

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

In the Matter of	)	
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<b>Threshold Fair Distribution Analysis of 26 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations</b>	)	NCE October 2007 Window, MX Group Numbers 61, 65, 68, 69, 77, 78, 79, 89, 95, 100, 101, 106, 115, 117, 131, 132, 136, 139, 141, 145, 154, 161, 162, 165, 182, and 187
	)	

**MEMORANDUM OPINION AND ORDER**

**Adopted: June 20, 2008**

**Released: June 23, 2008**

By the Chief, Audio Services Division, Media Bureau

**I. BACKGROUND**

1. The Media Bureau (“Bureau”) has before it for comparative consideration 26 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.<sup>1</sup> By this Memorandum Opinion and Order (“Order”), the Bureau performs threshold analyses and identifies the tentative selectee in each group. Petitions to deny the application of any of these tentative selectees must be filed within 30 days of the date of release of this Order.<sup>2</sup>

2. The groups addressed in this Order consist of applications that were filed or amended in October 2007, during the first filing window for NCE FM applications.<sup>3</sup> These applicants have had an opportunity to settle among themselves<sup>4</sup> and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).<sup>5</sup> During the first step of this process the Bureau, acting pursuant to delegated authority,<sup>6</sup> uses service area population data and certifications provided by the applicants to conduct a threshold analysis.

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<sup>1</sup> On March 7, 2008, the Bureau issued a public notice identifying 263 groups, all of which contained four or fewer mutually exclusive NCE FM applications. *See Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, DA 08-536 (MB March 7, 2008). Each of the groups analyzed herein was included on that Public Notice.

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

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

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

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

<sup>6</sup> *See Comparative Consideration of 76 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, 22 FCC Rcd 6101, n.16. *See also* 47 C.F.R. §§ 0.61 and 0.283.

## II. THRESHOLD FAIR DISTRIBUTION PROCEDURES

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

4. If only one applicant qualifies for a “fair distribution” preference, the preference is dispositive. If more than one applicant in a mutually exclusive group qualifies for the preference, we compare each applicant’s first service population coverage totals.<sup>10</sup> An applicant will receive a dispositive fair distribution preference by proposing a first NCE aural service to at least 5,000 more potential listeners than the next highest applicant’s first service total.<sup>11</sup> If no applicant is entitled to a first service preference, we consider combined first and second NCE aural service population totals and apply the same 5,000 listener threshold. At each stage of the Section 307(b) analysis, any applicant that is comparatively disfavored in terms of eligibility or service totals is eliminated. The process ends when the Bureau determines that one applicant is entitled to a preference or that none of the remaining applicants can be selected or eliminated based on a Section 307(b) preference. In the latter case, all remaining applicants proceed to a point system analysis. Applicants that have received a Section 307(b) preference are required to construct and operate technical facilities substantially as proposed, and cannot downgrade service to the area on which the preference was based for a period of four years of on-air operations.<sup>12</sup>

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

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

<sup>9</sup> See 47 C.F.R. § 73.7002(b). Applicants were required to use the most recently available, *i.e.*, 2000 Census, population data. See FCC Form 340, Instructions for Section III. An applicant’s fair distribution showing must be computed as of time of filing (close of the filing window for applications filed prior to the window) and cannot be enhanced thereafter. See 47 C.F.R. § 73.7003(e) and (f)(3); *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures*, 22 FCC Rcd 15050, 15051 (MB 2007); *Reexamination of Comparative Standards for Noncommercial Applicants*, Memorandum Opinion and Order, 16 FCC Rcd 5074, 5082-83 (2001) (“NCE MO&O”). However, an applicant that subsequently makes engineering changes that would diminish its fair distribution position must amend its application to reflect that diminished position. See 47 C.F.R. §§ 1.65 and 73.7003(e).

<sup>10</sup> See 47 C.F.R. § 73.7002(b).

<sup>11</sup> *Id.*

<sup>12</sup> 47 C.F.R. § 73.7005(b).

### III. GROUP-BY-GROUP ANALYSIS

5. This Section contains narrative descriptions of our analyses, organized chronologically by group number. Unless otherwise noted, each component of the analysis is based on information provided by each of the respective applicants.<sup>13</sup>

6. **Group 61.** There are two applicants in this group. Mineral Springs Public Radio, Inc. (“MSPR”) proposes to serve Centerville, South Carolina. Les Seraphim (“LS”) proposes to serve Elberton, Georgia. LS asserts that it is eligible for a fair distribution preference because it would provide a new first or second NCE service to ten percent of the population, and to at least 2,000 people.<sup>14</sup> MSPR states that it is not eligible for a fair distribution preference. Accordingly, MSPR is eliminated and LS is the tentative selectee in Group 61.

7. **Group 65.** In the next group, four applicants seek to serve four different communities in Georgia. Community Radio Foundation of Florida, Inc. (“Community”) proposes to serve Dahlongega. Wilbur Gospel Communications and Foundation (“Wilbur”) proposes to serve Helen. Toccoa Foundation, Inc. (“Toccoa”) proposes service to Hiawassee. Georgia Public Telecommunications Commission (“GPTC”) proposes service to Young Harris. Toccoa and GPTC each claims that it is eligible for a fair distribution preference.<sup>15</sup> Community and Wilbur each certifies that it would not qualify for a Section 307(b) preference. Community and Wilbur are thus eliminated based on fair distribution eligibility. With respect to first service, each of the remaining applicants asserted that it is entitled to a first NCE service preference. Toccoa claims that it would provide a new first NCE service to 4,138 people. GPTC asserts that it would provide a new first NCE service to 8,395 people. The Toccoa and GPTC first service proposals are comparable because neither proposal exceeds the other by at least 5,000 people. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Toccoa would provide a first or second NCE service to 10,112 people (4,138 first service plus 5,974 second service); and GPTC to 20,746 people (8,395 first service plus 12,351 second service). Because GPTC’s proposal would provide, in the aggregate, a new first or second NCE service to at least 5,000 people more than Toccoa’s proposal, GPTC is the tentative selectee in Group 65.

8. **Group 68.** There are two applicants in this group. Tillandsia Radio Outreach, Inc. (“TRO”) proposes to serve Reidsville, Georgia and Athens Christian Radio, Inc. (“Athens”) proposes to serve Vidalia, Georgia. Each applicant claims to be eligible for a fair distribution preference<sup>16</sup> but neither

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<sup>13</sup> Specifically, information relating to the applicants’ Section 307(b) claims including, where applicable, populations receiving first and/or second NCE radio services were reported by the applicants in their responses to Questions III(1) and (2) of their applications and associated exhibits.

<sup>14</sup> LS’s 60 dBu contour encompasses 16,250 people. LS’s claimed aggregated first and second NCE service is 15,843 people. *See* LS’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>15</sup> Toccoa’s 60 dBu contour encompasses 14,250 people. Toccoa’s claimed aggregated first and second NCE service is 10,112 people. *See* Toccoa’s Application, Questions III(1), III(2), and associated exhibits. GPTC’s 60 dBu contour encompasses 20,746 people. GPTC’s claimed aggregated first and second NCE service is all 20,746 people. *See* GPTC’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>16</sup> TRO’s 60 dBu contour encompasses 44,846 people, 31,296 of whom TRO would provide with a new first or second NCE service. *See* TRO’s Application, Questions III(1), III(2), and associated exhibits. Athens’ 60 dBu contour encompasses 61,330 people, 47,603 of whom Athens would provide with such service. *See* Athens’

asserts that it is entitled to a first service preference. If no proposal prevails on first service, we consider combined first and second NCE service population totals. TRO would provide a new first or second NCE service to 31,296 people (0 first service plus 31,296 second service). Athens would provide a new first or second NCE service to 47,603 people (3,151 first service plus 44,452 second service). Because Athens proposes to serve at least 5,000 more people than TRO, Athens is the tentative selectee in Group 68.

9. **Group 69.** This group consists of two applicants proposing to serve different communities in Georgia. Athens Christian Radio, Inc. (“Athens”) proposes to serve Crawfordville, and Toccoa Foundation, Inc. (“Toccoa”) proposes to serve Tignall. Each applicant claims that it is eligible for a first NCE service fair distribution preference.<sup>17</sup> Athens asserts that it would provide a new first NCE service to 4,683 people, and Toccoa claims that it would provide a new first NCE service to 9,713 people. Toccoa properly bases its claim on circumstances as they existed at the close of the filing window, counting a then-outstanding construction permit issued in 2005 for WTHM(FM), Thomson, Georgia, but not a modification to that permit which was not granted until December 17, 2007.<sup>18</sup> Because Toccoa’s proposal would provide new NCE service to 5,000 people more than Athens’ proposal, Toccoa is the tentative selectee in Group 69.

10. **Group 77.** There are two applicants in Group 77. Covenant Network (“Covenant”) proposes to serve Manly, Iowa. University of Northern Iowa (“UNI”) proposes to serve Mason City, Iowa. UNI asserts that it was eligible for a fair distribution preference.<sup>19</sup> Covenant does not. Accordingly, Covenant is eliminated and UNI is the tentative selectee in Group 77.

11. **Group 78.** This group is comprised of two applicants. New Bohemia Group, Inc. (“NBG”) proposes to serve Coggon, Iowa. Calvary Iowa City (“CIC”) proposes to serve Winthrop, Iowa. NBG asserts that it is eligible for a fair distribution preference,<sup>20</sup> and CIC does not. Accordingly, CIC is eliminated and NBG is the tentative selectee in Group 78.

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Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>17</sup> Toccoa’s 60 dBu contour encompasses 9,713 people, all 9,713 of whom it would provide with a new first or second NCE service; *See* Toccoa’s Application, Questions III(1), III(2), and associated exhibits. Athens’ 60 dBu contour encompasses 4,921 people, all 4,921 of whom Athens would provide with such a new first NCE service. *See* Athens’ Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>18</sup> The Commission has directed that Section 307(b) analyses be performed using the data that is the most current at the close of a filing window. *See NCE MO&O*, 16 FCC Rcd at 5083. Although the Commission has recognized the inevitability of shifts in population and in number of services authorized thereafter, the Commission stated that its overall concern was with use of Section 307(b) data prepared during a common timeframe, and that changes in Section 307(b) information after the close of a filing window would not reduce an applicant’s standing. *Id.*

<sup>19</sup> In its original application, UNI claimed that its 60 dBu contour encompassed 68,721 people. UNI’s claimed aggregated first and second NCE service is 8,650 people. *See* UNI’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people. UNI subsequently amended its application to claim service to a larger population, with more people receiving new first and second NCE service. Applicants cannot, however, enhance their comparative claims after the close of the filing window. In the current group the claimed enhancement would, in any event, have no potential impact on the outcome of the proceeding.

<sup>20</sup> NBG’s 60 dBu contour encompasses 15,641 people. NBG’s claimed aggregated first and second NCE service is 11,748 people. *See* NBG’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

12. **Group 79.** There are two applicants in Group 79. Hawkeye Seventh-Day Adventist Church (“HSDAC”) proposes to serve Hawkeye, Iowa. Ho.Ly, Inc. (“HLI”) proposes to serve Postville, Iowa. HSDAC asserts that it is eligible for a fair distribution preference.<sup>21</sup> HLI stated that it would not provide sufficient new first or second NCE service to warrant a fair distribution preference. Accordingly, HLI is eliminated and HSDAC is the tentative selectee in Group 79.

13. **Group 89.** In this group, three applicants seek to serve three different communities. Cornerstone Community Radio, Inc. (“Cornerstone”) proposes to serve Pittsfield, Illinois. Quincy Not For Profit Jazz Corporation (“Jazz”) proposes to serve Quincy, Illinois. Union Valley Baptist Church, Inc. (“Union”) proposes service to Stoutsville, Missouri. Cornerstone and Union each claims that it is eligible for a fair distribution preference.<sup>22</sup> Jazz certifies that it would not qualify for a Section 307(b) preference. Jazz is thus eliminated on fair distribution eligibility. With respect to first service, each of the remaining applicants asserts that it is entitled to a first NCE service preference. Cornerstone claims that it would provide a new first NCE service to 9,199 people. Union asserts that it would provide a new first NCE service to 4,286 people. The Cornerstone and Union first service proposals are comparable because neither proposal exceeds the other by at least 5,000 people. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Cornerstone would provide a first or second NCE service to 21,709 people (9,199 first service plus 12,510 second service); and Union to 4,286 people (4,286 first service plus 0 second service). Because Cornerstone’s proposal would provide new NCE service to at least 5,000 people more than Union’s proposal, Cornerstone is the tentative selectee in Group 89.

14. **Group 95.** This group is comprised of two applicants. Living Faith Fellowship and Outreach Ministries, Inc. (“LFF”) proposes to serve Constantine, Michigan. Friends of Radio Maria, Inc. (“FRM”) propose to serve Laporte, Indiana. LFF asserts that it is eligible for a fair distribution preference<sup>23</sup> and FRM does not claim it is eligible for a fair distribution preference. Accordingly, FRM is eliminated and LFF is the tentative selectee in Group 95.

15. **Group 100.** This group is comprised of three applicants proposing to serve three different communities in Kentucky. The Positive Radio Network (“PRN”), Shredding the Darkness (“STD”), and 24-7 Broadcasting, Inc. (“24-7”) propose to serve Carlisle, Cynthiana, and Sunrise, respectively. Only PRN asserts that it is eligible for a fair distribution preference.<sup>24</sup> Accordingly, STD and 24-7 are eliminated and PRN is the tentative selectee in Group 100.

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<sup>21</sup> HSDAC’s 60 dBu contour encompasses 9,058 people. HSDAC’s claimed aggregated first and second NCE service is 7,952 people. *See* HSDAC’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>22</sup> Cornerstone’s 60 dBu contour encompasses 50,475 people. Cornerstone’s claimed aggregated first and second NCE service is 21,709 people. *See* Cornerstone’s Application, Questions III(1), III(2), and associated exhibits. Union’s 60 dBu contour encompasses 31,624 people. Union’s claimed aggregated first and second NCE service is 4,286 people. *See* Union’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>23</sup> LFF’s 60 dBu contour encompasses 91,941 people. LFF’s claimed aggregated first and second NCE service is all 91,941 people. *See* LFF’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>24</sup> PRN’s 60 dBu contour encompasses 13,738 people. PRN’s claimed aggregated first and second NCE service is 4,901 people. *See* PRN’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide

16. **Group 101.** In Group 101, Friendship Baptist Church (“FBC”) proposes to serve Joaquin, Texas, and Community Impact Foundation (“CIF”) proposes to serve Logansport, Louisiana. Each applicant claims that it is eligible for a fair distribution preference<sup>25</sup> and a first service preference. FBC would provide first NCE service to 4,127 people; and CIF to 7,461 people. No applicant proposes to serve at least 5,000 more potential listeners than the next highest applicant’s first service total. If no proposal prevails on first service, we consider combined first and second service population totals. FBC would provide a new first or second NCE service to 15,689 people (4,127 first service plus 11,565 second service); and CIF to 28,358 people (7,461 first service plus 20,897 second service). Because CIF’s proposal would provide a new first or second NCE service to at least 5,000 people more than FBC’s proposal, CIF is the tentative selectee in Group 101.

17. **Group 106.** In this group, two applicants seek to serve two different communities in Louisiana. Southern Cultural Foundation (“Cultural”) proposes to serve New Iberia and Southern Consumers Educational Foundation (“Consumers”) proposes to serve St. Martinville. Each claims that it is eligible for a fair distribution preference<sup>26</sup> and a first NCE service preference. Cultural claims that it would provide a new first NCE service to 10,850 people. Consumers asserts that it would provide a new first NCE service to 18,321 people. Because Consumers’ proposal would provide new first NCE service to at least 5,000 people more than Cultural’s first service proposal, Consumers is the tentative selectee in Group 106.

18. **Group 115.** This group is comprised of two applicants. St. Vincent De Paul Society Uniontown Area Conference (“SVDP”) proposes to serve Connellsville, Pennsylvania. Mt. Lake Independent Baptist Church (“MLIBC”) proposes to serve Oakland, Maryland. Only SVDP asserts that it is eligible for a fair distribution preference.<sup>27</sup> Accordingly, MLIBC is eliminated and SVDP is the tentative selectee in Group 115.

19. **Group 117.** This group consists of four applications proposing to serve four different communities in Maine. Light of Life Ministries (“Light”) has two applications in this group, one to serve Belfast and the other to serve Ellsworth. Bangor Baptist Church (“BBC”) proposes service to Newport and Lincoln Street Center (“LSC”) proposes service to Rockland. Lincoln and Light (with respect to the

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combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>25</sup> See FBC and CIF Applications, Questions III(1), III(2), and associated exhibits. FBC’s 60 dBu contour encompasses 17,227 people. FBC’s claimed aggregated first and second NCE service is 15,692 people. CIF’s 60 dBu contour encompasses 30,511 people. CIF’s claimed aggregated first and second NCE service is 28,358 people. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>26</sup> Cultural’s 60 dBu contour encompasses 76,898 people. Cultural’s claimed aggregated first and second NCE service is 16,848 people. See Cultural’s Application, Questions III(1), III(2), and associated exhibits. Consumers’ 60 dBu contour encompasses 128,409 people. Consumers’ claimed aggregated first and second NCE service is 27,172 people. See Consumers’ Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>27</sup> SVDP’s 60 dBu contour encompasses 51,549 people. SVDP’s claimed aggregated first and second NCE service is 43,509 people. See SVDP’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

Belfast proposal) each claim a fair distribution preference.<sup>28</sup> BBC and Light (with respect to the Ellsworth proposal) do not claim a fair distribution preference. Accordingly, BBC and Light's Ellsworth proposal are eliminated.

20. Neither of the remaining two applicants asserts that it is entitled to a first NCE service preference. Light's Belfast proposal would provide a new first or second NCE service to 33,706 people (422 first service plus 33,284 second service); and LSC to 26,251 people (0 first service plus 26,251 second service). Because Light proposes, with respect to Belfast, to serve at least 5,000 more people than LSC, Light is the tentative selectee in Group 117.

21. **Group 131.** In Group 131, two applicants seek to serve different communities in Minnesota. Voice From the Cloud Media, Inc. ("Voice") proposes to serve Foley and Minnesota Public Radio ("MPR") proposes to serve Hinckley. Each claims that it is eligible for a first NCE service fair distribution preference.<sup>29</sup> Voice claims that it would provide a new first NCE service to 15,651 people. MPR asserts that it would provide a new first NCE service to 28,445 people. Accordingly, because MPR's proposal would provide new first NCE service to at least 5,000 people more than Voice's first service proposal, MPR is the tentative selectee in Group 131.

22. **Group 132.** This group is comprised of two applicants that specify different communities in Minnesota. White Earth Land Recovery Project ("WELRP") proposes to serve Naytahwaush and Minnesota Public Radio ("MPR") proposes to serve Park Rapids. Each claimed that it is eligible for a first NCE service fair distribution preference.<sup>30</sup> MPR is, however, mistaken because its claimed first service to 1,261 people does not meet the 2,000-person minimum. WELRP's proposal, on the other hand, would provide a new first NCE service to 12,239 people, satisfying both the ten percent and 2,000-person minimum. MPR is thus eliminated and WELRP is the tentative selectee in Group 132.

23. **Group 136.** In the next group, two applicants seek to serve different communities in Minnesota. Voice of Reason Radio ("VRR") proposes to serve Detroit Lakes and White Earth Land Recovery Project ("WELRP") proposes to serve White Earth. Each claims that it is eligible for a first NCE service fair distribution preference.<sup>31</sup> VRR claims that it would provide a new first NCE service to

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<sup>28</sup> Light's 60 dBu contour for Belfast encompasses 83,801 people. Light's claimed aggregated first and second NCE service for the Belfast proposal is 33,706 people. See Light's Belfast Application, Questions III(1), III(2), and associated exhibits. LSC's 60 dBu contour encompasses 35,834 people. LSC's claimed aggregated first and second NCE service is 26,251 people. See LSC's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>29</sup> Voice's 60 dBu contour encompasses 34,558 people. Voice's claimed aggregated first and second NCE service is 18,694 people. See Voice's Application, Questions III(1), III(2), and associated exhibits. MPR's 60 dBu contour encompasses 28,866 people. MPR's claimed aggregated first and second NCE service is all 28,866 people. See MPR's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>30</sup> WELRP's 60 dBu contour encompasses 20,252 people. WELRP's claimed aggregated first and second NCE service is 15,735 people. See WELRP's Application, Questions III(1), III(2), and associated exhibits. MPR's 60 dBu contour encompasses 12,005 people. MPR's claimed aggregated first and second NCE service is all 12,005 people. See MPR's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>31</sup> VRR's 60 dBu contour encompasses 50,174 people. VRR's claimed aggregated first and second NCE service is 16,644 people. See VRR's Application, Questions III(1), III(2), and associated exhibits. WELRP's 60 dBu contour encompasses 53,713 people. WELRP's claimed aggregated first and second NCE service is 46,670 people. See

16,644 people. WELRP asserts that it would provide a new first NCE service to 29,280 people. Accordingly, because WELRP's proposal would provide new first NCE service to at least 5,000 people more than VRR's first service proposal WELRP is the tentative selectee in Group 136.

24. **Group 139.** This group is comprised of two applicants for different communities in Missouri. Missouri River Christian Broadcasting, Inc. ("MRCB") proposes to serve Dixon. Basalt of the Earth, Inc. ("Basalt") proposes to serve St. James. MRCB asserts that it is eligible for a fair distribution preference.<sup>32</sup> Basalt does not claim a preference. Accordingly, Basalt is eliminated on fair distribution principles and MRCB is the tentative selectee in Group 139.

25. **Group 141.** Curators of the University of Missouri ("University") proposed to serve Moberly, Missouri, and Serendipity Educational Broadcasting, Inc. ("Serendipity") proposed service to Shelbina, Missouri. Each claimed that it was eligible for a fair distribution preference<sup>33</sup> based on its first NCE service population total. University claimed that it would provide a new first NCE service to 5,824 people. Serendipity asserted that it would provide a new first NCE service to 8,619 people. The University and Serendipity first service proposals are comparable because neither proposal exceeds the other by at least 5,000 people. University would provide a first or second NCE service to 9,658 people (5,824 first service plus 3,834 second service); and Serendipity to 14,852 people (8,619 first service plus 6,233 second service). Because Serendipity's proposal would provide new NCE service to at least 5,000 people more than University's proposal, Serendipity is the tentative selectee in Group 141.

26. **Group 145.** This group is comprised of two applicants for different communities in Mississippi. Quitman County Development Organization d/b/a Deep South Delta Foundation ("Quitman") proposes to serve Clarksdale and Blues and Gospel Heritage Association ("BGHA") proposes to serve Jonestown. Quitman asserts that it is eligible for a fair distribution preference<sup>34</sup> and BGHA does not claim a preference. Accordingly, BGHA is eliminated and Quitman is the tentative selectee in Group 145.

27. **Group 154.** This group consists of two applications proposing to serve different communities in North Carolina. Down East Communications/CDC/and Center for the Performing Arts ("Down East")<sup>35</sup> proposes service to Magnolia and New Covenant Evangelical Presbyterian Church ("NCEPC") proposes to serve Wallace. Each applicant claims that it is eligible for a fair distribution

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WELRP's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>32</sup> MRCB's 60 dBu contour encompasses 6,298 people. MRCB's claimed aggregated first and second NCE service is 2,964 people. See MRCB's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>33</sup> University's 60 dBu contour encompasses 17,030 people. University's claimed aggregated first and second NCE service is 9,658 people. See University's Application, Questions III(1), III(2), and associated exhibits. Serendipity's 60 dBu contour encompasses 14,917 people. Serendipity's claimed aggregated first and second NCE service is 14,852 people. See Serendipity's Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>34</sup> Quitman's 60 dBu contour encompasses 52,668 people. Quitman's claimed aggregated first and second NCE service is 17,149 people. See Quitman's Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>35</sup> Exhibits to Down East's application reflect that it is a single corporation.



preference.<sup>36</sup> Down East asserted that it is entitled to a first NCE service preference because its proposed facility would provide first service to 5,618 people, which is at least 10 percent of the population (and at least 2,000 persons) within its 60 dBu contour. NCEPC, which would provide a first NCE service to only 1,735 people, does not assert a first NCE service preference, instead relying on both first and second NCE service to establish its eligibility for a preference. NCEPC, thus, is eliminated based on first service. Down East is the tentative selectee in Group 154.

28. **Group 161.** The four applicants in this group propose service to different communities in North Dakota. Calvary Chapel Fargo (“CCF”) proposes service to Casselton; Alliance for the Arts and Humanities (“AAH”) to Fargo; Jamestown College (“College”) to Jamestown; and Real Presence Radio (“RPR”) to Mapleton. CCF and College claim that they are eligible for a fair distribution preference.<sup>37</sup> AAH and RPR do not. AAH and RPR, thus, are eliminated. Of the remaining applicants, CCF asserts that it is entitled to a first NCE service preference because its proposed facility would provide first service to 2,504 people, which is at least 10 percent of the population (and at least 2,000 persons) within its 60 dBu contour. College does not assert that it is entitled to a preference based solely on first service because its proposed station would provide a first NCE service to only 131 people. College, thus, is eliminated based on first service. CCF is the tentative selectee in Group 161.

29. **Group 162.** There are two applicants in this group proposing service to different communities in North Dakota. American Family Association (“AFA”) proposes service to Watford City, and Prairie Public Broadcasting (“PPB”) proposes service to Williston. Each claims a fair distribution preference.<sup>38</sup> PPB asserts that it is entitled to a first NCE service preference based on a first service population total of 9,079 people. AFA, which would provide a first NCE service to only 142 people, does not assert a first NCE service preference, instead relying on both first and second NCE service population totals. AFA, thus, is eliminated based on first service. PPB is the tentative selectee in Group 162.

30. **Group 165.** The three applicants in this group propose service to different communities in Nebraska. VSS Catholic Communications, Inc. (“VSS”) proposes service to Hartington; Gospel Music Omaha (“GMO”) proposes to serve Norfolk; and Calvary Iowa City (“CIC”) proposes to serve Plainview. VSS claims that it is eligible for a fair distribution preference.<sup>39</sup> GMO and CIC do not. GMO and CIC, thus, are eliminated. VSS is the tentative selectee in Group 165.

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<sup>36</sup> Down East’s 60 dBu contour encompasses 37,372 people. Down East’s claimed aggregated first and second NCE service is 16,007 people. *See* Down East’s Application, Questions III(1), III(2), and associated exhibits. NCEPC’s 60 dBu contour encompasses 29,783 people. NCEPC’s claimed aggregated first and second NCE service is 10,428 people. *See* FSI’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>37</sup> CCF’s 60 dBu contour encompasses 18,777 people. CCF’s claimed aggregated first and second NCE service is 2,856 people. *See* CCF’s Application, Questions III(1), III(2), and associated exhibits. College’s 60 dBu contour encompasses 19,777 people. College’s claimed aggregated first and second NCE service is 2,517 people. *See* CCF’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>38</sup> AFA’s 60 dBu contour encompasses 2,574 people. AFA’s claimed aggregated first and second NCE service is all 2,574 people. *See* AFA’s Application, Questions III(1), III(2), and associated exhibits. PPB’s 60 dBu contour encompasses 29,111 people. PPB’s claimed aggregated first and second NCE service is all 29,111 people. *See* PPB’s Application, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>39</sup> VSS’s 60 dBu contour encompasses 10,317 people. VSS’s claimed aggregated first and second NCE service is 6,782 people. *See* VSS’s Application, Questions III(1), III(2), and associated exhibits. Thus, it would provide

31. **Group 182.** In this group, four applicants seek to serve four different New Mexico communities. Navajo Technical College (“NTC”) proposes to serve Crownpoint. Christian Ministries of the Valley, Inc. (“CMV”) proposes to serve Cuba. Available Media, Inc. (“AMI”) proposes to serve Pagate. Tighrope Broadcasting, Inc. (“Tighrope”) proposes to serve San Ildefonso Pueblo. NTC, CMV, and AMI claim a fair distribution preference.<sup>40</sup> Tighrope does not and thus is eliminated. With respect to first service, two of the three remaining applicants assert that they are entitled to a first NCE service preference. NTC claims that it would provide a new first NCE service to 4,880 people. CMV asserts that it would provide a new first NCE service to 4,693 people. AMI, however, states that is not eligible for a first service preference because it would provide a new first NCE service to only 1,901 people. Accordingly, AMI is eliminated. The NTC and CMV first service proposals are comparable because neither proposal exceeds the other by at least 5,000 people. If no proposal prevails on first service, we consider combined first and second NCE service population totals. NTC would provide a first or second NCE service to 17,198 people (4,880 first service plus 12,018 second service); and CMV to 4,723 people (4,693 first service plus 130 second service). Because NTC’s proposal would provide new NCE service to at least 5,000 people more than CMV’s proposal, NTC is the tentative selectee in Group 182.

32. **Group 187.** In the final group, three applicants seek to serve three different New York communities. Family Stations, Inc. (“FSI”) proposes to serve Bath. Family Worship Center Church (“FWCC”) proposes to serve Corning. Ithaca Community Radio, Inc. (“ICR”) proposes to serve Odessa. FWCC and ICR claim that they are eligible for a fair distribution preference.<sup>41</sup> FSI does not and thus is eliminated. With respect to first service, ITC asserts that it is entitled to a first NCE service preference because it would provide a new first NCE service to 9,244 people. FWCC states that no people would receive a new first NCE service from its proposed station. Thus, FWCC does not assert a first NCE service preference, instead relying on first and second NCE service population levels to establish its eligibility for a fair distribution preference. Accordingly, FWCC is eliminated, and ICR and is the tentative selectee in Group 187.

#### IV. ADDITIONAL MATTERS

33. **Acceptability Studies.** Once the Bureau identifies a tentative selectee pursuant to the fair distribution process, the next step is to consider whether the selectee’s application has defects.<sup>42</sup> If found

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combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>40</sup> The 60 dBu contours of NTC, CMV, and AMI encompass 17,198, 12,758, and 25,941 people, respectively. Their respective claimed aggregated first and second NCE service is 17,198, 4,723, and 11,410 people. See NTC’s, CMV’s, and AMI’s Applications, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>41</sup> The 60 dBu contours of FWCC and ICR respectively encompass 26,309 people and 10,861 people. FWCC’s claimed aggregated first and second NCE service is 12,450 people and ICR’s is 10,847 people. See FWCC’s and ICR’s Applications, Questions III(1), III(2), and associated exhibits. Thus, each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2,000 people.

<sup>42</sup> If a tentative selectee’s application is found unacceptable for filing, it is dismissed. The applicant then has one opportunity to submit a curative amendment and a petition for reconsideration requesting reinstatement *nunc pro tunc* within 30 days, provided that the amendment is minor and does not alter the fair distribution preference. See 47 C.F.R. § 73.3522(b)(1). A tentative selectee that is unable to cure the defect is disqualified.

acceptable for filing, public notice of that fact is given, and petitions to deny may be filed within 30 days following the release of the public notice.

34. The Bureau has studied the applications of all of the tentative selectees identified herein and has determined that they are acceptable for filing. Each of the tentative selectees identified in this Order appears to be fully qualified to become the licensee of the new or modified NCE FM stations that it has proposed. We tentatively conclude that the grant of their applications would serve the public interest, convenience, and necessity. It is our intention to grant the applications if, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application. Such determinations of grantability may, of course, involve additional matters that may impact the timing or outcome of a decision. For example, a proposal to serve an area near the United State border with Canada or Mexico cannot become ripe for grant prior to the successful completion of international coordination.

35. **Severance for Purposes of Petitions, Appeals and Finality.** We are including a provision in the ordering clauses herein that each decision involving a mutually exclusive group is to be considered distinct and separate for purposes of petitions to deny, petitions for reconsideration, review on the Commission's own motion, and appeals. The timing of any action disposing of a petition or appeal affecting a particular group will not delay the finality of our decision with respect to any other group.

## V. ORDERING CLAUSES

36. Accordingly, IT IS ORDERED, That each decision involving a mutually exclusive group in this *Memorandum Opinion and Order* shall be deemed a distinct and separate decision for purposes of petitions to deny, petitions for reconsideration, review on the Commission's own motion, and appeals.<sup>43</sup> If any decision in this *Memorandum Opinion and Order* is declared invalid for any reason, the remaining portions shall be severable from the invalid part and SHALL REMAIN in full force and effect to the fullest extent permitted by law.

37. **Group 61.** IT IS FURTHER ORDERED, That the Application filed by Les Seraphim (File No. BNPED-20071018AOC) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Elberton, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Mineral Springs Public Radio (File No. BNPED-20071012AFV), and TO GRANT the application of Les Seraphim (File No. BNPED-20071018AOC) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

38. **Group 65.** IT IS FURTHER ORDERED, That the Application filed by Georgia Public Telecommunications Commission (File No. BNPED-20071019BBB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Young Harris, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Community Radio Foundation of Florida (File No. BNPED-20071022AGF), Wilbur Gospel Communications and Foundation (File No. BNPED-20071015AFF), and Toccoa Foundation, Inc. (File No. BNPED-20071022ADY) and TO GRANT the application of Georgia Public Telecommunications Commission (File No. BNPED-20071019BBB)

<sup>43</sup> See 5 U.S.C. §§ 702, 704, 706; 47 U.S.C. §§ 309(d), 402(b), 405; 47 C.F.R. §§ 1.106-08, 1.120, 73.7004. In cases that involve separate mutually exclusive groups but present common issues, the petitions or appeals may be filed jointly or may be consolidated at the discretion of the Commission or the court. See, e.g., FED. R. APP. P. 3(b).

CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**39. Group 68.** IT IS FURTHER ORDERED, That the Application filed by Athens Christian Radio, Inc. (File No. BNPED-20071015ACL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Vidalia, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Tillandsia Radio Outreach, Inc. (File No. BNPED-20071018ARU) and TO GRANT the application of Athens Christian Radio, Inc. (File No. BNPED-20071015ACL) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**40. Group 69.** IT IS FURTHER ORDERED, That the Application filed by Toccoa Foundation, Inc. (File No. BNPED-20071022AEB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Tignall, Georgia. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Athens Christian Radio, Inc. (File No. BNPED-20071015ACH) and TO GRANT the application of Toccoa Foundation, Inc. (File No. BNPED-20071022AEB) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**41. Group 77.** IT IS FURTHER ORDERED, That the Application filed by University of Northern Iowa (File No. BNPED-20071018AKJ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Mason City, Iowa. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Covenant Network (File No. BNPED-20071018BDK) and TO GRANT the application of University of Northern Iowa (File No. BNPED-20071018AKJ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**42. Group 78.** IT IS FURTHER ORDERED, That the Application filed by New Bohemia Group, Inc. (File No. BNPED-20071019BBN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Coggon, Iowa. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Calvary Iowa City (File No. BNPED-20071022BPL) and TO GRANT the application of New Bohemia Group, Inc. (File No. BNPED-20071019BBN) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**43. Group 79.** IT IS FURTHER ORDERED, That the Application filed by Hawkeye Seventh-Day Adventist Church (File No. BNPED-20071022BAG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hawkeye, Iowa. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Ho.Ly, Inc. (File No. BNPED-20071022ANV) and TO GRANT the application of Hawkeye Seventh-Day Adventist Church (File No. BNPED-20071022BAG) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

44. **Group 89.** IT IS FURTHER ORDERED, That the Application filed by Cornerstone Community Radio, Inc. (File No. BNPED-20071022ADX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Pittsfield, Illinois. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Quincy Not For Profit Jazz Corporation (File No. BNPED-20071022ANI) and Union Valley Baptist Church (File No. BNPED-20071022BMT) and TO GRANT the application of Cornerstone Community Radio, Inc. (File No. BNPED-20071022ADX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

45. **Group 95.** IT IS FURTHER ORDERED, That the Application filed by Living Faith Fellowship and Outreach Ministries, Inc. (File No. BNPED-20071016AAZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Constantine, Michigan. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Friends of Radio Maria, Inc. (File No. BNPED-20071022ARW) and TO GRANT the application of Living Faith Fellowship and Outreach Ministries, Inc. (File No. BNPED-20071016AAZ) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

46. **Group 100.** IT IS FURTHER ORDERED, That the Application filed by The Positive Radio Network (File No. BNPED-20071012AQG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Carlisle, Kentucky. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Shredding the Darkness (File No. BNPED-20071022BCS) and 24-7 Broadcasting, Inc. (File No. BNPED-20071022ATJ) and TO GRANT the application of The Positive Radio Network (File No. BNPED-20071012AQG) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

47. **Group 101.** IT IS FURTHER ORDERED, That the Application filed by Community Impact Foundation, Inc. (File No. BNPED-20071012ABS) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Logansport, Louisiana. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Friendship Baptist Church (File No. BNPED-20071016AAF) and TO GRANT the application of Community Impact Foundation, Inc. (File No. BNPED-20071012ABS) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

48. **Group 106.** IT IS FURTHER ORDERED, That the Application filed by Southern Consumers Education Foundation (File No. BNPED-20071018AWT) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in St. Martinville, Louisiana. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Southern Cultural Foundation (File No. BNPED-20071022BGQ) and TO GRANT the application of Southern Consumers Education Foundation (File No. BNPED-20071018AWT) CONDITIONED UPON that selectee's compliance with Section

73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

49. **Group 115.** IT IS FURTHER ORDERED, That the Application filed by St. Vincent De Paul Society Uniontown Area Conference (File No. BNPED-20071022BBB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Connellsville, Pennsylvania. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Mt. Lake Independent Baptist Church (File No. BNPED-20071019AAF) and TO GRANT the application of St. Vincent De Paul Society Uniontown Area Conference (File No. BNPED-20071022BBB) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

50. **Group 117.** IT IS FURTHER ORDERED, That the Application filed by Light of Life Ministries, Inc. (File No. BNPED-20071018AXW) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Belfast, Maine. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Light of Life Ministries, Inc. (File No. BNPED-20071018AYA), Bangor Baptist Church (File No. BNPED-20071012AOR), and Lincoln Street Center (File No. BNPED-20071018AMK) and TO GRANT the application of Light of Life Ministries, Inc. (File No. BNPED-20071018AXW) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

51. **Group 131.** IT IS FURTHER ORDERED, That the Application filed by Minnesota Public Radio (File No. BNPED-20071016AHK) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hinckley, Minnesota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Voices From the Cloud Media, Inc. (File No. BNPED-20071022AFF) and TO GRANT the application of Minnesota Public Radio (File No. BNPED-20071016AHK) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

52. **Group 132.** IT IS FURTHER ORDERED, That the Application filed by White Earth Land Recovery Project (File No. BNPED-20071018ATR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Naytahwaush, Minnesota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Minnesota Public Radio (File No. BNPED-20071016AHM) and TO GRANT the application of White Earth Land Recovery Project (File No. BNPED-20071018ATR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

53. **Group 136.** IT IS FURTHER ORDERED, That the Application filed by White Earth Land Recovery Project (File No. BNPED-20071018ATL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in White Earth, Minnesota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Voice of Reason Radio (File No. BNPED-20071019AXM) and TO GRANT the application of White Earth Land Recovery Project (File No. BNPED-20071018ATL)

CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**54. Group 139.** IT IS FURTHER ORDERED, That the Application filed by Missouri River Christian Broadcasting, Inc. (File No. BNPED-20071012AFL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Dixon, Missouri. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Basalt of the Earth (File No. BNPED-20071022BIV), and TO GRANT the application of Missouri River Christian Broadcasting, Inc. (File No. BNPED-20071012AFL) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**55. Group 141.** IT IS FURTHER ORDERED, That the Application filed by Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ACY) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Shelbina, Missouri. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of the Curators of the University of Missouri (File No. BNPED-20071018AIU) and TO GRANT the application of Serendipity Educational Broadcasting, Inc. (File No. BNPED-20071016ACY) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**56. Group 145.** IT IS FURTHER ORDERED, That the Application filed by Quitman County Development Organization d/b/a Deep South Delta Foundation (File No. BNPED-20071022AHR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Clarksdale, Mississippi. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of Blues and Gospel Heritage Association (File No. BNPED-20071022AWT) and TO GRANT the application of County Development Organization d/b/a Deep South Delta Foundation (File No. BNPED-20071022AHR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

**57. Group 154.** IT IS FURTHER ORDERED, That the Application filed by Down East Communications/CDC/and Center for the Performing Arts (File No. BNPED-20071019ARX) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Magnolia, North Carolina. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of New Covenant Evangelical Presbyterian Church (File No. BNPED-20071012AXY) and TO GRANT the application of Down East Communications/CDC/and Center for the Performing Arts (File No. BNPED-20071019ARX) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

58. **Group 161.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel Fargo (File No. BNPED-20071012ASN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Casselton, North Dakota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Alliance for the Arts and Humanities (File No. BNPED-20071018ARA), Jamestown College (File No. BNPED-20071022AQK), and Real Presence Radio (File No. BNPED-20071019BFJ) and TO GRANT the application of Calvary Chapel Fargo (File No. BNPED-20071012ASN) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

59. **Group 162.** IT IS FURTHER ORDERED, That the Application filed by Prairie Public Broadcasting, Inc. (File No. BNPED-20071017ADP) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Williston, North Dakota. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive application of American Family Association (File No. BNPED-20071012DYN) and TO GRANT the application of Prairie Public Broadcasting, Inc. (File No. BNPED-20071017ADP) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

60. **Group 165.** IT IS FURTHER ORDERED, That the Application filed by VSS Catholic Communications, Inc. (File No. BNPED-20071018ASA) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hartington, Nebraska. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Gospel Music Omaha (File No. BNPED-20071012ADX), and Calvary Iowa City (File No. BNPED-20071022BPW) and TO GRANT the application of VSS Catholic Communications, Inc. (File No. BNPED-20071018ASA) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

61. **Group 182.** IT IS FURTHER ORDERED, That the Application filed by Navajo Technical College (File No. BNPED-20071022BAR) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Crownpoint, New Mexico. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Christian Ministries of the Valley, Inc. (File No. BNPED-20071019ABV), Available Media, Inc. (File No. BNPED-20071018BCD), and Tightrope Broadcasting, Inc. (File No. BNPED-20071022BNW) and TO GRANT the application of Navajo Technical College (File No. BNPED-20071022BAR) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.



62. **Group 187.** IT IS FURTHER ORDERED, That the Application filed by Ithaca Community Radio, Inc. (File No. BNPED-20071018AFY) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Odessa, New York. If, after a 30-day petition to deny period has run, there is no substantial and material question concerning the grantability of the tentative selectee's application, we intend, by public notice, TO DISMISS the mutually exclusive applications of Family Stations, Inc. (File No. BNPED-20071022ALH), and Family Worship Center Church, Inc. (File No. BNPED-20071017AAS) and TO GRANT the application of Ithaca Community Radio, Inc. (File No. BNPED-20071018AFY) CONDITIONED UPON that selectee's compliance with Section 73.7002(c) of the Commission's Rules, 47 C.F.R. § 73.7002(c), which sets forth a four-year period of on-air operations substantially as proposed.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle  
Chief, Audio Division  
Media Bureau