



Federal Communications Commission
Washington, D.C. 20554

May 7, 2015

In Reply Refer To:
1800B3-ATS

Mr. Frank Davis
WOLR 91.3 FM, Inc.
10046 Highway 129 South
Live Oak, FL 32060

Mr. Charles F Martin
Charles F Martin Ministry, Inc.
211 SW Taylor Ave
Live Oak, FL 32064

In re: Charles F Martin Ministry, Inc.
New LPFM, Live Oak, Florida
Facility ID Number: 196692
File Number: BNPL-20131114AHN

Informal Objection

Dear Mr. Davis and Mr. Martin:

We have before us: 1) the above-referenced application of Charles F Martin Ministry, Inc. ("CFMM"), for a new LPFM station at Live Oak, Florida ("Application"); and 2) the Informal Objection to the Application ("Objection") filed by WOLR 91.3 FM, Inc. ("WOLR").¹ For the reasons set forth below, we deny the Objection and grant the Application.

Background. The Application was filed during the October 2013 LPFM filing window. It included a copy of CFMM's Articles of Incorporation, which showed that VFMM was incorporated in 2011 as a nonprofit entity in the State of Florida and identified Charles F Martin ("Martin") as the sole officer and director of the corporation.² In the Objection, WOLR argues that the Application should be dismissed because CFMM consists of only one person – Martin – and individuals are not eligible to hold LPFM licenses.³ In the Reply, CFMM argues that Florida recognizes nonprofit corporations that only consist of one member and that CFMM, as a corporation, is a distinct legal entity from Martin himself.⁴

Discussion. Pursuant to Section 309(d) of the Communications Act of 1934, as amended, informal objections, like petitions to deny, must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.⁵

¹ WOLR filed the Objection on December 9, 2014. CFMM filed a Reply, which we will treat as an Opposition to the Objection, on May 4, 2015.

² Application at Attachment 10. The Application likewise identified Martin as the sole director of CFMM. *Id.* at Section II, Question 3.a.

³ Objection at 1-2.

⁴ Reply at 2-3.

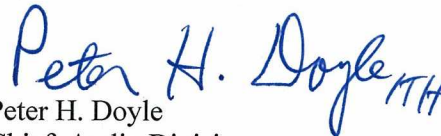
⁵ 47 U.S.C. § 309(d); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987).

The Commission's Rules provide that an LPFM station may be licensed to a nonprofit educational organization for the advancement of an educational program.⁶ An applicant "must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation. Applicants that fail to provide these materials are subject to dismissal."⁷ We reject WOLR's argument that CFMM is an individual and therefore ineligible for an LPFM license. The applicant here is CFMM – not Martin – and CFMM is recognized as a nonprofit entity by Florida. Thus the fact that CFMM only has one director is irrelevant, as long as state law requirements for corporations are satisfied.⁸ Accordingly, CFMM has satisfied the eligibility requirements of the LPFM service.

Conclusion. Accordingly, for the reasons set forth above, IT IS ORDERED that the Informal Objection filed by WOLR 91.3 FM, Inc., on December 9, 2014, IS DENIED.

IT IS FURTHER ORDERED that the application of Charles F Martin Ministry, Inc. (BNPL-20131114AHN), for a new LPFM station at Live Oak, Florida, IS GRANTED.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by the initials "TH".

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁶ 47 C.F.R. § 73.853(a). *See also* *Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2213 (2000) ("having decided to establish LPFM as a noncommercial service, we will require that LPFM licensees comply with the eligibility requirements of [47 U.S.C. § 397(6)(A)]."). Individuals are not eligible to own and operate LPFM stations. *Id.* at 2215 n.40.

⁷ Instructions to FCC Form 318, Section II, Question 2, Subsection 2(a). *See also* FCC Form 318, Section II, Question 2, Note ("If the applicant is incorporated, the [educational program] exhibit must include the state and date of applicant's incorporation. If the applicant is unincorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.").

⁸ *See NCE MX Group 503*, Letter, 26 FCC Rcd 6155, 6160 (MB 2011) (noting that certain states recognize corporations with only one director). *See also* F.S.A. § 617.02011 (nonprofit corporations only require one person acting as incorporator).