

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

In the Matter of)	MX Group Numbers 75, 80, 150, 156, 192,
)	258, 319, 341B, 345, 349B, 363, 364, 377,
Threshold Fair Distribution Analysis of 21)	385, 390, 395, 396, 404, 438, 439, and 442
Groups of Mutually Exclusive Applications)	
for Permits to Construct New or Modified)	
Noncommercial Educational FM Stations Filed)	
in October 2007 Window)	

MEMORANDUM OPINION AND ORDER

Adopted: March 30, 2009

Released: March 31, 2009

By the Chief, Audio Division, Media Bureau

I. BACKGROUND

1. The Media Bureau (“Bureau”) has before it for comparative consideration 21 groups of mutually exclusive applications for new or modified noncommercial educational (“NCE”) FM station construction permits.¹ 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.²

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.³ These applicants have had an opportunity to settle among themselves⁴ and are now subject to a simplified, comparative process codified in Part 73, Subpart K, of the Commission’s Rules (the “Rules”).⁵ During the first step of this process the Bureau, acting pursuant to delegated authority,⁶ uses service area population data and certifications provided by the applicants to conduct a threshold analysis.

¹ The Bureau issued several Public Notices in 2008 identifying groups of mutually exclusive applications and each application analyzed herein was included in such a notice. *See Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, DA 08-2259 (MB rel. Oct. 9, 2008) (Groups 501 to 546); *Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, 23 FCC Rcd 9508 (MB 2008) (Groups 300 to 448); *Media Bureau Identifies Groups of Mutually Exclusive Applications*, Public Notice, 23 FCC Rcd 3914 (MB 2008) (Groups 1 to 263).

² *See* 47 C.F.R. § 73.7004(b).

³ 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).

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

⁵ 47 C.F.R. §§ 73.7000 – 7005.

⁶ *See Comparative Consideration of 76 Groups of Mutually Exclusive Applications*, Memorandum Opinion and Order, 22 FCC Rcd 6101, n.16 (2007). *See also* 47 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”),⁷ 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.⁸ 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.⁹ An applicant must support its fair distribution claim with an exhibit identifying the population residing within the proposed station’s 60 dBu service contour and the number of people that would receive a new first or second NCE aural service.¹⁰

4. If only one applicant qualifies for a “fair distribution” preference, the preference is dispositive with respect to applications in the group that would serve different communities.¹¹ If more than one applicant in a mutually exclusive group qualifies for the preference, we compare each applicant’s first service population coverage totals.¹² 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.¹³ 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

⁷ 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*”) (subsequent history omitted).

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

⁹ 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, 5086 (2001) (“*NCE MO&O*”) (subsequent history omitted). 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).

¹⁰ See FCC Form 340, Instructions for Section III, Questions 1 and 2; Exhibit 6.

¹¹ In such circumstances, the prevailing applicant need not satisfy the 5,000 person differential threshold. See *Deadline for NCE Settlements and Supplements Extended to July 19, 2001; Date for Calculating Comparative Qualifications Remains June 4, 2001; Mass Media Bureau Provides Examples of Application of NCE Section 307(b) Criteria*, Public Notice, 16 FCC Rcd 10892, 10894 (MB 2001).

¹² See 47 C.F.R. § 73.7002(b).

¹³ *Id.*

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.¹⁴

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.¹⁵

6. **Group 75.** The three applicants in Group 75 propose service to different communities in Iowa. Iowa State University of Science and Technology (“Iowa State”) proposes to serve Atlantic. Calvary Chapel of Omaha (“CCO”) proposes to serve Elliott. Grand River Valley Radio, Inc. (“Grand”) would serve Murray. Each claims to be eligible for a fair distribution preference and a first NCE service preference.¹⁶ Iowa State, CCO, and Grand would provide respective first NCE service to 21,524 people, 23,027 people, and 5,949 people. The first service claims of Iowa State and CCO are comparable. Grand, however, is eliminated because it would provide a new first service to at least 5,000 fewer people than Iowa State’s next best proposal. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Iowa State would provide a first or second NCE service to 33,651 people (21,324 first service plus 12,127 second service). CCO would provide a first or second NCE service to 51,075 people (23,027 first service plus 25,021 second service). Because CCO would provide new NCE service to at least 5,000 more people than Iowa State, CCO is the tentative selectee in Group 75.

7. **Group 80.** This group is comprised of four applicants for different communities in Idaho and Oregon. The following three applicants claim that they are eligible for fair distribution preferences: Vineyard Christian Fellowship of Honolulu (“Vineyard”) for Cottonwood, Idaho; Wallowa Valley Music Alliance (“Wallowa”) for Enterprise, Oregon; and Calvary Chapel of Grangeville, Inc. (“CCG”) for Grangeville, Idaho.¹⁷ The fourth applicant, Wala Wala University (“WWU”) claimed no fair distribution preference. Accordingly, WWU is eliminated.

¹⁴ 47 C.F.R. § 73.7005(b).

¹⁵ Specifically, information relating to the applicants’ Section 307(b) claims including, where applicable, populations receiving first and/or second NCE radio services were reported in applicant responses to Questions III(1) and (2) and associated exhibits.

¹⁶ See Iowa State, CCO, and Grand Applications, Questions III(1), III(2), and associated exhibits. Iowa State’s 60 dBu contour encompasses 35,604 people. Iowa State’s claimed aggregated first and second NCE service is 33,651 people. CCO’s 60 dBu contour encompasses 51,075 people. CCO’s claimed aggregated first and second NCE service is 51,075 people. Grand’s 60 dBu contour encompasses 38,204 people. Grand’s claimed aggregated first and second NCE service is 31,477 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 2000 people.

¹⁷ See Vineyard, Wallowa, and CCG Applications, Questions III(1), III(2), and associated exhibits. Vineyard’s 60 dBu contour encompasses 22,181 people. Vineyard claimed aggregated first and second NCE service to 11,914 people. Wallowa’s 60 dBu contour encompasses 6,775 people. Wallowa claimed aggregated first and second NCE service to all 6,775 people. CCG’s 60 dBu contour encompasses 18,759 people. CCG claimed aggregated first and second NCE service to all 18,759 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 2000 people.

8. Each of the remaining applicants claims a first NCE service preference. Vineyard, Wallowa, and CCG would provide respective first NCE service to 11,914 people, 4,721 people, and 9,829 people. The first service claims of Vineyard and CCG are comparable. Wallowa, however, is eliminated because it would provide a new first service to at least 5,000 fewer people than CCG's next best proposal. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Vineyard would provide a first or second NCE service to 11,914 people (11,914 first service plus no second service). CCG would provide a first or second NCE service to 18,759 people (9,829 first service plus 8,930 second service). Because CCG would provide new NCE service to at least 5,000 more people than Vineyard, CCG is the tentative selectee in Group 80.

9. **Group 150.** The two applicants in this group propose service to communities in North Carolina. Mineral Springs Public Radio, Inc. ("MSPR") would serve Draper and Church Planters of America ("CPA") would serve Mayodan. CPA claims that it is eligible for a fair distribution preference.¹⁸ MSPR does not. Accordingly, MSPR is eliminated and CPA is the tentative selectee in Group 150.

10. **Group 156.** In this group, Immanuel Broadcasting Network ("IBN") proposes service to Atkinson, North Carolina and Spirit Broadcasting Group, Inc. ("SBG") proposes service to Wallace, North Carolina. SBG claims that it is eligible for a fair distribution preference.¹⁹ IBN does not. Accordingly, IBN is eliminated and SBG is the tentative selectee in Group 156.

11. **Group 192.** The three applicants in Group 192 propose service to two different communities. Bible Broadcasting Network, Inc. ("BBN") and Port Clinton Knights of Columbus Home Association ("PCKC") each proposes to serve Sandusky, Ohio. Clyde Educational Broadcasting Foundation ("Clyde") proposes to serve Nevada, Ohio. All claim to be eligible for a fair distribution preference.²⁰ However, BBN is mistaken because it would not provide an aggregated first and second NCE service to at least ten percent of the population. Thus, BBN is eliminated. None of the remaining applicants claim a first NCE service preference. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Clyde would provide a first or second NCE service to 8,027 people (no first service plus 8,027 second service). PCKC would provide a first or second NCE service to 38,434 people (2,001 first service plus 36,433 second service). Because PCKC

¹⁸ CPA's 60 dBu contour encompasses 59,307 people and its claimed aggregated first and second NCE service is 20,661 people. See CPA'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 2000 people.

¹⁹ SBG's 60 dBu contour encompasses 29,044 people and its claimed aggregated first and second NCE service is 4,790 people. See SBG'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 2000 people.

²⁰ See Clyde, BBN, and PCKC Applications, Questions III(1), III(2), and associated exhibits. Clyde's 60 dBu contour encompasses 32,324 people. Clyde claimed aggregated first and second NCE service to 8,027 people. BBN's 60 dBu contour encompasses 63,170 people. BBN claimed aggregated first and second NCE service to 2,227 people, which is not ten percent of the population. PCKC's 60 dBu contour encompasses 102,900 people. PCKC claimed aggregated first and second NCE service to 38,434 people. Thus, PCKC and Clyde (but not BBN) each would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2000 people.

would provide new NCE service to at least 5,000 more people than Clyde, PCKC is the tentative selectee in Group 192.

12. **Group 258.** This group consists of four applications proposing to serve three different communities in Washington. Spokane Public Radio, Inc. (“SPR”) proposes service to Brewster. Washington State University (“WSU”) proposes to serve Chelan. Fire Media Corporation (“Fire”) and St. Francis Xavier Gift Shop (“SFX”) both propose service to Wenatchee. SPR and WSU claim that they are eligible for fair distribution preferences.²¹ Fire and SFX do not. Accordingly, Fire and SFX are eliminated.

13. Each of the remaining applicants asserts that it is entitled to a first NCE service preference. SPR and WSU propose first NCE services to respective populations of 12,838 and 10,327. These claims are comparable and we, therefore, proceed to examine combined first and second NCE service population totals. SPR would provide a new first or second NCE service to 24,988 people (12,838 first service plus 12,150 second service). WSU would provide a new first or second NCE service to 10,552 people (10,327 first service plus 225 second service). Because SPR proposes new service to at least 5,000 more people than WSU’s next best proposal for a different community, SPR is the tentative selectee in Group 258.

14. **Group 319.** This group consists of five applications proposing to serve three different communities in California. Centro Palebra De Fe Church (“CPDF”) proposes service to Morena Village. Horizon Christian Fellowship (“Horizon”), St. Paul Cultural Broadcasting, Inc. (“SPCB”) and Centro Cristiano Cosecha Final (“CCCF”) each proposes to serve Pine Valley. Activist San Diego (“Activist”) would serve Descanso. Horizon and Activist each claims that it is eligible for fair distribution preferences.²² The others do not. Accordingly, CPDF, SPCB, and CCCF are eliminated.

15. Activist asserts that it would provide a new first NCE service to 2,998 people and, therefore, is entitled to a first NCE service preference. Horizon acknowledges that it is not eligible for such a preference. Accordingly, Horizon is eliminated and Activist is the tentative selectee in Group 319.

16. **Group 341B.**²³ There are six applications for five different Hawaii communities in this group. Two applicants propose service to Laie: Brigham Young University – Hawaii (“BYU”) and One Love Ministries (“OLM”). The other applicants are Hoosier Public Radio Corporation (“HPRC”) for Makaha; the Marconi Broadcasting Foundation (“Marconi”) for Kahuku; Halau Lokahi Public Charter School for Hauula (“School”) for Hauula; and Nassuna Broadcasting, Inc. (“Nassuna”) for Haleiwa.

²¹ See SPR and WSU Applications, Questions III(1), III(2), and associated exhibits. SPR’s 60 dBu contour encompasses 35,527 people. SPR claimed aggregated first and second NCE service to 24,988 people. WSU’s 60 dBu contour encompasses 42,564 people. WSU claimed aggregated first and second NCE service to 10,552 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 2000 people.

²² See Horizon and Activist Applications, Questions III(1), III(2), and associated exhibits. Horizon’s 60 dBu contour encompasses 2,474 people. Horizon claimed aggregated first and second NCE service to all 2,474 people. Activist’s 60 dBu contour encompasses 10,550 people. Activist claimed aggregated first and second NCE service to all 10,550 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 2000 people.

²³ Group 341, which originally contained 11 applications, was bifurcated by the voluntary dismissal of one application (See File No. BNPED-20071015AKA). We consider Group 341B herein. Group 341A, consisting of 4 applications, will be considered separately.

School claims to be eligible for a fair distribution preference and submits supporting documentation.²⁴ BYU, OLM, Marconi, and Nassuna do not claim to be eligible for a preference and, thus, are eliminated. HPRC, while claiming that it is eligible for a fair distribution preference based on a new first NCE service, submits only a map with no numbers to support its claim. HPRC states elsewhere in its application that its 60 dBu contours encompasses 47,280 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria. Accordingly, HPRC also is eliminated and School is the tentative selectee in Group 341B.

17. **Group 345.** This group consists of three applicants for communities in three different states. Calvary Chapel of Sandpoint (“CCS”) proposes service to Sandpoint, Idaho. Libby Christian Church (“Libby”) proposes service to Libby, Montana. Thin Air Community Radio (“Thin Air”) would serve Medical Lake, Washington. Each claims to be eligible for a fair distribution preference.²⁵ Libby and Thin Air each states that it would provide respective new first NCE service to 8,439 people and 26,985 people. CCS acknowledges that it is not eligible for a preference based on first service. Accordingly, CCS is eliminated. Because Thin Air proposes new first service to at least 5,000 more people than Libby’s next best proposal, Thin Air is the tentative selectee in Group 345.

18. **Group 349B.**²⁶ Group 349B consists of seven applications for six different communities in Indiana. Good Samaritan Educational Radio, Inc. (“GSER”) and Cedar Ridge Fellowship of SDA (“Cedar”) each propose to serve Shoals. The other applicants and their proposed communities are: Linda Jerome Foundation (“Jerome”) for Bedford; Calvary Chapel of Terre Haute (“CCTH”) for Hymera; Pike Neighborhood Broadcasting (“Pike”) for Petersburg; Nassuna Broadcasting, Inc. for Linton, and Electronic Applications Radio Service, Inc. (“EARS”) for Hartleyville.

19. Four applicants claim eligibility for a fair distribution preference but only three (CCTH, GSER, and Cedar) support their claims.²⁷ Although Jerome also claims to be eligible for a fair distribution preference, it does not state how many people it would provide with a first or second service. Thus, we are not able to determine whether Jerome satisfies the 10 percent threshold and 2000-person

²⁴ School’s 60 dBu contour encompasses 63,054 people. School claimed aggregated first and second NCE service to 6,550 people. *See* School’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 2000 people.

²⁵ *See* CCS, Libby, and Thin Air Applications, Questions III(1), III(2), and associated exhibits. CCS’s 60 dBu contour encompasses 25,342 people and its claimed aggregated first and second NCE service is 3,166 people. Libby’s 60 dBu contour encompasses 8,439 people and its claimed aggregated first and second NCE service is all 8,439 people. Thin Air’s 60 dBu contour encompasses 254,674 people and its claimed aggregated first and second NCE service is 41,884 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 2000 people.

²⁶ Group 349, which originally contained 13 applications, was bifurcated by settlements in which two applications were voluntarily dismissed and two applications amended to singletons (*See* File Nos. BNPED-20071017AFS; 20071018DFF, 20071012ADQ, and 20071022AUE). We consider Group 349B herein. Group 349A, consisting of 2 applications, will be considered separately.

²⁷ *See* CCTH, GSER, and Cedar Applications, Questions III(1), III(2), and associated exhibits. CCTH’s 60 dBu contour encompasses 44,484 people. CCTH claimed aggregated first and second NCE service to 33,820 people. GSER’s 60 dBu contour encompasses 5,050 people. GSER claimed aggregated first and second NCE service to all 5,050 people. Cedar’s 60 dBu contour encompasses 14,181 people. Cedar claimed aggregated first and second NCE service to 12,688 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 2000 people.

minimum criteria or to compare its claims to those of others for different communities. Accordingly, Jerome is eliminated because applicants for other communities demonstrated eligibility. Neither Pike nor Nassuna claimed a fair distribution preference and, therefore, each also is eliminated.

20. CCTH and Cedar each states that it would provide a respective new first NCE service to 9,670 people and 6,303 people. These claims are comparable. GSER acknowledges that it is not eligible for a preference based on first service. GSER is eliminated. If no proposal prevails on first service, we consider combined first and second NCE service population totals. CCTH would provide a first or second NCE service to 33,820 people (9,670 first service plus 24,150 second service) and Cedar to 12,688 people (6,303 first service plus 6,385 second service). Because CCTH's proposal would provide new NCE service to at least 5,000 people more than Cedar's proposal, CCTH is the tentative selectee in Group 349B.

21. **Group 363.** The 13 applicants in this group propose to serve ten communities in Massachusetts and New Hampshire. The Executive Committee of the Trustees of Boston University ("BU") and Centro Familiar de Adoracion, Inc. ("CFA") each propose to serve Amesbury, Massachusetts. Centro de Intercesion y Adoracion Internacional, Inc. ("CIAI") and Wellspring House, Inc. ("Wellspring") each propose to serve Rockport, Massachusetts. Home Improvement Ministries ("HIM") and Talking Information Center, Inc. respectively propose service to Middleboro and Middleborough, variant spellings which we believe are meant to identify the same Massachusetts community.²⁸ The remaining Massachusetts applicants and the communities they propose to serve are: Christian Music Network, Inc. ("CMN") for Gloucester and Beverly Cable and Telecommunication Corporation ("BCTC") for Essex. The New Hampshire applicants are: Bangor Baptist Church ("BBC") for Newburyport; New Life Media ("New Life") for Exeter; Allied Communications Network Two ("Allied") for Kensington; Highland Community Broadcasting ("Highland") for Kingston; and University of Massachusetts ("UMass") for Milford. Eight of the applicants claim and document that they are eligible for a fair distribution preference.²⁹ Wellspring also claims to be eligible but submits only a map with no numbers to support its claim. Wellspring states elsewhere in its application that its 60 dBu contour would encompass 59,976 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria. Accordingly, Wellspring is eliminated. Also eliminated are CIAI, BBC, Highland, and Allied. Each acknowledges that it is not entitled to fair distribution preferences.

22. With respect to first service, CFA proposes to provide new first NCE service to 5,363 people and UMass to 8,859 people. The other remaining applicants acknowledge that they are not eligible for a preference based on first service. Accordingly, CMN, HIM, BU, BCTC, TIC, New Life,

²⁸ The outcome of this proceeding would not have changed had these been different communities.

²⁹ See CMN, HIM, BU, CFA, BCTC, TIC, NLM, and UMass Applications, Questions III(1), III(2), and associated exhibits. CMN's 60 dBu contour encompasses 37,067 people. CMN claimed aggregated first and second NCE service to 24,986 people. HIM's 60 dBu contour encompasses 54,402 people and its claimed aggregated first and second NCE service is 20,658 people. BU's 60 dBu contour encompasses 44,215 people and its claimed aggregated first and second NCE service is 27,581 people. CFA's 60 dBu contour encompasses 31,246 people and its claimed aggregated first and second NCE service is 30,442 people. As discussed *infra* in the text, however, CFA's analysis is based on a significant error because it does not take into account service provided by existing stations. BCTC's 60 dBu contour encompasses 49,153 people and its claimed aggregated first and second NCE service is 35,355 people. TIC's 60 dBu contour encompasses 47,502 people and its claimed aggregated first and second NCE service is 10,798 people. NLM's 60 dBu contour encompasses 39,977 people and its claimed aggregated first and second NCE service is 24,013 people. UMass's 60 dBu contour encompasses 54,435 people and its claimed aggregated first and second NCE service is 35,448 people. Thus, each claims that it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2000 people.

and Highland are eliminated when compared to eligible applicants for other communities. The first service claims of CFA and UMass, if reasonably accurate, would be comparable. However, CFA's analysis is based on a significant error because it does not consider service provided by WNEF, WEVO, WUNH, and WPEA. Taking that matter into consideration, CFA proposes no new first service. Accordingly, UMass is the only applicant to provide a new first service and is the tentative selectee in Group 363.

23. **Group 364.** This group consists of five applications proposing service to four communities in Massachusetts and New York. Calvary Chapel of the Berkshires ("CCB") proposes service to Housatonic, Massachusetts. University of Massachusetts ("UMass") and Foothills Public Radio ("Foothills") both propose to serve Great Barrington, Massachusetts. The New York applicants are Birds of a Feather Media, Ltd. ("BOF") for Woodstock and Bard College ("Bard") for Annandale-On-Hudson.

24. CCB, UMass, Foothills, and Bard each claims that it is eligible for a fair distribution preference.³⁰ BOF does not. Accordingly, BOF is eliminated. Of the remaining applicants, only Bard claims a preference based on a first NCE service. Bard states that it would provide such service to 9,513 whereas the others propose no or negligible first NCE service. Accordingly, CCB, UMass, and Foothills are eliminated, and Bard is the tentative selectee in Group 364.

25. **Group 377.** Five of the six applications in this group propose to serve different communities in Missouri: Community Broadcasting, Inc. ("CBI") for Sedalia; Coalition of Hispanic Women Against Cancer, Inc. ("Coalition") for Belton; Network of Glory, LLC ("Glory") for Clinton; Calvary Chapel of Johnson County, Inc. ("CCJC") for Lake Annette; and The Helpline ("Helpline") for Harrisonville. The sixth applicant, Full Smile, Inc. ("Smile") would serve Louisburg, Kansas.

26. CBI, Glory, CCJC, and Helpline each claims that it is eligible for a fair distribution preference.³¹ Smile and Coalition do not and are eliminated. The respective new first NCE services claimed by Glory, CCJC, and Helpline are 34,097 people, 21,286 people, and 8,946 people. CBI does not claim to be eligible for a preference based on new first NCE service. Accordingly, CBI is eliminated. Because Glory proposes new first NCE service to at least 5,000 more people than CCJC's next best proposal, Glory is the tentative selectee in Group 377.

³⁰ See CCB, UMass, Foothills, and Bard Applications, Questions III(1), III(2), and associated exhibits. CCB's 60 dBu contour encompasses 20,276 people. CCB claimed aggregated first and second NCE service to 9,477 people. UMass's 60 dBu contour encompasses 14,299 people. UMass claimed aggregated first and second NCE service to 5,476 people. Foothills' 60 dBu contour encompasses 8,619 people. Foothills claimed aggregated first and second NCE service to 3,388 people. Bard's 60 dBu contour encompasses 40,012 people. Bard claimed aggregated first and second NCE service to 18,870 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 2000 people.

³¹ See CBI, Glory, CCJC, and Helpline Applications, Questions III(1), III(2), and associated exhibits. CBI's 60 dBu contour encompasses 33,812 people. CBI claimed aggregated first and second NCE service to 17,378 people. Glory's 60 dBu contour encompasses 37,466 people. Glory claimed aggregated first and second NCE service to all 37,466 people. CCJC's 60 dBu contour encompasses 46,041 people. CCJC claimed aggregated first and second NCE service to 22,326 people. Helpline's 60 dBu contour encompasses 84,362 people. Helpline claimed aggregated first and second NCE service to 8,946 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 2000 people. We note that Helpline erroneously attempted to enhance its fair distribution position in an amendment filed on January 7, 2008; we have used the lower numbers it originally provided.

27. **Group 385.** The 11 applicants in this group propose to serve ten different communities in New Jersey. Cornerstone Calvary Chapel (“Cornerstone”) has two applications in the group, one for Leisure Knoll and the other for South Toms River. Hispanic Family Christian Network, Inc. (“HFCN”) has two applications, one for Osbornville and the other for Point Pleasant. Good News Ministries of New Jersey, Inc. (“GNM”) has two applications for Berkley Shore and Lakehurst. Catholic Men for Jesus Christ, Inc. (“CMJC”) also proposes service to Lakehurst. The remaining applicants and the communities they propose to serve are: New Jersey Public Broadcasting Authority (“Authority”) for Marlboro; WNYC Radio (“WNYC”) for Cedar Glen West; FM Pregnancy Centers, Inc. (“FMPC”) for Freehold; and Educational Media Foundation (“EMF”) for Manasquan. All of the applicants propose a new NCE station except EMF, which proposes a major modification to its existing station, KJAR(FM).

28. Seven of the applicants claim that they are eligible for a fair distribution preference.³² The two HFCN proposals and the two GNM proposals do not. Accordingly, each of these proposals is eliminated when compared to eligible applicants for other communities. Six of the remaining seven applications claim eligibility for a preference based on provision of new first NCE service. WNYC does not. Accordingly, WNYC is eliminated. Cornerstone claims that it would provide a new first service to 4,309 people with its Leisure Knoll proposal and to 7,689 people with its South Toms River proposal. The respective new first NCE services claimed by CMJC, Authority, EMF, and FMPC are 3,728 people, 21,029 people, 16,303 people, and 25,960 people.

29. CMJC is eliminated because it would provide new first NCE service to at least 5,000 fewer people than the next best applicant, EMF. Authority, EMF, and FMPC’s first service claims are comparable. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Authority would provide a first or second NCE service to 86,764 people (21,029 first service plus 65,735 second service); FMPC to 141,578 people (25,960 first service plus 115,618 second service), and EMF to 16,303 people (16,303 first service plus no new second service, taking into account service currently provided by KJAR). Because FMPC’s proposal would provide new NCE service to at least 5,000 people more than Authority’s next best proposal, FMPC is the tentative selectee in Group 385.

30. **Group 390.** This group consists of five applications for different communities in Arizona and New Mexico. The Arizona applicants are Arizona Board of Regents (“Board”) for Show Low, and The Sister Sherry Lynn Foundation (“SSLF”) for Springerville. The New Mexico applicants are: Regents of New Mexico State University (“NMSU”) for Truth or Consequences; Educational Music Foundation (“EMF”) for Reserve; and Spirit & Truth, Inc. (“S&T”) for Hatch. Each claims that it is

³² See CMJC, Authority, WNYC, EMF, FMPC, and each Cornerstone Application, Questions III(1), III(2), and associated exhibits. CMJC’s 60 dBu contour encompasses 28,357 people and its claimed aggregated first and second NCE service is 25,890 people. Authority’s 60 dBu contour encompasses 114,102 people and its claimed aggregated first and second NCE service is 86,764 people. Cornerstone’s 60 dBu contour for Leisure Knoll encompasses 23,115 people and its claimed aggregated first and second NCE service is 21,302 people. Cornerstone’s 60 dBu contour for South Toms River encompasses 72,276 people and its claimed aggregated first and second NCE service is 25,652 people. WNYC’s 60 dBu contour encompasses 7,559 people and its claimed aggregated first and second NCE service is 4,983 people. EMF’s 60 dBu contour encompasses 87,389 people and its claimed aggregated new first and second NCE service is 16,303 people. FMPC’s 60 dBu contour encompasses 255,627 people and its claimed aggregated first and second NCE service is 141,578 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 2000 people.

eligible for a fair distribution preference.³³ Each, except Board, claims eligibility for a preference based on a new first NCE service. Board acknowledges that it is not eligible for a first service preference. Accordingly, Board is eliminated. SSLF would provide a first NCE service to 23,187 people; NMSU to 18,044 people; EMF to 2,309 people, and S&T to 18,117 people. Because SSLF's proposal would provide new NCE service to at least 5,000 people more than S&T's next best proposal, SSLF is the tentative selectee in Group 390.

31. **Group 395.** This group consists of six applications for different communities in New York. The applicants are: WAMC for Cooperstown; Faculty Student Association of Hudson Valley Community College ("HVCC") for Troy; Media Alliance ("MA") for Albany; Pensacola Christian College ("PCC") for Amsterdam; WSKG Public Telecommunications Council ("WSKG") for Cherry Valley; and Pax Et Bonum, Inc. ("Pax") for Esperance. PCC, WSKG, Pax, and WAMC claim that they are eligible for fair distribution preferences.³⁴ The others do not. Accordingly, HVCC and MA are eliminated. Three applicants claim eligibility for a preference based on a new first NCE service. PCC acknowledges that it is not eligible for a first service preference. Accordingly, PCC is eliminated. WSKG would provide a first NCE service to 37,496 people; Pax to 41,192 people; and WAMC to 7,556 people. WSKG would provide a first NCE service to at least 5,000 more people than WAMC. Accordingly, WAMC is eliminated. The WSKG and Pax applications are comparable with respect to first NCE service.

32. If no proposal prevails on first service, we consider combined first and second NCE service population totals. WSKG would provide a first or second NCE service to 55,983 people (37,496 first service plus 18,487 second service). Pax would provide a first or second NCE service to 71,289 people (41,192 first service plus 30,017 second service). Because Pax's proposal would provide new NCE service to at least 5,000 people more than WSKG's next best proposal, Pax is the tentative selectee in Group 395.

33. **Group 396.** The 13 applicants in this group propose to serve eight different communities in Ohio. The Helpline ("Helpline") has two applications in this group, one for Athens and the other for Mount Vernon. Two additional applicants propose to serve Mount Vernon: Mount Vernon Baptist Temple, Inc. ("MVBT") and St. Gabriel Radio, Inc. ("SGR"). SGR also has an application in the group proposing service to Zanesville. Other applicants for Zanesville are: Connersville Apostolic Lighthouse, Inc. ("CAL"), and North Terrace Church of Christ ("NTCC"). NTCC also has an application in the group proposing service to Lancaster. The Cedarville University ("CU") and the Neighborhood Network

³³ See Board, SSLF, NMSU, EMF, and S&T Applications, Questions III(1), III(2), and associated exhibits. Board's 60 dBu contour encompasses 32,843 people, and its claimed aggregated first and second NCE service is 22,957 people. SSLF's 60 dBu contour encompasses 45,117 people, and its claimed aggregated first and second NCE service is 44,688 people. NMSU's 60 dBu contour encompasses 18,044 people, and its claimed aggregated first and second NCE service is all 18,044 people. EMF's 60 dBu contour encompasses 2,309 people, and its claimed aggregated first and second NCE service is all 2,309 people. S&T's 60 dBu contour encompasses 18,128 people, and its claimed aggregated first and second NCE service is all 18,128 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 2000 people.

³⁴ See PCC, WSKG, WAMC, and Pax Applications, Questions III(1), III(2), and associated exhibits. PCC's 60 dBu contour encompasses 35,750 people, and its claimed aggregated first and second NCE service is all 35,750 people. WSKG's 60 dBu contour encompasses 58,552 people, and its claimed aggregated first and second NCE service is 55,983 people. WAMC's 60 dBu contour encompasses 19,166 people, and its claimed aggregated first and second NCE service is all 19,166 people. Pax's 60 dBu contour encompasses 71,289 people, and its claimed aggregated first and second NCE service is 71,209 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 2000 people.

(“NN”) both propose to serve Sunbury. The other applicants and the communities they propose to serve are: Zanesville Christian Media (“ZCM”) for Jacksontown; Ohio-East-West Cultural Bridge (“OEW”) for Johnstown; and Bible Broadcasting Network (“BBN”) for Cambridge.

34. Ten of the applicants claim eligibility for a fair distribution preference and submit supporting documentation.³⁵ CAL also claims to be eligible for a fair distribution preference but submits only a map with no numbers to support its claim. CAL states elsewhere in its application that its 60 dBu contour would encompass 73,255 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria. Accordingly, CAL is eliminated. Also eliminated when compared to eligible applicants for other communities are the NTCC applications, because each claimed in its original application that it was not entitled to a fair distribution preference. NTCC’s post-window attempt to claim a preference based on second service is a prohibited attempt to enhance its comparative standing.³⁶

35. Of the remaining applications, only SGR’s proposal for Mount Vernon and OEW claim eligibility for a preference based on provision of new first NCE service. Accordingly, the other eight are eliminated when compared to applicants for different communities: ZCM; MVBT; CU; BBN; NN; both Helpline proposals; and SGR’s Zanesville proposal. OEW claims that it would provide a new first service to 11,030 people. SGR claims that its Mount Vernon proposal would provide a new first service to all 36,860 people within its service contour. SGR’s first service claim appears, however, to be seriously flawed because it ignores first service already provided by other stations. Accounting for this substantial error, it appears that SGR would provide new first NCE service to at least 5,000 fewer people than OEW. Accordingly, OEW is the tentative selectee in Group 396.

36. **Group 404.** This group consists of six applications for two different communities in Pennsylvania. Salt and Light Media Ministries, Inc. (“S&L”), Pensacola Christian College, Inc. (“PCC”), and Hope Christian Center of Marlton, Inc. (“Hope”) each proposes service to Newville. Cumberland Valley Christian Radio (“CVCR”), Family Worship Center Church (“FWC”), and the Trustees of the University of Pennsylvania (“Penn”) each proposes to serve Carlisle.

³⁵ See ZCM, SGR-Mt. Vernon, SGR-Zanesville, OEW, MVBT, CU, BBN, NN, Helpline-Mt. Vernon, and Helpline-Athens Applications, Questions III(1), III(2), and associated exhibits. ZCM’s 60 dBu contour encompasses 71,030 people. ZCM claimed aggregated first and second NCE service to 21,602 people. SGR-Mt. Vernon’s 60 dBu contour encompasses 36,860 people. SGR-Mt. Vernon claimed aggregated first and second NCE service to all 36,860 people. As discussed *infra* in the text, however, SGR’s analysis for Mt Vernon is based on a significant error because it does not take into account service provided by existing stations. SGR-Zanesville’s 60 dBu contour encompasses 106,642 people. SGR-Zanesville claimed aggregated first and second NCE service to 15,396 people. OEW’s 60 dBu contour encompasses 101,735 people and its claimed aggregated first and second NCE service is 38,773 people. MVBT’s 60 dBu contour encompasses 34,907 people and its claimed aggregated first and second NCE service is 12,169 people. CU’s 60 dBu contour encompasses 52,070 people and its claimed aggregated first and second NCE service is 8,362 people. NN’s 60 dBu contour encompasses 64,599 people and its claimed aggregated first and second NCE service is 10,207 people. Helpline’s 60 dBu contour for Mt. Vernon encompasses 27,749 people and its claimed aggregated first and second NCE service is 5,204 people. Helpline’s 60 dBu contour for Athens encompasses 37,717 people and its claimed aggregated first and second NCE service is 9,734 people. Thus, each claims that it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2000 people.

³⁶ See *supra* n.9.

37. Each of the applicants claims eligibility for a fair distribution preference.³⁷ None of the applicants claims that it is eligible for a preference based on a new first NCE service. If no proposal prevails on first service, we consider combined first and second NCE service population totals. The respective aggregated totals of the remaining applicants are: S&L, 29,576 people (2,830 first service plus 26,746 second service); PCC, 74,039 people (2,443 first service plus 71,596 second service); Hope, 29,057 people (2,241 first service plus 26,816 second service); CVCR, 37,541 people (1,803 first service plus 35,738 second service); FWC, 22,448 people (1,569 first service plus 20,879 second service); and Penn, 26,448 people (2,125 first service plus 24,323 second service). If the claims of the top two applicants were reasonably accurate, PCC's proposal would provide new NCE service to at least 5,000 people more than CVCR, the next best proposal for a different community. However, PCC's analysis is based on a significant error. PCC did not consider service provided by WJAZ and WDCV-FM. Taking that matter into consideration, CVCR would provide new NCE service to at least 5,000 people more than PCC (and any other applicant). CVCR is the tentative selectee in Group 404.

38. **Group 438.** In this group, twelve applicants propose to serve six different communities in Virginia. The following seven applicants propose to serve Chesterfield: Way-FM Media Group, Inc. ("Way-FM"); Christian Charities Deliverance Church ("CCD"); Positive Alternative Radio, Inc. ("PAR"); Educational Media Foundation ("EMF"); Pensacola Christian College ("PCC"); Virginia Polytechnic Institute and State University ("VA Tech"); and Delmarva Educational Association ("DEA"). Appalachian Performing Arts Institute, Inc. ("APAI") proposes service to Boykins. Allegheny East Conference of Seventh-Day Adventists ("AEC") would serve Emporia. Commonwealth Public Broadcasting Corporation ("Commonwealth") specifies Dinwiddie. Liberty University, Inc. ("Liberty") proposes service to Amelia Court. Synergy Project, Inc. ("Synergy") would serve Chester. Each of the applicants, except for APAI and CCD, claims that it is eligible for a fair distribution preference.³⁸ Accordingly, APAI and CCD are eliminated.

³⁷ See S&L, CVCR, FWC, PCC, Penn, and Hope Applications, Questions III(1), III(2), and associated exhibits. S&L's 60 dBu contour encompasses 84,830 people. S&L claimed aggregated first and second NCE service to 29,576 people. CVCR's 60 dBu contour encompasses 116,762 people. CVCR claimed aggregated first and second NCE service to 37,541 people. FWC's 60 dBu contour encompasses 70,451 people, with a claimed aggregated first and second NCE service of 22,448 people. PCC's 60 dBu contour encompasses 74,039 people, with a claimed aggregated first and second NCE service of all 74,039 people. As discussed *infra* in the text, however, PCC's analysis is based on a significant error because it does not take into account service provided by existing stations. Penn's 60 dBu contour encompasses 100,566 people, with a claimed aggregated first and second NCE service of 26,448 people. Hope's 60 dBu contour encompasses 79,408 people, with a claimed aggregated first and second NCE service of 29,057 people. Thus, each claims that it would provide combined first and second NCE service to ten percent of the population within its 60 dBu contour and to more than 2000 people.

³⁸ See Way-FM, PAR, Synergy, EMF, AEC, Commonwealth, Liberty, PCC, VA Tech, and DEA Applications, Questions III(1), III(2), and associated exhibits. Way-FM's 60 dBu contour encompasses 150,374 people and its claimed aggregated first and second NCE service is 120,226 people. PAR's 60 dBu contour encompasses 212,109 people and its claimed aggregated first and second NCE service is 51,783 people. Synergy's 60 dBu contour encompasses 243,180 people and its claimed aggregated first and second NCE service is 94,545 people. EMF's 60 dBu contour encompasses 238,483 people and its claimed aggregated first and second NCE service is 99,620 people. AEC's 60 dBu contour encompasses 20,705 people and its claimed aggregated first and second NCE service is 18,516 people. Commonwealth's 60 dBu contour encompasses 22,529 people and its claimed aggregated first and second NCE service is 10,087 people. Liberty's 60 dBu contour encompasses 116,287 people and its claimed aggregated first and second NCE service is 97,970 people. PCC's 60 dBu contour encompasses 118,923 people and its claimed aggregated first and second NCE service is all 118,923 people. VA Tech's 60 dBu contour encompasses 228,351 people and its claimed aggregated first and second NCE service is 96,081 people. DEA's 60 dBu contour encompasses 277,239 people and its claimed aggregated first and second NCE service is 101,258 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 2000 people.

39. Only Commonwealth and Liberty claim to be eligible for a preference based on a new first NCE service. Accordingly, Way-FM, PAR, EMF, AEC, Synergy, PCC, VA Tech, and DEA are eliminated. Commonwealth proposes a new first NCE service to 6,711 people, and Liberty to 11,780 people. Because Liberty would provide new first NCE service to at least 5,000 people more than Commonwealth's proposal for a different community, Liberty is the tentative selectee in Group 438.

40. **Group 439.** This group consists of thirteen applications for ten different communities in Maryland and Virginia. Salisbury University Foundation, Inc. ("SUF") proposes service to Pokomoke City, Maryland. Silver Fish Broadcasting, Inc. ("SFB") has two applications in the group, one for Eastville, Virginia, and the other for Chincoteague, Virginia. Chesapeake Catholic Radio, Inc. ("CCR") also proposes to serve Chincoteague. Hampton Roads Educational Telecommunications Association ("HRET") has two applications in the group, one for Accomac, Virginia, and one for Gloucester Point, Virginia. Two additional applicants propose to serve Gloucester Point: Delmarva Educational Association ("Delmarva") and Fountain of Mercy, Inc. ("Fountain"). Each of the other applicants in the group proposes service to different communities in Virginia: Positive Alternative Radio, Inc. ("PAR") for Surry; Pensacola Christian College ("PCC") for Williamsburg; Liberty University ("Liberty") for West Point; Educational Media Corporation ("EMC") for Claremont; and Airwaves for Jesus, Inc. ("Airwaves") for Exmore. All but three of the applications claim a fair distribution preference.³⁹ The three claiming no such preference are PAR, and Silver Fish's proposals for Eastville and Chincoteague. Accordingly, those three proposals are eliminated when compared to eligible applications specifying other communities.

41. HRET, Liberty, and CCR each assert that it is entitled to a first NCE service preference. The others do not. Accordingly, SU, PCC, EMC, Airwaves, Delmarva, and Fountain are eliminated when compared to applications specifying other communities. HRET – Accomac, HRET – Gloucester Point, Liberty, and CCR would respectively provide a new first NCE service to 16,618 people; 14,361 people; 12,135 people; and 16,161 people. These levels of first service are comparable.

42. If no proposal prevails on first service, we consider combined first and second NCE service population totals. HRET – Accomac, would provide a first or second NCE service to 23,380 people (16,618 first service plus 6,762 second service). HRET – Gloucester Point would provide a new first or second NCE service to 51,394 people (14,361 first service plus 36,983 second service). Liberty would provide a new first or second NCE service to 41,379 people (12,135 first service plus 29,244 second service). CCR would provide a new first or second NCE service to 40,021 people (16,161 first

³⁹ See SU, PCC, Liberty, EMC, Airwaves, Delmarva, CCR, Fountain, and both HRET Applications, Questions III(1), III(2), and associated exhibits. SU's 60 dBu contour encompasses 36,935 people and its claimed aggregated first and second NCE service is 15,059 people. PCC's 60 dBu contour encompasses 80,440 people and its claimed aggregated first and second NCE service is 69,916 people. Liberty's 60 dBu contour encompasses 107,854 people and its claimed aggregated first and second NCE service is 41,379 people. EMC's 60 dBu contour encompasses 58,710 people and its claimed aggregated first and second NCE service is 6,005 people. Airwaves's 60 dBu contour encompasses 23,798 people and its claimed aggregated first and second NCE service is 6,472 people. Delmarva's 60 dBu contour encompasses 222,917 people and its claimed aggregated first and second NCE service is 34,206 people. CCR's 60 dBu contour encompasses 79,019 people and its claimed aggregated first and second NCE service is 40,021 people. Fountain's 60 dBu contour encompasses 50,586 people and its claimed aggregated first and second NCE service is 33,582 people. HRET's 60 dBu contour for Accomac encompasses 25,659 people and its claimed aggregated first and second NCE service is 23,380 people. HRET's 60 dBu contour for Gloucester Point encompasses 63,775 people and its claimed aggregated first and second NCE service is 51,344 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 2000 people.

service plus 23,860 second service). Because HRET's proposal for Gloucester Point would provide new NCE service to at least 5,000 people more than Liberty's next best proposal, HRET – Gloucester Point is the tentative selectee in Group 439.

43. **Group 442.** In this group twelve applicants propose service to different communities in Washington. The applicants are Pacific Lutheran University ("PLU") for Sedro-Woolley; Way-FM Media Group, Inc. ("Way-FM") for Skykomish; First Spanish Assembly of God Church of Waco, Texas ("FSA") for Granger; Northwest Communities Education Center ("NCEC") for Soap Lake; Center for Justice ("Justice") for Deer Park; Confederated Tribes of the Colville Reservation ("Tribes") for Nespelem; Harbor Ministries d/b/a Chelan Community Radio ("Harbor") for Chelan; Divine Mercy Broadcasting ("DMB") for Moses Lake; Iglesia Jesucristo Es Mi Refugio de Austin, Inc. ("IJMR") for Baring; Valley Christian Fellowship ("Valley") for Oroville; and Washington State University ("WSU") for Tekoa. Justice, PLU, Tribes, DMB, Valley, and WSU each claims that it is eligible for a fair distribution preference and provides supporting documentation.⁴⁰ Harbor also claims to be eligible for a fair distribution preference but submits no numbers to support its claim. Harbor states elsewhere in its application that its 60 dBu contour would encompass 4,000 people, but it does not identify the number of people who would receive a first or second service. Thus, we are not able to determine whether it satisfies the 10 percent threshold and 2,000-person minimum criteria. Accordingly, Harbor is eliminated. Also eliminated are Way-FM, FSA, NCEC, and IJMR, each of which acknowledges that it is not entitled to a fair distribution preference.

44. Of the remaining applicants, Justice, PLU, and Tribes each asserts that it is entitled to a first NCE service preference. The others do not. Accordingly, DMB, Valley, and WSU are eliminated. Justice, PLU, and Tribes each claims respective first NCE service to 7,929 people, 20,909 people, and 21,261 people. Justice is eliminated because it would provide first service to at least 5,000 people fewer than PLU's next best proposal. The first service proposals of PLU and Tribes are comparable.

45. If no proposal prevails on first service, we consider combined first and second NCE service population totals. Tribes would provide a first or second NCE service to 51,590 people (21,261 first service plus 30,329 second service). PLU would provide a new first or second NCE service to 39,813 people (20,909 first service plus 18,904 second service). Because Tribes would provide a new first NCE service to at least 5,000 people more than PLU, Tribes is the tentative selectee in Group 442.

⁴⁰ See Justice, PLU, Tribes, DMB, Valley, and WSU Applications, Questions III(1), III(2), and associated exhibits. Justice's 60 dBu contour encompasses 191,691 people and its claimed aggregated first and second NCE service is 19,474 people. PLU's 60 dBu contour encompasses 89,641 people and its claimed aggregated first and second NCE service is 39,813 people. Tribes' 60 dBu contour encompasses 59,183 people and its claimed aggregated first and second NCE service is 51,590 people. DMB's 60 dBu contour encompasses 55,188 people and its claimed aggregated first and second NCE service is 33,381 people. Valley's 60 dBu contour encompasses 2,939 people and its claimed aggregated first and second NCE service is all 2,939 people. WSU's 60 dBu contour encompasses 58,521 people and its claimed aggregated first and second NCE service is 7,564 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 2000 people.

IV. ADDITIONAL MATTERS

46. **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.⁴¹ If found 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.

47. The Bureau has studied the applications of each of the tentative selectees identified herein and has determined that each is acceptable for filing. Each tentative selectee identified in this Order appears to be fully qualified to become the licensee of the new or modified NCE FM stations 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 States border with Canada or Mexico cannot become ripe for grant prior to the successful completion of international coordination.

48. **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

49. 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 court appeals.⁴² 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.

50. **Group 75.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Omaha (File No. BNPED-20071016ACH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Elliott, 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 applications of Iowa State University of Science and Technology (File No. BNPED-20071018AHW), and Grand River Valley Radio, Inc. (File No. BNPED-20071017AGP), and TO

⁴¹ 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. The amendment must be minor and may not alter the fair distribution preference. See 47 C.F.R. § 73.3522(b)(1). The staff will not reinstate the application of a tentative selectee that is unable to cure all defects.

⁴² See 5 U.S.C. §§ 702, 704, and 706; 47 U.S.C. §§ 309(d), 402(b), and 405; 47 C.F.R. §§ 1.106-08, 1.115, 1.120, and 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).

GRANT the application of Calvary Chapel of Omaha (File No. BNPED-20071016ACH) 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 80.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Grangeville, Inc. (File No. BNPED-20071017AEN) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Grangeville, Idaho. 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 Vineyard Christian Fellowship of Honolulu (File No. BNPED-20071022BTL), Wallowa Valley Music Alliance (File No. BNPED-20071016ABR), and Wala Wala University (File No. BNPED-20071022BVZ), and TO GRANT the application of Calvary Chapel of Grangeville, Inc. (File No. BNPED-20071017AEN) 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 150.** IT IS FURTHER ORDERED, That the Application filed by Church Planters of America (File No. BNPED-20071012AAO) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Mayodan, 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 Mineral Springs Public Radio, Inc. (File No. BNPED-20071012AGG), and TO GRANT the application of Church Planters of America (File No. BNPED-20071012AAO) 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 156.** IT IS FURTHER ORDERED, That the Application filed by Spirit Broadcasting Group, Inc. (File No. BNPED-20071016ADT) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Wallace, 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 Immanuel Broadcasting Network (File No. BNPED-20071019AXU), and TO GRANT the application of Spirit Broadcasting Group, Inc. (File No. BNPED-20071016ADT) 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 192.** IT IS FURTHER ORDERED, That the Application filed by Port Clinton Knights of Columbus Home Association (File No. BNPED-20071022BMJ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Sandusky, Ohio. 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 Bible Broadcasting Network, Inc. (File No. BNPED-20071019AQC), and Clyde Educational Broadcasting Foundation (File No. BNPED-20071012AHB), and TO GRANT the application of Port Clinton Knights of Columbus Home Association (File No. BNPED-20071022BMJ) 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 258.** IT IS FURTHER ORDERED, That the Application filed by Spokane Public Radio, Inc. (File No. BNPED-20071019AEH) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Brewster, Washington. 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 Washington State University (File No. BNPED-20071022AWD), Fire Media Corporation (File No. BNPED-20071019AMY), and St. Francis Xavier Gift Shop (File No. BNPED-20071022ARM), and TO GRANT the application of Spokane Public Radio, Inc. (File No. BNPED-20071019AEH) 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 319.** IT IS FURTHER ORDERED, That the Application filed by Activist San Diego (File No. BNPED-20071022AFB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Descanso, California. 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 Horizon Christian Fellowship (File No. BNPED-20071018ALU), Centro Palebra De Fe Church (File No. BNPED-20071018AUR), St. Paul Cultural Broadcasting, Inc. (File No. BNPED-20071019BBJ), and Centro Cristiano Cosecha Final (File No. BNPED-20071022ABP) and TO GRANT the application of Activist San Diego (File No. BNPED-20071022AFB) 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 341B.** IT IS FURTHER ORDERED, That the Application filed by Halau Lokahi Public Charter School (File No. BNPED-20071019AOZ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hauula, Hawaii. 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 Hoosier Public Radio Corporation (File No. BNPED-20071015AKB), Brigham Young University – Hawaii (File No. BNPED-20071019AHH), One Love Ministries (File No. BNPED-20071019AIQ), the Marconi Broadcasting Foundation (File No. BNPED-20071018AOG), and Nassuna Broadcasting, Inc. (File No. BNPED-20071022BAI), and TO GRANT the application of Halau Lokahi Public Charter School (File No. BNPED-20071019AOZ) 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 345.** IT IS FURTHER ORDERED, That the Application filed by Thin Air Community Radio (File No. BNPED-20071022AFM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Medical Lake, Washington. 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 Calvary Chapel of Sandpoint (File No. BNPED-20071022AXA) and Libby Christian Church (File No. BNPED-20071022BUY), and TO GRANT the application of Thin Air Community Radio (File No. BNPED-20071022AFM) 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 349B.** IT IS FURTHER ORDERED, That the Application filed by Calvary Chapel of Terre Haute (File No. BNPED-20071012AUJ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Hymera, Indiana. 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 Linda Jerome Foundation (File No. BNPED-20071015AII), Good Samaritan Educational Radio, Inc. (File No. BNPED-20071015AAZ), Cedar Ridge Fellowship of SDA (File No. BNPED-20071022APS), Pike Neighborhood Broadcasting (File No. BNPED-20071019AAE), Nassuna Broadcasting, Inc. (File No. BNPED-20071022BBH), and Electronic

Applications Radio Service, Inc. (File No. BNPED-20071022BHA), and TO GRANT the application of Calvary Chapel of Terre Haute (File No. BNPED-20071012AUJ) 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 363.** IT IS FURTHER ORDERED, That the Application filed by University of Massachusetts (File No. BNPED-20071019AUV) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Milford, Massachusetts. 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 The Executive Committee of the Trustees of Boston University (File No. BNPED-20071019ASS), Centro Familiar de Adoracion, Inc. (File No. BNPED-20071019BEB), Centro de Intercesion y Adoracion Internacional, Inc. (File No. BNPED-20071022AIM), Wellspring House, Inc. (File No. BNPED-20071022BLB), Home Improvement Ministries (File No. BNPED-20071015AGL), Talking Information Center, Inc. (File No. BNPED-20071022BVV), Christian Music Network, Inc. (File No. BNPED-20071012AEE), Beverly Cable and Telecommunication Corporation (File No. BNPED-20071022AOU), Bangor Baptist Church (File No. BNPED-20071012AOA), New Life Media (File No. BNPED-20071015AAP), Allied Communications Network Two (File No. BNPED-20071015ABW), and Highland Community Broadcasting (File No. BNPED-20071018AAT), and TO GRANT the application of University of Massachusetts (File No. BNPED-20071019AUV) 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 364.** IT IS FURTHER ORDERED, That the Application filed by Bard College (File No. BNPED-20071019BFL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Annandale-On-Hudson, 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 Calvary Chapel of the Berkshires (File No. BNPED-20071017ACC), University of Massachusetts (File No. BNPED-20071019AMH), Foothills Public Radio (File No. BNPED-20071022BQG), and Birds of a Feather Media, Ltd. (File No. BNPED-20071015AJS) and TO GRANT the application of Bard College (File No. BNPED-20071019BFL) 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 377.** IT IS FURTHER ORDERED, That the Application filed by Network of Glory, LLC (File No. BNPED-20071019AFG) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Clinton, 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 applications of Community Broadcasting, Inc. (File No. BNPED-20071018ACQ), Coalition of Hispanic Women Against Cancer, Inc. (File No. BNPED-20071018AMS), Calvary Chapel of Johnson County, Inc. (File No. BNPED-20071019AMI), The Helpline (File No. BNPED-20071019BCP), and Full Smile, Inc. (File No. BNPED-20071017AGQ), and TO GRANT the application of Network of Glory, LLC (File No. BNPED-20071019AFG) 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.

63. **Group 385.** IT IS FURTHER ORDERED, That the Application filed by FM Pregnancy Centers, Inc. (File No. BNPED-20071022BVB) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Freehold, New Jersey. 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 Cornerstone Calvary Chapel (File Nos. BNPED-20071019AMC and BNPED-20071019AMF); Hispanic Family Christian Network, Inc. (File Nos. BNPED-20071022ALW and BNPED-20071022ALX); Good News Ministries of New Jersey, Inc. (File Nos. BNPED-20071022BLH and BNPED-20071022BOH); Catholic Men for Jesus Christ, Inc. (File No. BNPED-20071012ADA); New Jersey Public Broadcasting Authority (File No. BNPED-20071017ADB); WNYC Radio (File No. BNPED-20071019APQ); and Educational Media Foundation (File No. BNPED-20071022BBX), and TO GRANT the application of FM Pregnancy Centers, Inc. (File No. BNPED-20071022BVB) 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.

64. **Group 390.** IT IS FURTHER ORDERED, That the Application filed by The Sister Sherry Lynn Foundation (File No. BNPED-20071022AAL) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Springerville, Arizona. 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 Arizona Board of Regents (File No. BNPED-20071017AAN), Regents of New Mexico State University (File No. BNPED-20071019ATA), Educational Music Foundation (File No. BNPED-20071022BFG), and Spirit & Truth, Inc. (File No. BNPED-20071022BJI), and TO GRANT the application of The Sister Sherry Lynn Foundation (File No. BNPED-20071022AAL) 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.

65. **Group 395.** IT IS FURTHER ORDERED, That the Application filed by Pax Et Bonum, Inc. (File No. BNPED-20071022BQF) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Esperance, 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 Faculty Student Association of Hudson Valley Community College (File No. BNPED-20071018AVO), Media Alliance (File No. BNPED-20071018AWO), Pensacola Christian College (File No. BNPED-20071018DFL), WAMC (File No. BNPED-20071019AST), and WSKG Public Telecommunications Council (File No. BNPED-20071019AIL), and TO GRANT the application of Pax Et Bonum, Inc. (File No. BNPED-20071022BQF) 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.

66. **Group 396.** IT IS FURTHER ORDERED, That the Application filed by Ohio East-West Cultural Bridge (File No. BNPED-20071018AHQ) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Johnstown, Ohio. 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 Connorsville Apostolic Lighthouse Incorporated (File No. BNPED-20071012ADB), Zanesville Christian Media (File No. BNPED-20071012AEO), St. Gabriel Radio, Inc. (File Nos. BNPED-20071012AXM and 20071022AIU), Mount Vernon Baptist Temple, Inc. (File No. BNPED-20071017ABM), The Cedarville University (File No. BNPED-20071017DKY), Bible Broadcasting Network, Inc. (File No. BNPED-20071019AQF), the Neighborhood Network (File No. BNPED-20071019AVM), The Helpline (File Nos. BNPED-20071019BCF and 20071019BCG), and North Terrace Church of Christ (File Nos. BNPED-20071019BCQ and 20071019BCR), and TO GRANT the application of Ohio East-West Cultural Bridge (File No. BNPED-20071018AHQ) 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.

67. **Group 404.** IT IS FURTHER ORDERED, That the Application filed by Cumberland Valley Christian Radio (File No. BNPED-20071016AAM) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Newville, 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 Salt and Light Media Ministries, Inc. (File No. BNPED-20071012ATT), Pensacola Christian College, Inc. (File No. BNPED-20071018DFO), Hope Christian Center of Marlton, Inc. (File No. BNPED-20071022BGY), Family Worship Center Church (File No. BNPED-20071017AAQ), and the Trustees of the University of Pennsylvania (File No. BNPED-20071022AWV), and TO GRANT the application of Cumberland Valley Christian Radio (File No. BNPED-20071016AAM) 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.

68. **Group 438.** IT IS FURTHER ORDERED, That the Application filed by Liberty University, Inc. (File No. BNPED-20071019AEA) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Amelia Court, Virginia. 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 Way-FM Media Group, Inc. (File No. BNPED-20071015AHK); Christian Charities Deliverance Church (File No. BNPED-20071016AAI); Positive Alternative Radio, Inc. (File No. BNPED-20071016AAS); Educational Media Foundation (File No. BNPED-20071017ACT); Pensacola Christian College (File No. BNPED-20071019DGC); Virginia Polytechnic Institute and State University (File No. BNPED-20071022AXH); and Delmarva Educational Association (File No. BNPED-20071022BBY); Appalachian Performing Arts Institute, Inc. (File No. BNPED-20071012ATN); Allegheny East Conference of Seventh-Day Adventists (File No. BNPED-20071018ADE); Commonwealth Public Broadcasting Corporation (File No. BNPED-20071018AVN); and Synergy Project, Inc. (File No. BNPED-20071019AYH), and TO GRANT the application of Liberty University, Inc. (File No. BNPED-20071019AEA) 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.

69. **Group 439.** IT IS FURTHER ORDERED, That the Application filed by Hampton Roads Educational Telecommunications (File No. BNPED-20071022BGC) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in Gloucester Point, Virginia. 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 Salisbury University Foundation, Inc. (File No. BNPED-20071022AWI), Silver Fish Broadcasting, Inc. (File Nos. BNPED-20071022AKA and 20071022AKD), Chesapeake Catholic Radio, Inc. (File No. BNPED-20071022BDH), Hampton Roads Educational Telecommunications Association for Accomac (File No. BNPED-20071018AWA), Delmarva Educational Association (File No. BNPED-20071022BBV), Fountain of Mercy, Inc. (File No. BNPED-20071022BML), Positive Alternative Radio, Inc. (File No. BNPED-20071016AAY), Pensacola Christian College (File No. BNPED-20071018DFM), Liberty University (File No. BNPED-20071019ADZ), Educational Media Corporation (File No. BNPED-20071019AHI), and Airwaves for Jesus, Inc. (File No. BNPED-20071022AUD), and TO GRANT the application of Hampton Roads Educational Telecommunications (File No. BNPED-20071022BGC) 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.

70. **Group 442.** IT IS FURTHER ORDERED, That the Application filed by Confederated Tribes of the Colville Reservation (File No. BNPED-20071018AWD) is ACCEPTED FOR FILING and TENTATIVELY SELECTED to be awarded a construction permit for a new NCE FM station in

Nespelem, Washington. 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 Pacific Lutheran University, Inc. (File No. BNPED-20071018ARZ), Way-FM Media Group, Inc. (File No. BNPED-20071012ATS), First Spanish Assembly of God Church of Waco, Texas (File No. BNPED-20071015AAJ), Northwest Communities Education Center (File No. BNPED-20071018AKA), Center for Justice (File No. BNPED-20071018AKV), Harbor Ministries d/b/a Chelan Community Radio (File No. BNPED-20071019AFW), Divine Mercy Broadcasting (File No. BNPED-20071022AAE), Iglesia Jesucristo Es Mi Refugio de Austin, Inc. (File No. BNPED-20071022ADH), Valley Christian Fellowship (File No. BNPED-20071022ATX), and Washington State University (File No. BNPED-20071022BDN), and TO GRANT the application of Confederated Tribes of the Colville Reservation (File No. BNPED-20071018AWD) 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