

FEDERAL COMMUNICATIONS COMMISSION

CLASS OF STATION FM

RITA1

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 -891127MD N/M | NEW 88.3MHZ | MIMS COMMUNITY RADIO, INC. OAK HILL FL | CP FOR NEW FM EDUCATIONAL ON FREQUENCY: 88.3 MHZ; ERP: 80 KW (V); HAAT: 61 METERS (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.

RECEIVED BY

FCC MAIL SECTION
MIMS COMMUNITY RADIO, INC.

ORIGINAL

Nov 27 10 32 AM '89

2320 Railroad Ave, Mims, Florida 32754

RECEIVED BY

November 24, 1989

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

In re: NEW NCE-FM Facility at Oak Hill, FL
Mims Community Radio, Inc.
Channel 202C1

Dear Ms. Searcy:

Transmitted herewith, in triplicate, is the original and two reproductions of FCC Form 340, seeking a Construction Permit for a new noncommercial station operating on Channel 202C1 with 80KW Vertical Polarization only, to be licensed to serve Oak Hill, Florida.

The proposed facility is a NCE type (noncommercial educational) on a NCE Channel, and the applicant is a nonprofit educational organization. The applicant is therefore, according to FCC policy, exempt from the application filing fee.

The law firm of Southmayd, Simpson, and Miller, is to be retained for the purpose of legal representation of the applicant. Their address is 1233 20th St NW Suite 205, Washington, D.C. 20036; phone (202) 331 4100.

Sincerely,

Mary Jo Looney

Mary Jo Looney, Secretary
Mims Community Radio, Inc.

Enclosure

3PED 88.3MHZ
OAK HILL -891127MD NEW
MIMS COMMUNITY RADIO, INC. FL

FCC FORM 310
FOR RENEWAL SECTION

**APPLICATION FOR CONSTRUCTION PERMIT FOR
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION**
(Carefully read instructions before filing) **Nov 21 10 23 AM '89** Return only form to FCC

For Commission Use Only
File No. **BPED-89127MD**
Code **20 PN: 1212189**

Section I - GENERAL INFORMATION

1. Name of Applicant
Mims Community Radio, Inc.

Street Address or P.O. Box
2320 Railroad Avenue

| | | |
|--------------|-------------|-------------------|
| City Mims | State FL | ZIP Code 32754 |
|--------------|-------------|-------------------|

Telephone No. (Include Area Code)
(Secretary-Treasurer phone) 407 269 5653

Send notices and communications to the following person at the address below:

Name
Southmayd, Simpson & Miller

Street Address or P.O. Box
1233 20th St NW Suite 205

| | | |
|--------------------|-------------|-------------------|
| City Washington | State DC | ZIP Code 20036 |
|--------------------|-------------|-------------------|

Telephone No. (Include Area Code)
(202) 331 4100

2. This application is for: AM FM TV

(a) Channel No. or Frequency
Ch 202; 88.3MHz

| | | |
|-------------------------|----------|-------|
| (b) Principal Community | City | State |
| | Oak Hill | 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*

Section II - LEGAL QUALIFICATIONS

Name of Applicant

Mims 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)

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.
2

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) | | |
| Roberta Griffith 4955 International Drive Mims, FL 32754 | Director; President | yes | | 20% (M) |
| Barbara Richmond 800 North Lilac Circle Titusville, FL 32796 | Director; Vice President | yes | | 20% (M) |
| Mary Jo Looney 2340 Harwood Rd Titusville, FL 32780 | Director; Secretary-Treas | yes | | 20% (M) |
| Tina Perdue 1950 Michigan Ave Cocoa, FL 32922 | Director | yes | | 20% (M) |
| Gene Wilbanks 2250 Holder Road Mims, Florida 32754 | Director | yes | | 20% (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.
N/A

- (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

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 V-B - FM BROADCAST ENGINEERING DATA | FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____ |
|--|---|

Name of Applicant

Mims Community Radio, Inc.

| | |
|---|---|
| Call letters <i>(if issued)</i> -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 <i>(Summarize briefly)</i> |

File Number(s) _____

1. Allocation:

| | | | | | | | |
|-------------|-----------------------------------|---------|-------|---|--|----------------------------|-----------------------------|
| Channel No. | Principal community to be served: | | | Class <i>(check only one box below)</i> | | | |
| 202 | City | County | State | <input type="checkbox"/> A | <input type="checkbox"/> B1 | <input type="checkbox"/> B | <input type="checkbox"/> C3 |
| | Oak Hill | Volusia | FL | <input type="checkbox"/> C2 | <input checked="" 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.
4220 Golden Shores Blvd, Mims, FL; County of Brevard
- (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" |
|----------|-----|-----|-----|-----------|-----|-----|-----|

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)? **WPGS AM will vacate use of the tower as per condition stated in sale of WPGS AM: BAL 891019EB** 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.
No change in tower height is involved

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

4. Does the application propose to correct previous site coordinates? Yes No
 If Yes, list old coordinates.

| | |
|---------------------------|---|
| Latitude <u>N/A</u> ° ' " | Longitude <u> </u> ° ' " |
|---------------------------|---|

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.

(no change in tower height)

| |
|---------------------------|
| Exhibit No. <u>N/A</u> |
|---------------------------|

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) | <u>None</u> | _____ | _____ |
| (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 -0- meters (H)
- 54.1 meters (V)
- (2) above mean sea level [(aX1) + (bX1)] -0- meters (H)
- 62.3 meters (V)
- (3) above average terrain -0- 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. <u>E-1</u> |
|---------------------------|

9. Effective Radiated Power:

(a) ERP in the horizontal plane -0- kw (H*) 80 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. <u>N/A</u> |
|---------------------------|

N/A kw (H*) N/A kw (V*)

*Polarization

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.
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.
E-2

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.
E-3

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.
E-4

(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 4992.8 sq. km. Population 199,286 (1986 update)
154,097 (1980)

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 _____ 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.

Exhibit No.
N/A

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:

(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 | 39.5 |
| 45 | 62.3 | 40.2 |
| 90 | 62.3 | 40.2 |
| 135 | 61.7 | 40.1 |
| 180 | 61.5 | 40 |
| 225 | 62.3 | 40.2 |
| 270 | 61.8 | 40.1 |
| 315 | 56.2 | 38.6 |

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.
E-5

- (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.
E-5a

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.
E-6

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. Applicant proposes the use of an existing tower structure in an area not densely populated. A.N.S.I. guidelines to R.F. exposure are not exceeded.

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 Titusville, FL 32796 |
| Date November 24, 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 Mims Community Radio, Inc. | Title Secretary-Treasurer |
| Signature <i>Mary Jo Looney</i> Mary Jo Looney | 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. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

EXHIBIT 1

- | | | |
|-------------------------|---|----------------------------|
| 1. Nature of applicant |) | FCC Form 340 |
| 2. Educational purposes |) | Section II; Item 2 |
| of applicant |) | Mims Community Radio, Inc. |
| |) | November, 1989 |

NATURE OF APPLICANT

As noted in the Articles of Incorporation (included as a part of this exhibit), Mims Community Radio, Inc. (MCR) created itself for the purpose of being an organizational applicant for a noncommercial educational FM station.

The five members making up the governing board (out of which the officers exist) are:

1. local area residents
2. (are) not related (blood or in-law)
3. have no other broadcast interests, nor do their relatives, blood or in-law
4. three of the five members have an "educational presence" in the area
5. (are) committed to use the proposed station as an efficient and effective tool to serve the educational needs of east central Florida

Profile of Membership

Roberta Griffith is an employee of the County of Brevard, State of Florida, as a data entry operator for the County Commissioners. She is single and has never married.

Barbara Richmond is employed as Academic Dean of the Spacecoast Ministry Institute, which is an affiliate campus of Buffalo School of the Bible, Orchard Park, New York, and is accredited by the American Association of Bible Colleges.

Tina Perdue is employed with the teaching staff of the Bethel Christian Academy of Cocoa, Florida. Her husband is also a member of the teaching staff, and is head of the athletic department of the academy.

Mims Community Radio, Inc. (MCR)
November, 1989

Mary Jo Looney brings a rich history of community and educational service to the organization. She presents to MCR a valuable source of ascertainment input and leadership.

Ms. Looney has held leadership positions in the following organizations:

1. Hospital Auxillary
2. Community Womens Club
3. Parents Support Group for Parents of Mentally Retarded Youth
4. Cub Scoutt Den Mother (for 17 years)

Ms. Looney and a team of volunteers currently direct a program that teaches interior decorating as a non/pay community service.

Gene Wilbanks is an area pastor and educator. The nature of his occupation requires that he deal with area resident's needs in the areas of: finances, employment, domestic situations, and spiritual problems. As a minister, Mr. Wilbanks brings a valuable pool of knowledge to the organization.

EDUCATIONAL PURPOSES OF APPLICANT

MCR defines its purposes as being committed to broadcasting material that is:

1. Instructional (formal college credit)
2. General Educational
3. Educator-oriented [by and for educators]
4. Performing Arts
5. Fine Arts
6. Public Affairs

As a licensee, MCR will develop programming that fulfills the categories outlined above, as warranted by ascertainment of local educators and representatives of pertinent organizations who's needs and goals are educational or cultural in nature.



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

November 14, 1989

MARY JO LOONEY
2340 HARWOOD ROAD
TITUSVILLE, FL 32796

Dear Ms. Looney:

The Articles of Incorporation for MIMS COMMUNITY RADIO, INC. were filed on November 9, 1989, and assigned document number N35177.

Your check for \$70.00 covering the various fees has been received.

Enclosed is a certified copy of the articles.

A corporation annual report will be due this office between January 1 and July 1 of next year. A Federal Employer Identification (FEI) number will be required before this report can be filed. Please apply NOW with the Internal Revenue Service by calling 1-800-424-3676 and requesting form SS-4.

Should you have question regarding corporations, please telephone (904)487-6052, the New Filing Section.

DORIS MCDUFFIE
Division of Corporations

State of Florida



Department of State

I certify that the attached is a true and correct copy of the Articles of Incorporation of MIMS COMMUNITY RADIO, INC., a corporation organized under the Laws of the State of Florida, filed on November 9, 1989, as shown by the records of this office.

The document number of this corporation is N35177.

Given under my hand and the
Great Seal of the State of Florida,
at Tallahassee, the Capital, this the
14th day of November, 1989.



Jim Smith
Jim Smith
Secretary of State

N35177

FILED

1989 NOV -9 AM 11: 35

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLES OF INCORPORATION

OF

MIMS COMMUNITY RADIO, INC.

* * * * *

THE UNDERSIGNED, ACTING AS INCORPORATORS OF A CORPORATION
PERSUANT TO CHAPTER 617, FLORIDA STATUTES, ADOPT THE FOLLOWING
ARTICLES OF INCORPORATION FOR SUCH CORPORATION:

ARTICLE I

The name of the corporation is MIMS COMMUNITY
RADIO, INC., a not for profit corporation.

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

This corporation's purpose is to exist as a qualifying educational organizational applicant for an FM station on a reserved non-commercial educational channel; and that with subsequent authorization as a permittee/licensee, shall broadcast

In greater proportion: educational, instructional, public affairs and fine arts programs; and

In lesser proportion: programming fitting the description of light entertainment.

Furthermore, religious and non-religious programs shall be broadcast and no single religious view or persuasion shall be expressed to the exclusion of others.

The program agenda, and the methodology of ascertainment of the educational, cultural, fine arts, and public affairs needs of the coverage area are to be narrated in Exhibits that respond to FCC Form 340-the FCC document that requests information on programming.

ARTICLE IV

Membership of this corporation shall constitute all persons herinafter 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 simple majority 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. The governing board of directors shall not number less than five, nor more than fifteen members.

ARTICLE V

The street address and city of the initial registered office of the corporation is 4955 International Drive, Mims, Florida 32754. The name of the initial registered agent at that address is Roberta Griffith.

ARTICLE VI

The affairs of the corporation shall be managed by the officers of the corporation, who are chosen by, and are advised by the governing board of directors. The number constituting the initial board of directors is five, and their names and addresses are:

President: Roberta Griffith
4955 International Drive, Mims, Florida 32754

Vice Pres: Barbara Richmond
800 North Lilac Circle, Titusville, Florida 32796

Sec/Treas: Mary Jo Looney
2340 Harwood Road, Titusville, Florida 32780

Tina Perdue
1950 Michigan Ave, Cocoa, Florida 32922

Gene Wilbanks
2250 Holder Road, Mims, Florida 32754

ARTICLE VII

The corporation shall seek tax exempt status with the Internal Revenue Service under Section 501 (c)(3) as amended. 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.

ARTICLE VIII

The name and address of each incorporator is:

Roberta Griffith, 4955 International Drive, Mims, FL 32754

Barbara Richmond, 800 North Lilac Circle, Titusville FL 32796

Mary Jo Looney, 2340 Harwood Rd, Titusville FL 32780

ACCEPTANCE BY REGISTERED AGENT

FILED

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

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 open and said office for service of process.

Roberta Griffith
Registered Agent

Dated the 6th day of November, 1989.

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

SIGNATURES OF INCORPORATORS:

Roberta Griffith
Mary Jo Leoney
Barbara M. Richmond

State of Florida)
) SS:
County of Brevard)

Before me the undersigned authority, personally appeared Roberta Griffith, to me well known to be the person who executed the foregoing Articles of Incorporation and acknowledged before me, according to law, that she 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 6th day of November, 1989

NOTARY SEAL

Jaretta L. Waack
NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP. MAY 23, 1993
BONDED THRU GENERAL INS. UND.

BY-LAWS OF MIMS COMMUNITY RADIO, INC.

ARTICLE I The name of this organization shall be Mims Community Radio, Inc.

ARTICLE II The principal office for the transaction of business is 3953 Fairfax Dr Mims, FL 32754

ARTICLE III The membership in this organization shall be open to all who are adult legal U.S. citizens, but shall only become an actual member by being sponsored by one of the members and elected by an affirmative vote of a simple majority of the then existing membership of the governing board of directors. Membership shall not exceed fifteen persons and each member shall have one vote. Such membership shall act in the name of the organization when it shall be regularly convened by its President after due notice to all members of such meeting. The majority of the membership shall not be made of persons who are of immediate relation to each other; i.e. husband, wife, son, daughter, mother, father. The majority of the membership shall not be made of persons who are employees of the broadcast facility. No member of this corporation may receive consideration (any thing of value) from the corporation except that it be for re-imbusement of expenses incurred while conducting the business of the corporation.

ARTICLE IV The annual membership meetings shall be for election of Officers, tendering any resignations of members, and voting on new members. It shall be held at a time and place designated by the board members. The Secretary/Treasurer 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. At least two other meetings shall be held each year.

ARTICLE V A quorum necessary to conduct business at all membership meetings requires a simple majority of the members.

ARTICLE VI The officers of this corporation are elected by the members of the board of directors, and shall serve until they resign, or die, or are removed from office by a simple majority of the membership at a meeting appropriately called for the expressed purpose, or at a regular meeting. Regular meetings shall be called with appropriate notice being mailed five days prior to the meeting date and shall occur as often as necessary by the president. A special meeting may be called for by the directors when two-thirds of them submit a written request to the Secretary-Treasurer.

ARTICLE VII These by-laws and the articles of incorporation may be altered by an affirmative simple majority, but such alteration is only considered pending until filed with, and accepted by the Federal Communications Commission. No amendments to the by-laws or the articles of incorporation may be considered which would disqualify the organization from being a licensee or permittee of a non-commercial educational broadcast station.

ARTICLE VIII The president of this corporation shall have authority to execute an FM non-commercial educational application (FCC FORM 340) and all related forms to the Federal Communications Commission.

* * * *

These by-laws are the initial by-laws adopted by the board of directors who have set our signatures to this statement below.

Roberta Griffith President

Barbara M. Richmond Vice President

Mary Jo Looney Sec-Treas

EXHIBIT 2

| | | |
|-----------------------|---|----------------------------|
| How will the station |) | FCC Form 340 |
| be used to advance an |) | Section II; Item 2 |
| educational agenda |) | Mims Community Radio, Inc. |
| |) | November, 1989 |

In order to program responsively to the educational and cultural needs of the area, Mims Community Radio, Inc. (MCR) will keep in effect, an ongoing ascertainment effort.

As an organizational licensee, MCR will, at regular intervals, both 1) inquire of, and 2) offer program time to, the public and private schools and colleges of the area, to see if they have educational goals that can be advanced by the MCR radio station.

In contacts made to this point, educators and organizational leaders have responded positively. By adopting their educational needs and goals as our (MCR's) goals, we become a practical extension of their institution, or organization as the case may be.

With radio spectrum being a limited resource, every educational institution or community interest organization, cannot operate an FM station to extend its goals. Nor would many of them have the finances to construct a station, even if spectrum were unlimited.

In preparation of the application, MCR has drawn on a number of diverse educational institutions, and other organizations for ascertainment purposes. The actual program schedule (168 hours per week; 24 hours per day) will be a response to those ascertainment inquiries. Since the ascertainment procedure of MCR is ongoing, the resultant programming can only become more responsive and refined, as the months and years of the license term proceed.

Thus far, the educational institutions and organizations consulted, who will constitute the initial source of instructional and educational material for broadcast are: