

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

DAH

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

ST	FILE NUMBER	CALL	APPLICANT AND LOCATION	NATURE OF APPLICATION
FL	BPED -891127MC N/M	NEW 88.3MHZ	SOUTHWEST FLA. COMMUNITY RADIO, INC. CONWAY FL	CP FOR NEW ED FM ON FREQUENCY 88.3 MHZ, #202; ERP 1.9 KW H&V HAAT 300 METERS H&V 28 34 51 81 04 32

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.

ORIGINAL

GAMMON & GRANGE

LAW OFFICES

SUITE 300
1925 K STREET, N.W.
WASHINGTON, D. C. 20006-1115
(202) 862-2000

TELEX: 286720
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(202) 862-2023

GEORGE R. GRANGE II
A. WRAY FITCH III
NANCY OLIVER LESOURD
H. ROBERT SHOWERS*
RICHARD M. CAMPANELLI**
* NC BAR ONLY
** VA BAR ONLY

Nov 29 11 08 AM '89
AD
OFFICES

OF COUNSEL
JAMES A. GAMMON
MARK W. AMERMAN
DIANE H. MING

November 27, 1989

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

--HAND DELIVERED--

RECEIVED

NOV 27 1989

RE: New Noncommercial FM Application
Southwest Florida Community Radio, Inc.
Conway, Florida

Federal Communications Commission
Office of the Secretary

Dear Ms. Searcy:

Enclosed is the application of Southwest Florida Community Radio, Inc. for a new FM station on Channel 202, Conway, Florida. The applicant is a noncommercial educational entity proposing to operate on a noncommercial frequency. No filing fee, therefore, has been submitted.

Please contact the undersigned if there are any questions.

Respectfully submitted,

SOUTHWEST FLORIDA COMMUNITY
RADIO, INC.

By A. Wray Fitch III
A. Wray Fitch III
Its Counsel

RECEIVED

NOV 29 1989

FM EXAMINERS

AWF/kw
0243-1

cc: Bob Augsburg (For Public File)

88.3MHZ
BPED -891127MC NEW
CONWAY FL
SOUTHWEST FLA. COMMUNITY RADIO, II

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

RECEIVED

For Commission Use Only
File No. <u>BPED-89127MC</u>

Section I - GENERAL INFORMATION NOV 27 1989

1. Name of Applicant Southwest Florida Community Radio, Inc.			Federal Communications Commission Office of the Secretary			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box P.O.Box 061275			City Fort Myers			State FL		
Telephone No. (Include Area Code) (813)936-1929			ZIP Code 33906			Name Robert D. Augsburg, President		
Street Address or P.O. Box P.O.Box 061275			City Fort Myers			State FL		
Telephone No. (Include Area Code) (813)936-1929			ZIP Code 33906			Telephone No. (Include Area Code) (813)936-1929 or (813)433-3206		

2. This application is for: AM FM TV

(a) Channel No. or Frequency 202 ; 88.3
--

(b) Principal Community	City	State
	Conway	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	State

Entered
12.19.89

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Southwest Florida Community 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)* **A Non-profit Corporation**

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

Exhibit No.
1, 2

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.
1, 3 & 4

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.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (d)
		YES	NO	
		(c)		
Robert D. Augsburg 7139 N. Brentwood Road Fort Myers, FL 33919	President	X		9.1% (M)
Felice Augsburg 7139 N. Brentwood Road Fort Myers, FL 33919	Vice President	X		9.1% (M)
Fred C. Shutrump 15505 Thory Court Fort Myers, FL 33908	Treasurer	X		9.1% (M)
Merri Shutrump 15505 Thory Court Fort Myers, FL 33908	Secretary	X		9.1% (M)
Sherryl Ford 2670 Jackson Street Fort Myers, FL 33901	Director	X		9.1% (M)
John Geyer 229 S.E. 29th Terrace Cape Coral, FL 33904	Director	X		9.1% (M)
Bill Erickson 865 S. Town and River Drive Fort Myers, FL 33919	Director	X		9.1% (M)

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.

Name and Residence Address(es) (a)	Office Held (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M) (d)
		YES	NO	
		(c)		
Larry Ford 2670 Jackson Street Fort Myers, FL 33901	Director	X		9.1% (M)
Steve Maloney 2455 Ivy Avenue Fort Myers, FL 33907	Director	X		9.1% (M)
Dean Castillo 3161 S.W. 117th Avenue Davie, FL 33330	Director	X		9.1% (M)
Colette Geyer 229 S.E. 29th Terrace Cape Coral, FL 33904	Director	X		9.1% (M)

Section II - 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.

5

- (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. 3 & 4

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.

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 Southwest Florida Community Radio, Inc.	Title President
Signature 	Date 11/22/89

**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 #1

The purpose of Southwest Florida Community Radio, Inc. is to advance the educational goals of public and private institutions of education, and of public service and charitable organizations in the Conway/Orange County surrounding area. The applicants Board of Directors is comprised of men and women associated with various public, and private schools. We also will be organizing a local advisory committee of men and women from the Conway area who will be active in involving Orange County educational institutions to further enhance the stations advancement of the arts, culture and education.

The applicant is very much aware of the need to involve youth in the operations of this proposed educational station. As a board, we are very concerned about the growing drug problem, suicide, and crime tendencies which permeate our society. This stimulated the initial concern for our first station WAYJ, located in Fort Myers, Florida. Our committment to the new broadcast station in the vicinity of Conway, Florida will be to offer a similar service to the community. The applicant has a proven tract record of training college, and high school students in all facets of broadcasting. Our board is comprised and directed by individuals who possess an extensive background in broadcasting and in training students in this field. We believe that as young people become active in their community and in communications, they will become better citizens.

The ongoing needs of Conway, and the Orange County area will be regularly ascertained, and educational programs to help meet those needs will be provided by the applicant. Our committment to serve the local Conway area is further exemplified by the applicants willingness to relocate a board member in the new area to be served. In addition to our local advisory committee, we feel like this will help to enable us to better serve the educational, and cultural needs of the Conway, Florida and the greater Orange County area.

State of Florida



Department of State

I certify that the attached is a true and correct copy of the Articles of Incorporation of SOUTHWEST FLORIDA COMMUNITY RADIO, INC., a corporation organized under the Laws of the State of Florida, filed on May 28, 1985, effective May 23, 1985, as shown by the records of this office.

The charter number of this corporation is N09672.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
12th day of June, 1985.



George Firestone
Secretary of State



CER-101

ARTICLES OF INCORPORATION OF SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

* * * *

The undersigned, acting as incorporators of a corporation pursuant to Chapter 617, Florida Statutes, adopts the following Articles of Incorporation for such corporation.

ARTICLE I The name of the corporation is SOUTHWEST FLORIDA COMMUNITY RADIO, INC., a non-profit corporation, and the initial principal address is 12645 5th Street, S.E., Fort Myers, Florida, 33905.

EFFECTIVE DATE MAY 23, 1985

ARTICLE II The period of duration of this Corporation is perpetual unless dissolved according to law. Corporate existence shall commence on May 23, 1985.

ARTICLE III The organization's purpose is to promote the educational, charitable, and literary goals of a community by applying for, constructing, and operating and transferring ownership of any AM, FM, or TV commercial or non-commercial station.

ARTICLE IV Membership of this Corporation shall constitute all persons hereinafter named as Incorporators, 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 U.S. citizen.

ARTICLE V The street address and city of the initial registered office of the corporation is 12645 5th Street, S.E., Fort Myers, Florida, 33905. The name of the initial registered agent at such address is Robert D. Augsburg.

ACCEPTANCE BY REGISTERED AGENT: Having been named 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 said office for service process.

Robert D. Augsburg, Registered Agent

ARTICLE VI The number of the Directors constituting the initial Board of Directors of the Corporation is twelve, and the names and addresses of these as well as the initial Officers are:

- President: Robert D. Augsburg, 12645 5th Street, S.E., Fort Myers, FL, 33905
Vice
President: William Erickson, 2210 Treshaven Circle, Fort Myers, FL 33905
Treasurer: Fred C. Shutrump, 15505 Thory Court, Fort Myers, FL, 33908
Secretary: Sherryl Ford, 2622 Cortez Blvd., Fort Myers, FL, 33901
Felice Augsburg, 12645 5th Street, S.E., Fort Myers, FL, 33905
Merri Shutrump, 15505 Thory Court, Fort Myers, FL, 33908
Larry Ford, 2622 Cortez Blvd., Fort Myers, FL, 33905
Randy Ball, 222 Hancock Bridge Pkwy., Apt. 4, Cape Coral, FL, 33904
John Geyer, 229 S.E. 29th Terrace, Cape Coral, FL, 33904
Colette Geyer, 229 S.E. 29th Terrace, Cape Coral, FL, 33904
Steve Maloney, 2455 Ivy Avenue, Fort Myers, FL, 33907
Dean Castillo, 7139 N. Brentwood Road, Fort Myers, FL, 33907

FILED MAY 28 AM 9:48

ARTICLE VII The purpose for which the Corporation is organized is exclusively charitable, scientific, literary and educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1954, or the corresponding provision of any future United States Internal Revenue Law. Notwithstanding any other provision of these Articles, this organization shall not carry on any other activities not permitted to be carried on by an organization exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 or the corresponding provision of any future United States Internal Revenue Law.

ARTICLE VIII This is a non-stock Corporation. The purpose further includes the making of distribution to organizations that qualify as exempt or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954, (or the corresponding provision of any future United States Internal Revenue Law). In the event of dissolution, the residual assets of the organization will be turned over to one or more of these same qualifying organizations or to the federal, state, or local government for exclusive public purposes.

Dated the 23rd day of May, 1985. In witness whereof, the undersigned being the Incorporators of this Corporation, have executed these Articles of Incorporation for SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

Robert D. Augsburg
President, Robert D. Augsburg

William Erickson
Vice President, William Erickson

Sherryl Ford
Secretary, Sherryl Ford

Fred C. Shutrump
Treasurer, Fred C. Shutrump

STATE OF FLORIDA

COUNTY OF LEE

Before me, the undersigned authority, personally appeared, Robert D. Augsburg, William Erickson, Sherryl Ford and Fred C. Shutrump, to me well known to be the persons who executed the foregoing Articles of Incorporation and who acknowledged before me, according to law, that they made and subscribed the same for the purposes therein mentioned and set forth.

In witness whereof, I have hereunto set my hand and seal this 23 day of May, 1985.

MY COMMISSION EXPIRES: My Commission Expires
May 10, 1986

Karen S. Wenzel

EXHIBIT #2

Page Four

BY-LAWS OF SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

ARTICLE I The name of this organization shall be **SOUTHWEST FLORIDA COMMUNITY RADIO, INC.**

ARTICLE II The principal office for the transaction of the business is 12645 5th Street, S.E., Fort Myers, Florida, 33905. The organization may also have offices at such other places as the Board of Directors may designate that the business may require.

ARTICLE III The membership in this organization shall be open to all who are adult legal United States citizens, but shall only become an actual member of this organization be being sponsored by one of the members of this organization and elected by an affirmative vote of two-thirds of the then existing membership of this organization. Membership shall not exceed two hundred members, each member shall have one vote. Such membership shall act in the name of the organization when it shall be regularly convened by it's Chairman after due notice to all members of such meeting. Voting may be done in person or by proxy. Members may not assign or transfer membership certificates to any other person or organization other than to assign their membership and membership certificate back to **SOUTHWEST FLORIDA COMMUNITY RADIO, INC.** Upon the death or resignation of any member, their membership and membership certificate shall revert back to **SOUTHWEST FLORIDA COMMUNITY RADIO, INC.**, automatically.

ARTICLE IV The annual membership meetings of this organization shall be held on the second Monday of April each and every year except if such day be a legal holiday. In that event, the Board of Directors shall fix the day, but it shall not be more than two weeks from the date fixed by the By-laws. The Secretary shall cause to be mailed to every member in good standing at the address as it appears in the membership roll book of this organization, a telling of the time and place of such annual meeting.

ARTICLE V A quorum necessary to conduct business at all membership meetings of this organization requires a minimum of two-thirds it's members.

ARTICLE VI The Board of Directors shall serve for a term of one year or until their successors are elected. The Directors shall be elected at the annual members' meeting of this organization and each requires a two-thirds vote. Each Director must be an adult legal United States citizen. The Directors chosen for the ensuing year shall only act in the name of the organization when it shall be regularly convened by it's Chairman after due notice to all the Directors of such meeting. The number of the Board of Directors shall not exceed twenty Directors, and a majority shall constitute a quorum and the meetings of the Board of Directors shall be held quarterly on the second Thursday of the month following the membership's annual April meeting, and the second Thursday quarterly thereafter. Special meetings of the Directors for any purposes may be called at any time by the President or by any two Directors. Written notice of time, place, and purpose of the special meeting must be given at least seven days in advance. Should any Director resign, die, or be removed, the vacancy will be filled at the next members' meeting.

ARTICLE VII The Officers of this Corporation shall also serve for one year and shall be elected at the same time and in the same manner as the Board of Directors. Should any Officer resign, die or be removed by the Board of Directors, the vacancy will be filled at the next members' meeting. The President, subject to the control of the Board of Directors, shall have general supervision, direction, and control of the business and affairs and day-to-day operation of the corporation. He shall preside at all meetings of the members as well as the Directors, and shall have such other powers and duties as may be prescribed from time to time by the Board of Directors. The Secretary shall keep full and complete records of the proceedings of the Board of Directors, and shall keep the seal of the corporation, and shall affix the seal to such papers and instruments as may be required in the regular course of business, and shall make service of such notices as may be necessary and proper, and shall supervise the keeping of the records of the corporation, and shall discharge such other duties of the office as prescribed by the Board of Directors. The Treasurer shall receive and safely keep all funds of the Corporation and deposit them in the bank or banks that may be designated by the Board of Directors. Those funds shall be paid out only on checks of the Corporation, signed by the President, Treasurer, or Secretary, or by such officers as may be designated by the Board of Directors as authorized to sign them.

The Vice President, in the absence or disability of the President, shall perform all of the duties of the President, and in so acting, shall have all the powers of the President. The Vice President shall have such other powers and perform such other duties as may be prescribed from time to time by the Board of Directors.

ARTICLE VIII No compensation shall be paid to the Directors for their services as Directors; however, the Directors may receive compensation for their services to the organization other than that of Director.

ARTICLE IX These By-Laws may be altered, amended, repealed or added to by an affirmative vote of not less than two-thirds of the members at any members' meeting. The Federal Communications Commission shall be properly notified by the President of any alteration, amendment, repeal or addition to the By-Laws and/or Articles of Incorporation of this organization.

ARTICLE X The dues of this organization shall be \$10.00 (ten dollars) per annum and shall be payable on or before the second Monday of April of each year.

Description of Membership Certificates: The membership certificates shall be numbered and registered in the order in which they are issued. They shall be issued in consecutive order. A membership book shall be maintained showing the name of the person holding the certificate therein represented, with the date thereof. Such membership certificate shall exhibit the holder's name. Each member shall be entitled to only one membership certificate. The holder thereof cannot assign or transfer said membership certificates to any other person(s) or organization. Upon the death of any member, his/her membership certificate shall automatically revert back to the corporation. Each member shall be entitled to only one vote. Any and all membership certificates shall be signed by the President, and countersigned by the Secretary or Treasurer and sealed with the seal of the organization.

ARTICLE XI The names and addresses of the initial Officers of the Corporation are as follows:

President: Robert D. Augsburg, 12645 5th Street, S.E., Fort Myers, FL, 33905

Vice

President: William Erickson, 2210 Treeshaven Circle, Fort Myers, FL, 33907

Treasurer: Fred C. Shutrump, 15506 Thory Court, Fort Myers, FL, 33908

Secretary: Sharryl Ford, 2622 Cortez Blvd., Fort Myers, FL, 33901

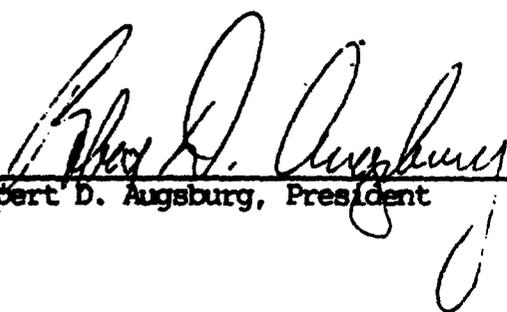
ARTICLE XII The President of this Corporation shall have authority to execute any AM, FM, FM Noncommercial, or TV application for a Construction Permit and subsequent license to cover such Construction Permit to the Federal Communications Commission.

On April 19, 1988 during our annual Business Meeting, new officers were appointed. The changes from our original Articles of Incorporation are as follows:

Felice Augsburg elected Vice President.

Merri Shutrump elected Secretary.

Bill Erickson and Sherryl Ford remain Directors.



Robert D. Augsburg, President

EXHIBIT #3

PROGRAMMING STATEMENT OF SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

SOUTHWEST FLORIDA COMMUNITY RADIO, INC. IS A NON-PROFIT, TAX-EXEMPT CORPORATION WHOSE PRIMARY OBJECTIVES ARE AS FOLLOWS:

- I. To provide educational, informational, cultural, and family oriented programming to Conway, Florida. This area is rich in the field of arts, and music.
The proposed station would feature programs that would assist in passing this heritage to the young generation.
- II. To offer a considerable amount of positive programming for area youth through:
 - A. Local high school outstanding student salutes.
 - B. Interviewing students who possess scholastic and artistic enthusiasm.
 - C. Educational programs on youth oriented topics, such as drug awareness, family and social interaction, and interpersonal relationships, and religions.
 - D. Cooperation with Orange County Schools in the promotions of drama presentations, sports activities, musical concerts, and special lectures.
- III. Training students for future broadcasting careers through the offering of internships for both high school, and college credit. This would be coordinated through Orange County public and private schools, and also through nearby colleges that offer journalism, public speaking, and broadcasting courses. Such colleges would include, but not limited to University of Central Florida, Rollins College, and Valentia Community College.
- IV. Restoring respect for family and authority. As a broadcast applicant we have already ascertained that there is a great need in the Conway, greater Orlando area for programming that will address the complex needs of the family. The family breakdown has resulted in a general low self esteem among our youth, under achievement in the classroom, and a drug and alcohol abuse epidemic. Programs will be developed to explore solutions to these problems which permeate nearly every facet of our culture.

It is believed that these objectives are not currently being met in the Conway, greater Orange County area. We have ascertained that the community **desires** a broadcast outlet to address these needs. The applicant will fully comply with the letter, and spirit of F.C.C. rules and regulations.

EXHIBIT #4

PROGRAM DESCRIPTIONS

The following is a sample of proposed programming for new Conway, Florida non-commercial educational station. This list is not all inclusive, but does represent the types of special programs that will accomplish the educational and stated purpose of Southwest Florida Community Radio, Inc. Additional programs will be added as the needs from Conway area residents are expressed through ongoing ascertainment.

CAREER CONCEPTS:

The applicant has ascertained that youths residing in Central Florida are generally more apathetic than youth in other regions. This apathy filters into the educational process where students about to enter college have little or no knowledge about the possible career choices available to them. The station proposed broadcast facility will feature regular programming that will focus on this problem. Programs would include:

- 1) **Inter Cristo Career Concepts-** a two minute program exploring new avenues of careers and the types of courses students should take to qualify for said careers.
- 2) **Various interview programs-** with students, will be locally produced where guests would be recent college graduates sharing insight and answering questions from students who are unsure of career goals and lack general direction as to what type of higher education they should pursue.

GULFSHORE COLLEGE SPOTLIGHT- Gulfshore Christian College would produce this program (30 minutes weekly) instructing youth and adult listeners on the available areas of credit study available at their Southwest Florida area campus. Professors of Archeology, Science, Bible and Radio Broadcasting would host these informative programs and students who are enrolled in the radio broadcasting course would be actively involved in the writing and producing of the broadcast for credit in their studies.

HIGH SCHOOL INTERN HOUR - One hour daily radio show coordinated by a rotating group of students studying fields of journalism and radio broadcasting at various Orange County public and private high schools. The program will serve to add credit and hands-on experience to students who might otherwise not have the opportunity afforded to them.

ORANGE COUNTY FOCUS ON THE ARTS - This proposed program (length to be determined) would be produced and written by the drama departments of Conway area colleges and high schools. The purpose would be to inform area residents on upcoming art exhibits, drama presentations and musical concerts coming to the Conway/Orlando vicinity. The production of this program may also help to add practical experience to students aspiring radio or the fine arts.

STUDENT METEOROLOGICAL REPORT - Periodically, as serious and unusual weather conditions exist, the station will afford the opportunity for students who are majoring in meteorological studies to produce programs that will educate the listening audience on weather conditions such as hurricanes, tornados and the damages of lightning. Central Florida is known for high incidents of lightening related injuries and deaths.

YOUTH TALK - The applicant has ascertained that the Orange County area has one of the highest percentages of teen drug users and abusers. Further research indicates that reasons for this abuse point to the breakdown of the family structure, lack of religious involvement and respect for authority. The applicant will provide a variety of extensive programs hosted by experienced youth pastors, social workers and teachers that will offer hope and practical advice. One such program will be YOUTH TALK every Sunday evening from 8 to 10PM. The program will be hosted by Anne Wanicka, an English teacher who also possesses experience in dealing with confused, troubled teenagers.

PERSPECTIVE - This weekly 30 minute program will feature interviews with Conway area leaders in education, government, and civic organizations. The topic of discussion will focus on the needs of the growing Central Florida area and how to handle problems associated with this growth.

- PARENT TALK -** Ascertainments reveal that the breakdown of the family is an ongoing serious problem in the Conway area. **Parent Talk** will feature experts in the field of parenting and communication with children designed to improve relationships within the home.
- PASSPORT TO SUCCESS -** This five minute program will be featured daily and will provide a forum for discussion into the world of business and career. The program will be designed to equip young people with the necessary positive mental attitude and practical helps in discovering job opportunities and advancing in their career.
- FRIDAY FORUM-** This live, call-in program will be featured one hour per week and will focus on educating the public on such personal issues as: alcoholism, drug abuse, emotional distress and marital conflict. The show will be hosted by a Central Florida area professional counselor.
- RAY OF HOPE -** A spanish program, 90 minutes in length, providing educational, cultural and religious programming to the growing Hispanic community in Orange County. This program will be hosted by the Nations Association, a social service agency working primarily with Hispanics in job service, food distribution and medical care.

EXHIBIT #5

THE APPLICANT, SOUTHWEST FLORIDA COMMUNITY RADIO IS THE LICENSEE OF WAYJ (BLED871022KA) FORT MYERS, FLORIDA. THE APPLICANT HAS ALSO APPLIED FOR A CONSTRUCTION PERMIT FOR A NON-COMMERICAL FM STATION IN SARASOTA, FLORIDA (BPED880624MJ) AND IN COLUMBIA, TENNESSEE (BPED890727MH).

APPLICATION FOR CONSTRUCTION PERMIT
CH.202 ERP 1.9 KW H&V AT 300 METERS AAT
NEW EDUCATIONAL FM BROADCAST STATION
SOUTHWEST FLORIDA COMMUNITY RADIO, INC.
CONWAY, FLORIDA

891114

KESSLER AND GEHMAN ASSOCIATES, INC.

TELECOMMUNICATIONS CONSULTING ENGINEERS



1511 N.W. SIXTH STREET
GAINESVILLE, FLORIDA 32601

*Copyright: Southwest Florida Community Radio, Inc., 1989

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____
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Name of Applicant
SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

Call letters (if issued)	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)
202	City Conway	County Orange	State FL	<input type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input checked="" 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.
20000 Fort Christmas Road, Christmas, Orange County, Florida, 4.0 km NE of Bithlo, Florida
 (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°	34'	51"	Longitude	81°	04'	32"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? Yes No

If Yes, give call letter(s) or file number(s) or both.

WHTQ(FM) BLH-850513KL
WSSP(FM) BLH-850508KC, WSTF(FM) BLH-850528KL

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.

DNA

SECTION V-8 - FM BROADCAST ENGINEERING DATA (Page 2)

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

Yes No

Latitude ° ' "	Longitude ° ' "
---	--

5. Has the FAA been notified of the proposed construction?
If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Yes No

Exhibit No.
DNA

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; _____ 20 meters
- (2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and _____ 490 meters
- (3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] _____ 510 meters

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

- (1) above ground _____ 289 meters (H)
- _____ 289 meters (V)
- (2) above mean sea level [(aX1) + (bX1)] _____ 309 meters (H)
- _____ 309 meters (V)
- (3) above average terrain _____ 300 meters (H)
- _____ 300 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.
*Fig.2

9. Effective Radiated Power:

(a) ERP in the horizontal plane _____ 1.9 kw (H) _____ 1.9 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.
DNA

_____ kw (H) _____ kw (V)

*Polarization

* See attached engineering statement.

891114

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

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.
DNA

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.
DNA

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.
*

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.
*Fig. 3

14. Attach as an Exhibit (in one 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.
*Fig. 4

(a) the proposed transmitter location, and the radiats 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 3,794 sq. km. Population 547,074

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.
DNA

Enter the following from Exhibit above: Gain Area _____ sq. mi.
Loss Area _____ sq. mi.

Percent change (gain area plus loss area as percentage of present area) _____ %.

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

*See attached engineering statement.