 C.F.R. § 73.3001(b)(1).

[29] *NCE MO&O*, 16 FCC Rcd at 5091 ("an organization that has already been local for two years or more . . . can thus 'hit the ground running' ").

[30] *See NCE R&O*, 15 FCC Rcd at 7409-10, *aff'd NCE MO&O*, 16 FCC Rcd at 5091-93.

C. Attribution of Station Interests

19. A single petitioner, DeLaHunt Broadcasting ("DeLaHunt"), addresses the wording of Section 73.3555 of our rules, which was modified in this proceeding. The primary purpose of that rule section is to set out the numerical ownership limits for commercial stations. As there are no such ownership limits on NCE stations, the rule at one time entirely excluded NCE stations from its provisions.[31] In the *NCE R&O*, the Commission recognized that the footnotes to Section 73.3555, which establish the standards for determining whether broadcast interests are considered "attributable," are now of importance to NCE applicants. In particular, NCE applicants now need standards to determine whether they can claim local diversity points and tiebreaker preferences, both of which favor applicants with no attributable interests in other stations. Thus, we amended Section 73.3555 to clarify for NCE applicants that, although the rule's ownership provisions remain inapplicable, they should use the rule's attribution standards for the purpose of calculating diversity points. At DeLaHunt's request we further modified the rule section in the *NCE MO&O*, phrasing it somewhat more broadly. As modified, the rule section currently states:

> . . .[T]he attribution standards set forth in the Notes to this section will be used to determine attribution of noncommercial FM and TV applicants, such as in evaluating mutually exclusive applications pursuant to [the point system in] Subpart K.[32]

By modifying the rule to use the point system as an example only, we extended the rule's attribution standards to any other circumstances in which attribution principles might apply to NCE organizations.

20. On further reconsideration, DeLaHunt seeks to make one more "subtle" change in Section 73.3555. It asks us to modify the language's current focus on NCE applicants, and instead to phrase the rule in terms of NCE ownership interests. DeLaHunt believes that altering the rule in this manner is needed to recognize that commercial applicants also may have attributable interests in NCE stations. For example, DeLaHunt is interested in clarifying that the commercial auction rule, 47 C.F.R. § 73.5007(b), prohibits a commercial bidder from receiving a new entrant bidding credit if it has an attributable interest in an NCE station. DeLaHunt also believes that its proposal would clarify that Subpart G of the Commission's rules, concerning the Low Power FM ("LPFM") Service, does not permit an LPFM applicant to have any other NCE or commercial broadcast interests.

21. We do not believe that the proposed rule change is necessary. Our intention in amending Section 73.3555 was to clarify that henceforth, whenever attributable interests in NCE stations are relevant, as dictated by statute, our Rules, or Commission precedent, the attribution standards in Note 2 to Section 73.3555 are to be used**,** even though NCE stations are exempt from numerical local ownership limits.[33] Thus we stated that "whenever attribution issues are relevant for NCE purposes, the standards in § 73.3555 will apply."[34] In other words, the attribution of broadcast interests, when relevant to a particular broadcast application, will be determined pursuant to the Notes to Section 73.3555, regardless of whether the interest to be attributed is commercial or noncommercial, and regardless of whether the applicant

[31] 47 C.F.R. § 73.3555(f) (1999).

[32] 47 C.F.R. § 73.3555 (*emphasis added*).

[33] *NCE R&O*, 15 FCC Rcd at 7418-19.

[34] *NCE MO&O*, 16 FCC Rcd at 5102, *Erratum,* DA 01-1351, (Mass Media Bureau May 4, 2001, as corrected June 12, 2001).

holding that interest is applying for a commercial or noncommercial station. With respect to DeLaHunt's interest in clarifying an attribution issue that arose in a particular commercial auction prior to our amendment of Section 73.3555, that matter goes beyond of the scope of this proceeding. We note that DeLaHunt has raised this identical issue in an application proceeding. *See Letter to Ms. Carol DeLaHunt and Minnesota Christian Broadcasters, Inc*., Ref. No. 1800B3-TSN (Audio Services Div., Mass Media Bureau, rel. Sept. 27, 2000), *application for review filed by DeLaHunt* (Oct. 27, 2000). We will address that issue in that proceeding.

III. PROCEDURAL MATTERS AND ORDERING CLAUSES

22. This *Memorandum Opinion and Second Order on Reconsideration* promulgates no additional final rules, and we received no petitions for reconsideration of the Final Regulatory Flexibility Certification. Therefore, no additional Regulatory Flexibility Analysis is required by the Regulatory Flexibility Act, 5 U.S.C. § 601 *et seq.* The previous final certification made in this proceeding remains unchanged. Specifically, the *NCE R&O* anticipated the actions taken therein to "reduce the overall administrative burden of the Commission's application processes on applicants and the Commission," and the *NCE MO&O* anticipated that a clarification therein "may benefit small entities."

23. Authority for issuance of this *Memorandum Opinion and Second Order on Reconsideration* is contained in Sections 4(i), 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 403, and 405.

24. The actions taken in this *Memorandum Opinion and Second Order on Reconsideration* have been analyzed with respect to the Paperwork Reduction Act of 1995, and found to impose no new or modified reporting and recordkeeping requirements or burdens on the public.

25. Accordingly, IT IS ORDERED that the petitions for further reconsideration ARE DENIED pursuant to Sections 4(i), 303(r), 403, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 403, and 405, and Section 1.429(i) of the Commission's rules, 47 C.F.R. § 1.429(i).

26. For additional information concerning this proceeding, contact Irene Bleiweiss, Media Bureau, Audio Division, (202) 418-2700.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

List of Participants

De La Hunt Broadcasting
Jimmy Swaggart Ministries
Michiana Christian Broadcasters, Inc.
Real Life Educational Foundation of Baton Rouge, Inc.
Spring Arbor College
Youngshine Media, Inc.