

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

DAH

The following application is submitted for action by the Chief, Broadcast Bureau.

<u>ST</u>	<u>FILE NUMBER</u>	<u>CALL</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
FL	BPED -891127MB N/M	NEW 88.5MHZ	PALM BAY PUBLIC RADIO, INC. MIMS FL	CP FOR NEW ED FM ON FREQUENCY 88.5 MHZ, #203; ERP .5 KW H&V HAAT 61 METERS H&V 28 44 21 80 53 01

LICENSE EXPIRATION DATE \_\_\_\_\_

\_\_\_\_\_  
CHIEF, LICENSE DIVISION

RECOMMENDATION: GRANT( ) CONSTRUCTION DATES, START \_\_\_\_\_ END \_\_\_\_\_  
CONTESTED ( ) UNCONTESTED ( )

APPROVED \_\_\_\_\_

\_\_\_\_\_  
FOR CHIEF, BROADCAST BUREAU

F.C.C.-WASHINGTON, D.C.



FCC MAIL SECTION

PALM BAY PUBLIC RADIO INC.

Nov 27 10 36 AM '89

P O Box 1020 Palm Bay, FL 32907

RECEIVED BY

November 24, 1989

Ms. Donna R. Searcy, Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

In re: Application for New NCE FM station at  
Mims, Florida; Channel 203A

Dear Ms. Searcy:

Transmitted herewith in triplicate, is FCC Form 340  
with exhibits, which is application for a new noncommercial  
station to be licensed to the community of Mims, Florida.

The applicant is a nonprofit entity, seeking a  
noncommercial facility, and is, according to FCC Rules  
and policies, exempt from the filing fee.

Sincerely,

Daniel McMurphy  
President of  
Palm Bay Public Radio, Inc.

Enclosure

89.5 MHz  
RPEO -89112743 NEW  
MIMS FL  
PALM BAY PUBLIC RADIO, INC.

FCC 340

**SECTION I**  
**APPLICATION FOR CONSTRUCTION PERMIT FOR**  
**NONCOMMERCIAL EDUCATIONAL BROADCAST STATION**  
(Carefully read instructions before filing form) Return only form to FCC

Nov 27 10 36 AM '89

For Commission Use Only

File No.

88-391127 MB

**Section I - GENERAL INFORMATION**

RECEIVED BY

1. Name of Applicant  Palm Bay Public Radio, Inc.		
Street Address or P.O. Box P O Box 1020		
City Palm Bay	State FL	ZIP Code 32936
Telephone No. (Include Area Code) 407 636 5007		

Send notices and communications to the following person at the address below:		
Name		
Street Address or P.O. Box		
City	State	ZIP Code
Telephone No. (Include Area Code)		

2. This application is for:  AM  FM  TV

(a) Channel No. or Frequency 88.5 MHz
--

(b) Principal Community Mims	City	State
	Mims	FL

(c) Check one of the following boxes:

- Application for **NEW** station
- MAJOR** change in licensed facilities; call sign: \_\_\_\_\_
- MINOR** change in licensed facilities; call sign: \_\_\_\_\_
- MAJOR** modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- MINOR** modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- AMENDMENT** to pending application; application file number: \_\_\_\_\_

**NOTE:** It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?  Yes  No

If Yes, state:	Call letters	Community of License	
	-----	City -N/A-	State -----

Entered  
12-19-89  
DCH

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant

Palm Bay Public Radio, Inc.

1. Applicant is: (Check one box below)

- (a) governmental or public educational agency, board or institution
- (b) private nonprofit educational institution
- (c) Other (specify) Nonprofit educational organization

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.  
1

3. For applicants 1(c) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served.

Exhibit No.  
N/A

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.  
1A

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

Yes  No

If Yes, provide particulars in an Exhibit.

Exhibit No.  
N/A

**CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS**

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

Yes  No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes  No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.  
N/A

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

Yes  No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

Yes  No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.  
N/A

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

(a) Name and Residence Address(es)	(b) Office Held	(c) Director or Member of Governing Board		(d) % of: Ownership (O) or Voting Stock (VS) or Membership (M)
		YES	NO	
Daniel McMurphy 1688 Yellowstone Cocoa FL 32922	Director; Pres.	yes		20% (M)
Dorine Belflower 113 Olive St Cocoa FL 32922	Director; Vice Pres.	yes		20% (M)
Randy Preston 1601 Napanee St NW Palm Bay FL 32907	Director; Sec/Treas	yes		20% (M)
Lynn Borton 562 Cheyenne Ave Melbourne FL 32935	Director	yes		20% (M)
Harry Mason 1011 Hosbine St SE Palm Bay FL 32907	Director	yes		20% (M)

Section 11 - LEGAL QUALIFICATIONS (Page 3)

9. Does the applicant or any party to this application have, or have they had, any interest in:

- (a) a broadcast station, or pending broadcast station application before the Commission?  Yes  No
- (b) a broadcast application which has been dismissed with prejudice by the Commission?  Yes  No
- (c) a broadcast application which has been denied by the Commission?  Yes  No
- (d) a broadcast station, the license of which has been revoked?  Yes  No
- (e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?  Yes  No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No. 1B
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- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

### SECTION III - FINANCIAL QUALIFICATIONS

Note: If this application is for a change in an operating facility, DO NOT fill out this Section.

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration?  Yes  No

2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision?  Yes  No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2, **you must advise the F.C.C. when the funds are committed or appropriated.** This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without additional funds.  Yes  No

### SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
2

NOTE: No program service statement need be filed where the proposed station's programming would be **wholly** "instructional" as that type of programming is defined in the Instructions to this Section.

<b>Section V-B - FM BROADCAST ENGINEERING DATA</b>	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____
--	---

Name of Applicant  
 Palm Bay Public Radio, Inc.

Call letters (if issued)  (NEW)	Is this application being filed in response to a window? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, specify closing date: _____
---------------------------------------	---

Purpose of Application: (check appropriate boxes)

<input checked="" type="checkbox"/> Construct a new (main) facility	<input type="checkbox"/> Construct a new auxiliary facility
<input type="checkbox"/> Modify existing construction permit for main facility	<input type="checkbox"/> Modify existing construction permit for auxiliary facility
<input type="checkbox"/> Modify licensed main facility	<input type="checkbox"/> Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

<input type="checkbox"/> Antenna supporting-structure height	<input type="checkbox"/> Effective radiated power
<input type="checkbox"/> Antenna height above average terrain	<input type="checkbox"/> Frequency
<input type="checkbox"/> Antenna location	<input type="checkbox"/> Class
<input type="checkbox"/> Main Studio location	<input type="checkbox"/> Other (Summarize briefly)

File Number(s) \_\_\_\_\_

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)
203	City Mims	County Brevard	State FL	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C <input type="checkbox"/> D

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	28°	44'	21"	Longitude	80°	53'	01"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? \*AM station currently using tower (WPGS) is to be moved well in advance of the grant of this application. See BAL891019EB contingent condition  
 Yes     No \*  
 If Yes, give call letter(s) or file number(s) or both. \_\_\_\_\_

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

proposes no change to existing height  
of tower

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?  
If Yes, list old coordinates.

Yes  No

Latitude    N/A    °    '    "	Longitude    °    N/A    '    "
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5. Has the FAA been notified of the proposed construction?

Yes  No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No. N/A
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[not required-no change in height]

Date \_\_\_\_\_ Office where filed \_\_\_\_\_

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	NONE		
(b)			

7. (a) Elevation: *(to the nearest meter)*

- (1) of site above mean sea level; 8.2 meters
- (2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 68 meters
- (3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 76.2 meters

(b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical

- (1) above ground 54 meters (H)
- 54 meters (V)
- (2) above mean sea level [(aX1) + (bX1)] 62.3 meters (H)
- 62.3 meters (V)
- (3) above average terrain 61 meters (H)
- 61 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No. 3
------------------

9. Effective Radiated Power:

(a) ERP in the horizontal plane .5 kw (H\*) .5 kw (V\*)

(b) Is beam tilt proposed?

Yes  No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No. N/A
--------------------

N/A kw (H\*)      N/A kw (V\*)

\*Polarization

10. Is a directional antenna proposed?

Yes  No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.  
N/A

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

Yes  No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
N/A

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (*except citizens band or amateur*) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

Yes  No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(d) and 73.318.)

Exhibit No.  
4

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
5

14. Attach as an Exhibit (*name the source*) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
6

(a) the proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and

(c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 447 sq. km. Population 13,801

16. Attach as an Exhibit a map (*Sectional Aeronautical charts where obtainable*) showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.  
N/A

Enter the following from Exhibit above: Gain Area N/A sq. mi.  
Loss Area N/A sq. mi.

Percent change (gain area plus loss area as percentage of present area) N/A %.

If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 4)

17. For an application involving an auxiliary facility only, attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
N/A

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675. (File No.: \_\_\_\_\_)

18. Terrain and coverage data (*to be calculated in accordance with 47 C.F.R. Section 73.313*).

Source of terrain data: (*check only one box below*)

Linearly interpolated 30-second database       7.5 minute topographic map

(Source: National Geophysical Data Center)

Other (*briefly summarize*).

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	59.6	12
45	62.3	12
90	62.3	12
135	61.7	12
180	61.5	12
225	62.3	12
270	61.8	12
315	56.2	11.5

**Allocation Studies**

(*See Subpart C of 47 C.F.R. Part 73*)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

Yes     No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.  
N/A

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada?  Yes  No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947.

Exhibit No.  
N/A

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

Exhibit No.  
7

- (a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ (*separation requirements involving intermediate frequency (i.f.) interference*).

Exhibit No.  
7

23.(a) Is the proposed operation on Channel 218, 219, or 220?

Yes  No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207?

Yes  No  
N/A

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223.

Exhibit No.  
N/A

(d) If the answer to (b) is no, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
N/A

1/ A showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 6)

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.  
N/A

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibits(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525?

Yes  No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

Exhibit No.  
8

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1-107.9 MHz)?

Yes  No

If Yes, attach as an Exhibit information required in 1/. (Except for Class D (secondary) proposals.)

Exhibit No.  
N/A

26. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact?

Yes  No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.  
N/A

If No, explain briefly why not. The proposed construction does not require an action covered by Section 1.1307 of the Commission's rules

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Randy Henry	Relationship to Applicant (e.g., Consulting Engineer) Technical consultant
Signature 	Address (Include ZIP Code) 505 Josephine St
Date November 17 1989	Telephone No. (Include Area Code) (407) 267 3000

**SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

1. Does the applicant propose to employ five or more full-time employees?  Yes  No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 396-A).

**SECTION VII - CERTIFICATION**

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?  Yes  No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. *(See Section 304 of the Communications Act of 1934, as amended.)*

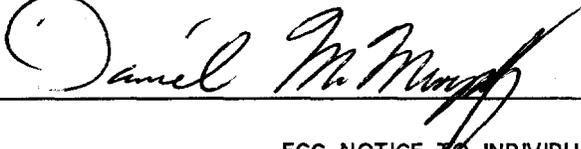
The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Palm Bay Public Radio, Inc.	Title President
Signature 	Date November <u>24</u> , 1989

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 76 to 80 hours with an average of 78 hours 04 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

**THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.**

EXHIBIT ONE

PALM BAY PUBLIC RADIO, INC. \* NOV. 1989

FCC Form 340  
Section II  
Item 2

Palm Bay Public Radio, Inc. was formed in 1984 to apply as an organizational applicant, for an available channel in the town of Palm Bay, Florida. That application is in litigation.

Palm Bay Public Radio, Inc., is a Not for Profit Florida Corporation. Its Articles of Incorporation, and amended list of names and addresses of its members of the governing board, are included as part of Exhibit One. With the submission of this application, Palm Bay Public radio, Inc., expands its purpose, expressed in Article III, to a neighboring town in the same county, Mims. While they are expanded upon in Exhibits One A and Two, in the most basic form, they are as stated...

"...to promote the educational, charitable, and literary goals of the community...by applying for and operating a noncommercial educational broadcast facility."

A certified copy from the Secretary of State will be provided in the form of an amendment, showing the official membership list, and the corrected text in Article III which will replace "Palm Bay, Florida" with "the community of license." The membership of the organization represents a cross section of occupations and ages. They are committed to advancing the educational goals of the community.

# State of Florida



Department of State

I certify that the attached is a true and correct copy of the Articles of Incorporation of PALM BAY PUBLIC RADIO, INC., a corporation organized under the Laws of the State of Florida, filed on November 6, 1984, as shown by the records of this office.

The charter number of this corporation is N06020.

Given under my hand and the  
Great Seal of the State of Florida,  
at Tallahassee, the Capital, this the  
6th day of November, 1984.



George Firestone  
Secretary of State

No 602

ARTICLES OF INCORPORATION OF PALM BAY PUBLIC RADIO, INC.

FILED  
1984 NOV -6 PM 10:22  
SECRETARY OF STATE  
TALLAHASSEE FLORIDA

\* \* \* \* \*

The undersigned, acting as incorporators of a corporation pursuant to Chapter 617, Florida Statutes, adopt the following articles of incorporation for such corporation:

ARTICLE I The name of the corporation is Palm Bay Public Radio, Inc., a nonprofit corporation, and the initial principal address of the corporation is 2601 Emerson Drive, Palm Bay, Florida 32907.

ARTICLE II The period of duration of this corporation is perpetual, unless dissolved according to law. Corporate existence shall commence upon the filing date with the State of Florida.

ARTICLE III The organization's purpose is to promote the educational, charitable, and literary goals of the community of Palm Bay, Florida by applying for and operating a noncommercial educational broadcast facility.

ARTICLE IV Membership of this corporation shall constitute all persons hereinafter named as incorporators, and directors, and such others as, from time to time hereafter may become members in the manner provided in the by-laws. A two-thirds vote in any regular or special meeting called for in the manner provided in the by-laws shall elect to the membership any adult United States Citizen.

ARTICLE V The street address and city of the initial registered office of the corporation is 2601 Emerson Drive, Palm Bay, Florida 32907. The name of the initial registered agent at such address is Daniel McMurphy.

ARTICLE VI The affairs of the corporation shall be managed by the officers who are to be advised by the other directors of the corporation who hold no particular office. The number constituting the initial Board of Directors is seven, and their names and addresses are:

- Daniel McMurphy, President 1618 Saipan St, Palm Bay, FL 32907
- Jim Slate, Vice President 801 SW Bayview Ave, Palm Bay, FL 32905
- Randy Preston, Sec/Treas 3555 Suncrest Dr, West Melbourne, FL 32901
- Merv Hunnicutt 701 Barbara St, Sebastian, FL 32958
- Frank Cox 1082 Apricot Ave, Palm Bay, FL 32907
- Genie Billie 672 Darwain Lane, Palm Bay, FL 32905
- Lynn Borton 562 Cheyenne Ave, Melbourne FL 32935

ARTICLE VII In the event of dissolution, the residual assets of the corporation will be turned over to one or more organizations which themselves are exempt as organizations described in sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code of 1954 or corresponding sections of any prior or future law, or to the Federal, State, or Local government for exclusive public purpose.

FILED

ARTICLE VIII The name and address of each incorporator is:

Daniel McMurphy	1618 Saipan St, Palm Bay, Florida 32907
Jim Slate	801 SW Bayview Av, Palm Bay, FL 32905
Randy Preston	3555 Suncrest Drive, West Melbourne, FL 32901

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

ACCEPTANCE BY REGISTERED AGENT Having been duly admitted to accept service of process for the above named corporation at a place designated in these articles of incorporation, I hereby accept to act in this capacity, and agree to comply with the provision of Chapter 48.091, Florida Statutes, relative to keeping open said office for service of process.

*Daniel L. McMurphy*  
 \_\_\_\_\_  
 Registered Agent

Dated the 31 day of Oct 1984.

In witness whereof, the undersigned being the incorporators of this corporation have executed these Articles of Incorporation.

SIGNATURES OF INCORPORATORS:

*James Slate*  
 \_\_\_\_\_  
*Randy Preston*  
 \_\_\_\_\_  
*Daniel L. McMurphy*  
 \_\_\_\_\_

State of Florida )  
 ) SS:  
 County of Brevard )

Before me the undersigned authority, personally appeared Daniel McMurphy, to me well known to be the person who executed the foregoing Articles of Incorporation and acknowledged before me, according to law, that he made and subscribed the same for the purposes therein mentined and set forth.

In witness whereof, I have hereunto set my hand and seal this 31<sup>st</sup> day of October, 1984

*Munnicut*

NOTARY SEAL

SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

1984 NOV - 6 AM 10: 23

FILED





EXHIBIT ONE A

PALM BAY PUBLIC RADIO, INC. \* NOVEMBER 1989

FCC Form 340  
Section II, Item 4

HOW WILL THE PROPOSED STATION BE USED TO ADVANCE AN EDUCATIONAL PROGRAM

1. By the laboratory method

The physical plant will be used for training in a "hands on" method for learning skills of broadcast journalism, announcing, and technical training. Any educational institution will be permitted such use of the facility, and all will be reminded of the opportunity for such use from time to time. Qualifying schools will be those public and private elementary, senior, and college institutions in the coverage area of the station.

2. By the ascertainment method

Ascertaining needs and interests from both public and private educators will be an on-going procedure. Their goals will be explored as to the way that the station can help further advance those goals. Resultant programming will include broadcast of sports, fine arts, and class room sessions.

3. By broadcasting general educational material

Programming that serves the general educational needs of the adult population will be broadcast; e.g. programs on crime, environment, morality and economics.

EXHIBIT ONE B

Palm Bay Public Radio, Inc.  
Channel 203 at Mims, Florida  
November, 1989

OTHER BROADCAST INTERESTS

Palm Bay Public Radio, Inc., is the permittee of no other stations or authorizations.

Palm Bay Public Radio, Inc. is an applicant for a new NCE FM station at Palm Bay, Florida; BPED-841113MA.

EXHIBIT TWO

PALM BAY PUBLIC RADIO, INC. \* NOVEMBER 1989

FCC Form 340  
Section IV

PROGRAM POLICIES

1. Staff members and volunteers associated with the station must have familiarity with, and operate the station according to, the rules and regulations and policies of the Federal Communications Commission. Specific attention shall be given to fairness, and neutrality on any partisan issue or interview.
2. There will be balanced treatment of controversial issues
3. No one religious view is aired to the exclusion of the other(s)
4. Equal programming and promotional opportunities to public and private educational institutions
5. A heavy emphasis shall be placed on non-entertainment programming; i.e. performing arts, public affairs, educational programs. Light entertainment is to be broadcast in low percentages

PREFACE TO ENGINEERING

In November, 1989, two organizational applicants approached this office, desiring preparation of the engineering exhibits for facilities to be proposed from the same tower structure. The tower is the soon-to-be vacant AM site of WPGS, owned by Florida Public Radio, Inc. Their requested facilities, though on different channels, are mutually exclusive, and each knows about the other. As far as this office is concerned, it would like to see the tower used in an educational application and will be happy for either applicant's success. They are also aware that they are both mutually exclusive with two other applicants proposing other facilities in other towns.



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Florida Public Radio, Inc. (est 1974)

Randy Henry, President

ENGINEERING DISCUSSION

PALM BAY PUBLIC RADIO, INC.

CHANNEL 203

MIMS, FLORIDA

NOVEMBER, 1989

The engineering exhibits are prepared for Palm Bay Public Radio, Inc. The application proposes a facility of 500 watts from 61 meters HAAT on an existing tower. The tower proposed is currently the AM antenna for WPGS (840khz). However, WPGS is being purchased contingent upon a request to move the facility to Castleberry, Florida (BAL 891019EB). Since a grant of this application would be many months from this filing date, the tower may be considered not to be in the vicinity of any AM or FM or othr transmitter of any kind.

The application proposes no received or caused interference from any authorized facility, or application that is accepted for filing (cut-off). The application is mutually exclusive with BPED 881207MA, which is on FM Cut-off list A-138; cut-off date: November 28, 1989. It is also mutually exclusive with ARN 890412MJ, which has not been accepted for filing.

Protection to TV Six is afforded in the manner provided in CFR 73.525. Those rules provide for the methodology for computing the interference area, and provide that no more than 3,000 persons reside in the area. Exhibit 8 demonstrates compliance.