

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Reexamination of the Policy)
Statement on Comparative)
Broadcast Hearings)
)
To: The Commission)

GC Docket No. 92-52
RM-7739, 7740, 7741

JOINT COMMENTS OF NCE LICENSEES

Arizona Board of Regents for Benefit of the University of Arizona, Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, Central Michigan University, Columbia College, Iowa Public Broadcasting Board, Kent State University, KVIE, Inc., Nevada Public Radio Corporation, the Ohio State University, State of Wisconsin-Educational Communications Board, and WAMC (together the "NCE Licensees") submit these Joint Comments in response to the Notice of Proposed Rule Making in GC Docket 92-52, FCC 92-98 (released April 10, 1992) ("NPRM").^{1/}

In the NPRM, the Commission undertakes to reexamine the comparative selection criteria to be applied to mutually exclusive broadcast applicants. Although the general thrust of the NPRM focuses on commercial comparative hearings, the Commission explicitly reflects its intention to consider as well the noncommercial educational ("NCE") comparative hearing issues. The NCE Licensees all operate noncommercial educational radio and/or television stations, and they are vitally

^{1/} By Order, FCC 92I-032 (released May 11, 1992), the General Counsel extended the time for filing comments through June 2, 1992.

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interested in the comparative criteria that will henceforth be applied both with respect to new NCE stations and with respect to NCE comparative renewals.

The FCC Should Retain and Clarify
The Existing NCE Comparative Criteria

The NPRM reflects dissatisfaction with the existing NCE comparative criteria and seeks comment on possible alternative approaches. However, the NCE Licensees urge that the existing NCE criteria be retained. The NCE Licensees believe that they best address the relevant factors permitting the selection of the NCE applicant that will best serve the public interest. Rather than abandon these factors, the Commission should clarify and refine them in order to guide future decisionmakers to appropriate conclusions.

In considering the issues raised by the NPRM, the NCE Licensees have worked with the Association of America's Public Television Stations ("APTS") and National Public Radio ("NPR"), who are submitting Joint Comments (the "APTS/NPR Comments") that address the NCE comparative criteria in considerable detail. The NCE Licensees concur in and support the positions put forth by APTS/NPR which, they believe, have broad acceptance by NCE broadcasters across the country.

In view of the completeness of the APTS/NPR Comments, the NCE Licensees see little value in merely reiterating these views. Instead, the NCE Licenses here present the results of research into the Commission's past record of NCE comparative proceedings. This information should be of assistance in evaluating the issues raised by the NPRM and addressed by the APTS/NPR Comments.

Summary of NCE Comparative Proceedings, 1980 to Present

The NCE Licensees undertook to review each NCE hearing designation order ("HDO") issued by the Commission since January 1, 1980, and to analyze the subsequent history of each such case that actually proceeded to hearing. The results are presented in detail in the attached Appendix and are summarized below. The NCE Licensees believe that this information fully supports the positions taken by APTS/NPR.

Since 1980, the Commission has designated 91 cases for hearing involving competing applicants for reserved NCE frequencies.^{2/} Seventy-one of the cases involved FM frequencies and 20 involved TV channels as follows:

FM:

New Applicant v. New Applicant - 50
New Applicant v. Applicant For Modification - 13
New Applicant v. Applicant for Renewal - 6
Applicant for Modification v. Applicant for Modification - 1
Applicant for Renewal v. Applicant for Modification - 1

TOTAL - 71

TV:

New Applicant v. New Applicant - 18
New Applicant v. Renewal Applicant - 2

TOTAL - 20

Most of the cases early in the relevant period were TV cases - all 20 TV cases were designated during or prior to 1987. More recently, the Commission's efforts

^{2/} There were also a number of cases where an NCE applicant competed against commercial applicants for non-reserved frequencies. Since these cases did not involve the NCE comparative criteria, they are not dealt with here.

have largely been devoted to NCE FM cases - 48 of the 50 New Applicant v. New Applicant cases and 64 of the 71 FM cases overall have been designated since 1986.

Extremely few of the designated NCE cases actually proceeded to a decision on the merits at hearing. Of the 91 cases, there have been only 10 such Administrative Law Judge ("ALJ") decisions (4 for FM and 6 for TV) and only 3 Review Board decisions (2 FM and 1 TV). Only one case (KOED, Inc.,^{3/} a comparative renewal hearing) had an FCC decision on the merits.

Even fewer of the NCE cases involved substantive evaluation under the NCE comparative issues (integration of proposed service into educational and cultural objectives and service to the community). Only 8 cases (4 FM and 4 TV)^{4/} had such an evaluation by the ALJ's, and only 2 (both FM)^{5/} by the Review Board. The FCC itself never considered the NCE issues.^{6/} The NCE comparative issues were partially or wholly dispositive in only 4 cases (3 FM and 1 TV).^{7/}

3/ The attached appendix contains full citations for each case. For simplicity, the cases will be referred to in the text of these comments by the name of the first party named in the HDO.

4/ The FM cases having substantive ALJ consideration of the NCE comparative issues were Agape Broadcasting Foundation, Seattle Public Schools, Real Life Educational Foundation, and Maricopa County Community College District. The TV cases were Black Television Workshop, San Antonio Educational Television, KOED, Inc., and East Tennessee Public Communications.

5/ The cases were Seattle Public Schools and Real Life Educational Foundation.

6/ In one instance, Real Life Educational Foundation, the FCC did address the issue of the applicability of the diversification criterion in an interlocutory ruling. It found that the criterion should not be applied.

7/ The cases were East Tennessee Public Communications, Seattle Public Schools,
(continued...)

Research on Particular Issues

A. Lack of Guidance on NCE Comparative Issues. In their Comments, APTS/NPR suggest that the frustration expressed by the Review Board, and felt by NCE applicants, concerning the NCE comparative issues does not reflect a problem with the comparative criteria themselves, but with a lack of clear guidelines for applying them. The research bears that out. The FCC itself has never set forth or even applied the NCR criteria in any case arising since 1980 (or in any prior case, to our knowledge). The ALJ's have struggled with the criteria on only eight occasions, and the Review Board, which has the initial responsibility for guiding ALJ decisionmaking, has only twice given substantive consideration to the issues. The cases also show that, even where the ALJ's and Review Board have had opportunities to make comparative evaluations, they have often chosen to avoid comparative decisions by imposing time share arrangements or by making conclusive findings on alternative grounds (such as disqualification, renewal expectancy or coverage).

B. Community Needs Criterion. APTS/NPR observe that, in recent HDOs, the community needs criterion -- which looks to the manner in which the applicants' proposals will meet the needs of the community to be served -- has inexplicably been deleted from the designated issues. The Review Board in Real Life Educational Foundation noticed this fact and speculated that the omission, which has

7/ (...continued)

Real Life Educational Foundation and Maricopa County Community College District. One of these four cases, Seattle Public Schools, had dispositive treatment of the NCE comparative issues at both the ALJ and Review Board levels.

never been explained by the Mass Media Bureau, may be related to the 1984 NCE Deregulation Decision which deleted the old formal ascertainment requirements. See Program Policies and Reporting Requirements Related to Public Broadcasting Licensees, 98 FCC 2d 746 (1984) ("NCE Deregulation Decision"). Consequently, the Review Board has recently refrained from comparing applicants on this criterion. In any event, APTS/NPR urge that the deletion of formal ascertainment requirements does not compel the elimination of the community needs evaluation and that the criterion should once again be applied.^{8/}

Analysis of the HDOs since 1980 suggests a far different scenario from that suggested by the Review Board. In fact, every NCE TV case since 1980 (including those designated after the NCE Deregulation Decision in 1984) has contained the community needs issue, as has the only NCE FM case during the period actually designated by the Commission itself (Cleveland Board of Education in 1981). The first NCE FM case without the issue was Fresh Air, which was designated by the Broadcast Bureau (later the Mass Media Bureau) in 1982, two years prior to the NCE deregulation decision. Every other NCE FM case designated by the Broadcast Bureau or the Mass Media Bureau since that time has simply followed the Fresh Air formulation. These facts, together with the fact that the one other case in the period in which the FCC itself considered an NCE FM HDO (Seattle Public Schools in 1986) included the community

8/ We note that the deregulation hypothesis of the Review Board makes no sense with respect to FM stations because NCE FM stations, as opposed to NCE TV stations, never had any formal ascertainment requirements. See NCE Deregulation Decision, 98 FCC 2d at 748-49. This suggests that the community needs issue would logically have been deleted from TV cases, not FM cases. As shown above, the opposite is actually true.

needs issue, suggests that the absence of the issue in all other NCE FM cases is simply a mistake by the Mass Media Bureau staff that processes NCE FM designation orders.^{9/} Clearly, the mistake must now be corrected.

C. Time Sharing. APTS/NPR argue that forced time sharing has been applied too often. The predictable result is that the ALJs and Review Board have too often been able to avoid careful comparative decisionmaking that would have helped clarify the NCE comparative issues and, no doubt, resulted in better service to the public. APTS/NPR urge that the time share issue should not be routinely designated in NCE cases and that the remedy should generally be regarded as inappropriately imposed on an involuntarily basis.

The research shows a dichotomy between FCC treatment of the issue in FM and TV cases. None of the TV HDOs since 1980 has contained a time share issue, while all of the FM cases have had the issue, thus mandating its consideration. The tone favoring time sharing in FM cases seems to have been set by the Review Board in Southeastern Bible College, 85 FCC 2d 936 (1981), where the Review Board reversed an ALJ award of an NCE frequency to one of the applicants based on the NCE comparative issues and instead imposed a time share arrangement against the expressed desires of the applicants.^{10/}

9/ This is not the only mistake. Two of the NCE FM HDOs during the period, Sonshine Educational Radio (1983) and North Carolina Central University (1991), omitted the NCE standard comparative issues entirely.

10/ This case is not reflected in the attached Appendix, as it was designated prior to 1980 (in 1978).

The actual application of the forced time share remedy has been mixed. Of the four FM cases litigated to a decision on the merits by the ALJs, only one (Maricopa Community College District) imposed a time share arrangement.^{11/} In that case, the arrangement was imposed in contravention of the testimony by a respected public broadcast official, Dr. Donald Mullally, that such an arrangement was not in the public interest. However, in one of the other three cases (Agape Broadcasting Foundation), only one applicant was found to be qualified. In another (Seattle Public Schools), the prevailing applicant was an existing licensee and entitled to a renewal expectancy. In the only other FM case (Real Life Educational Foundation), the prevailing applicant under the NCE comparative issues proposed in-school instructional programming which required that the station operate each day of the week. This made the typical forced time share arrangement (which contemplates a split of Monday-Wednesday-Friday-alternate Sundays/Tuesday-Thursday-Saturday-alternate Sundays) inappropriate.^{12/}

D. Different Criteria for State-Owned Licensees. On the question of the application of a different comparative approach to cases involving state-owned broadcasters, APTS/NPR urge that no separate set of criteria need be devised. APTS/NPR rely, in part, on the unworkability of separate criteria in cases involving both governmental and non-governmental applicants. APTS/NPR suggest that, while

11/ This result was affirmed by the Review Board.

12/ One TV case, San Antonio Educational Television, also resulted in a time share arrangement being imposed by the ALJ.

separate criteria might be relevant in contests between two state-owned applicants, this type of comparative situation is rare.

The research bears this view out. Of the 91 NCE HDOs since 1980, none involved only governmental licensees (state colleges or universities, school districts, community college districts, state public broadcasting commissions, etc.). While a few of the cases may have ended up after designation or the initial decision with two governmental entities competing for a license (for example, Maricopa Community College District, which ultimately came down to a choice between a community college district and a state university), an HDO could hardly anticipate this result by designating alternative "state-owned" comparative issues.

Conclusion

For the foregoing reasons, the NCE Licensees support the APTS/NPR
Comments and urge the adoption of policies consistent therewith.

Respectfully submitted,

ARIZONA BOARD OF REGENTS FOR BENEFIT
OF THE UNIVERSITY OF ARIZONA

BOARD OF SUPERVISORS OF
LOUISIANA STATE UNIVERSITY AND
AGRICULTURAL AND MECHANICAL
COLLEGE

CENTRAL MICHIGAN UNIVERSITY

COLUMBIA COLLEGE

IOWA PUBLIC BROADCASTING BOARD

KENT STATE UNIVERSITY

KVIE, INC.

NEVADA PUBLIC RADIO CORPORATION

THE OHIO STATE UNIVERSITY

STATE OF WISCONSIN - EDUCATIONAL
COMMUNICATIONS BOARD

WAMC

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June 2, 1992

APPENDIX

SUMMARY OF NONCOMMERCIAL EDUCATIONAL ("NCE") TELEVISION AND FM COMPARATIVE CASES^{1/}

Number of Hearing Designation Orders
From 1980 through Present: 91 Total

- A. NCE TV (all new applicants) - 18
- B. NCE FM (all new applicants) - 50
- C. NCE FM (new applicant(s) vs. modification applicant(s)) - 13
- D. NCE TV (new applicant(s) vs. renewal applicant) - 2
- E. NCE FM (new applicant(s) vs. renewal applicant) - 6
- F. NCE FM (modification applicant vs. modification applicant) - 1
- G. NCE FM (renewal applicant vs. modification applicant) - 1

Number of Administrative Law Judge Decisions on Merits: 10 Total

- A. NCE TV (all new applicants) - 5
- B. NCE FM (all new applicants) - 2
- C. NCE FM (new applicant(s) vs. modification applicant(s)) - 0
- D. NCE TV (new applicant(s) vs. renewal applicant) - 1
- E. NCE FM (new applicant(s) vs. renewal applicant) - 2
- F. NCE FM (modification applicant vs. modification applicant) - 0
- G. NCE FM (renewal applicant vs. modification applicant) - 0

^{1/} The figures for this Appendix were compiled by reviewing Hearing Designation Orders, Initial Decisions by Administrative Law Judges, Review Board decisions and Federal Communications Commission decisions involving noncommercial educational applicants, as reported in official sources including FCC Public Notices and Federal Communications Commission Reports.

Number of Review Board Decisions on Merits: 3 Total

- A. NCE TV (all new applicants) - 0
- B. NCE FM (all new applicants) - 1
- C. NCE FM (new applicant(s) vs. modification applicant(s)) - 0
- D. NCE TV (new applicant(s) vs. renewal applicant) - 1
- E. NCE FM (new applicant(s) vs. renewal applicant) - 1
- F. NCE FM (modification applicant vs. modification applicant) - 0
- G. NCE FM (renewal applicant vs. modification applicant) - 0

Number of Federal Communications Commission Decisions on Merits: 1 Total

NCE TV (new applicant vs. renewal applicant) - 1

I. HEARING DESIGNATION ORDERS SUBCATEGORIZED BY TYPE OF APPLICANT

A. NCE TV (all new applicants)

DA 86-441 In re Applications of FLORIDA EDUCATIONAL TELEVISION OF DUVAL COUNTY, INC. JACKSONVILLE EDUCATORS BROADCASTING, INC. JACKSONVILLE EDUCATIONAL TELEVISION, INC. For Construction Permit Jacksonville, Florida Adopted: December 22, 1986; Released: January 16, 1987 2 FCC Rcd. 276 (1987).

DA 86-436 In re Applications of KINGDOM OF GOD MINISTRIES, INC. BUTLER UNIVERSITY For Construction Permit Indianapolis, Indiana Adopted: December 22, 1986; Released: January 13, 1987 2 FCC Rcd. 226 (1987).

In re Applications of NEW JERSEY PUBLIC BROADCASTING AUTHORITY NEW JERSEY HISPANIC EDUCATIONAL TELEVISION CORPORATION, INC. FAMILY STATIONS OF NEW JERSEY, INC. For Construction Permit West . . . Adopted: May 30, 1986; Released: June 18, 1986

In Re Application of CENTRAL VIRGINIA EDUCATIONAL TELEVISION CORP. SHENANDOAH VALLEY EDUCATIONAL TELEVISION CORPORATION For Construction Permit Charlottesville, Virginia Adopted: May 30, 1986; Released: July 1, 1986

In re Applications of EAST TENNESSEE PUBLIC COMMUNICATIONS CORPORATION KNOXVILLE COMMUNITY BROADCASTING, INC. LINCOLN MEMORIAL UNIVERSITY For Construction Permit for a New Noncommercial Educational Television Station Knoxville, Tennessee Released: October 6, 1987

DA 86-274 In re Applications of Christ Center of Central Florida, Inc. d/b/a THE KINGS ACADEMY CENTRAL FLORIDA EDUCATIONAL TELEVISION, INC. For Construction Permit Leesburg, Florida Adopted: November 25, 1986 Released: December 10, 1986 1 FCC Rcd. 1099 (1986)

In re Applications of COMMUNITY TELEVISION, INC. ACORN TELEVISION IN ACTION FOR COMMUNITIES, INC. For Construction Permit Atlanta, Georgia Adopted: January 31, 1986; Released February 7, 1986

In re Applications of FLORIDA EDUCATIONAL TELEVISION, INC. ISLAMORADA EDUCATORS BROADCASTING, INC. For Construction Permit Islamorada, Florida Adopted: January 31, 1986; Released: February 6, 1986

In re Applications of FLORIDA EDUCATIONAL TELEVISION, INC. MARATHON EDUCATORS BROADCASTING, INC. For Construction Permit Marathon, Florida Adopted: January 30, 1986; Released: February 7, 1986

In re Applications of ST. CLEMENT'S EPISCOPAL PARISH SCHOOL (INC.) EL PASO COUNTY COMMUNITY COLLEGE DISTRICT For Construction Permit El Paso, Texas Adopted: August 19, 1985 Released: August 26, 1985

In re applications of COMMUNITY EDUCATIONAL TELEVISION, INC. DIOCEASE OF FRESNO EDUCATION CORPORATION For Construction Permit Mimeo 6908 Adopted: September 26, 1984 Released September 28, 1984

In re Applications of FULL GOSPEL CHURCH OF THE LIVING GOD, INC. PALM BEACH COUNTY EDUCATORS BROADCASTING, INC. ACORN TV IN ACTION FOR COMMUNITIES For Construction Permit for New TV Station Boca Raton, Florida Mimeo 6548 Adopted: August 30, 1984; Released: September 14, 1984

In re Applications of SAN ANTONIO EDUCATIONAL TELEVISION, INC. San Antonio, Texas HISPANIC COMMUNITY EDUCATIONAL T.V., INC. San Antonio, Texas For Construction Permit Released: May 23, 1984

In re Applications of FAMILY MEDIA, INC. AMARILLO JUNIOR COLLEGE DISTRICT For Construction Permit for New TV Station Amarillo, Texas Adopted: May 23, 1984 Released: June 8, 1984

In re applications of EDUCATIONAL TELEVISION OF HOUSTON, INC. AMERIVISION CORPORATION TEXAS EDUCATIONAL NETWORK, INC. For Construction Permit Mimeo 2692 Adopted: February 25, 1983 Released: March 3, 1983

In re Applications of BLACK TELEVISION WORKSHOP OF SANTA ROSA, CALIFORNIA BAY NORTH EDUCATIONAL FOUNDATION for New TV Station 48 Fed. Reg. 21372 Released: May 12, 1983

In re Applications of CREATION HOUSE RESEARCH INSTITUTE OF SCIENCE AND TECHNOLOGY, INC. JEWISH TELEVISION NETWORK, INC. BALCK TELEVISION Workshop OF LOS ANGELES, INC. CORPORATION ON DISABILITIES AND TELECOMMUNICATIONS, INC. For Construction Permit Los Angeles, California Mimeo 3228 Adopted: April 1, 1982 Released: April 7, 1982

FCC 81-136 In re Application of THE DENTON CHANNEL TWO FOUNDATION, INC. Denton, Texas For Construction Permit for New Educational Television Station (Adopted: March 26, 1981; Released: April 7, 1981). 85 F.C.C.2d 983

B. NCE FM (all new applicants)

DA 92-558 IN RE APPLICATIONS OF BIBLE BROADCASTING NETWORK, INC. (HEREAFTER "BROADCASTING") FORT SMITH, ARKANSAS CHANNEL 209A NATIONAL CHRISTIAN NETWORK, INC. (HEREAFTER "NATIONAL") FAYETTEVILLE, ARKANSAS CHANNEL 207C2 FOR CONSTRUCTION PERMIT FOR A NEW NONCOMMERCIAL . . . MM Docket No. 92-107 File No. BPED-900816MA File No. BPED-900823MA Adopted: May 5, 1992; Released: May 14, 1992

DA 92-517 IN RE APPLICATIONS OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE MIAMI UNIVERSITY (HEREAFTER "UNIVERSITY") SOUTHWESTERN OHIO SENIORS' SERVICES, INC. (HEREAFTER "SOUTHWESTERN") FOR CONSTRUCTION PERMIT FOR A NEW NONCOMMERCIAL FM STATION ON CHANNEL 207A AT . . . MM Docket No. 92-98 File No. BPED-890530MA File No. BPED-910412MC Adopted: April 23, 1992; Released: May 5, 1992

DA 92-518 IN RE APPLICATIONS OF JOY PUBLIC BROADCASTING CORP. (HEREAFTER "JOY") COMMUNITY FAMILY BROADCASTING, INC. (HEREAFTER "COMMUNITY") FOR CONSTRUCTION PERMIT FOR A NEW NONCOMMERCIAL EDUCATIONAL FM STATION ON CHANNEL 203A AT LINCOLN, NEBRASKA MM Docket No. 92-97 File No. BPED-900621MA File No. BPED-910319MA Adopted: April 23, 1992; Released: May 5, 1992

DA 92-224 IN RE APPLICATIONS OF CENTRAL FLORIDA EDUCATIONAL FOUNDATION, INC. (HEREAFTER "CENTRAL") CHANNEL 202C3 UNION PARK, FLORIDA BIBLE BROADCASTING NETWORK, INC. (HEREAFTER "BBN") CHANNEL 202C2 CONWAY, FLORIDA PALM BAY PUBLIC RADIO, INC. (HEREAFTER "PALM") CHANNEL . . . MM Docket No. 92-33 7 FCC Rcd. 1875 (1992).

DA 92-191 IN RE APPLICATIONS OF SOUTHWEST ALLEN COUNTY SCHOOLS (HEREAFTER "SOUTHWEST") LAFAYETTE TOWNSHIP, INDIANA REQ: 91.1 MHZ, CHANNEL 216A 0.4 kW (H & V), 65 METERS FAITH CHRISTIAN ACADEMY (HEREAFTER "FAITH") BERNE, INDIANA REQ: 91.1 MHZ, CHANNEL 216B1 . . . MM Docket No. 92-27 File No. BPED-900215MC File No. BPED-901203MN Adopted: February 12, 1992; Released: March 3, 1992 7 FCC Rcd. 1749 (1992)

DA 91-1478 IN RE APPLICATIONS OF INTERFAITH CHRISTIAN UNION, INC. (hereafter "Interfaith") CROSS COUNTRY BROADCASTING, INC. (hereafter "Cross Country") For Construction Permit for a New Noncommercial, Educational FM Station on Channel 209A in South Bend, Indiana MM Docket No. 91-355 File No. BPED-890919MD File No. BPED-900717MG Adopted: November 25, 1991; Released: December 17, 1991 6 FCC Rcd. 7362 (1991).

DA 91-1232 In re Applications of NORTH CAROLINA CENTRAL UNIVERSITY (hereafter "NCCU") CENTRAL FLORIDA EDUCATIONAL FOUNDATION, INC. (hereafter "Central Florida") For Construction Permit for a New Noncommercial FM Station on Channel 214C2 in Durham, North Carolina MM Docket NO. 91-291 6 FCC Rcd. 6092 (1991).

DA 91-1206 In re Applications of BIBLE BROADCASTING NETWORK, INC. (hereafter "Network") NORTH CENTRAL KANSAS BROADCASTING, INC. (hereafter "Central") For Construction Permit for a New Noncommercial Educational FM Station on Channel 214A in . . . MM Docket No. 91-287 6 FCC Rcd. 5760 (1991).

DA 90-1881 In re Applications of BRIARWOOD PRESBYTERIAN CHURCH (hereafter "Briarwood") THE UNIVERSITY OF ALABAMA (hereafter "UNIV") For Construction Permit for a New Noncommercial FM Station on Channel 203 in Birmingham, Alabama Adopted: December 31, 1990; Released: January 30, 1991 6 FCC Rcd. 536 (1991).

DA 90-1882 In re Applications of THE CEDARVILLE COLLEGE (hereafter "College") Ohio University (hereafter "University") For Construction Permit for a New FM Station on Channel 220A in Chillicothe, Ohio Adopted: December 31, 1990; Released: January 30, 1991 6 FCC Rcd. 538 (1991).

DA 90-1880 In re Applications of TEXAS EDUCATIONAL BROADCASTING CO-OPERATIVE, INCORPORATED (hereafter "Broadcasting") Hornsby, Texas THE UNIVERSITY OF TEXAS AT AUSTIN ON BEHALF OF TEXAS STUDENT PUBLICATIONS (hereafter "University") Austin, Texas For . . . Adopted: December 27, 1990; Released: February 5, 1991 6 FCC Rcd. 628 (1991).

DA 90-1926 In re Applications of OUTREACH COMMUNICATIONS CORPORATION (hereafter "Outreach") North Palm Beach, Florida Reg: 88.3 MHz Channel 202A 1.0 kW (H & V) 45.5 meters HAAT SOUTHWEST FLORIDA COMMUNITY RADIO, INC. (hereafter "Southwest") West Palm Beach, . . . Adopted: December 27, 1990; Released: January 30, 1991 6 FCC Rcd. 526 (1991).

DA 90-1923 In re Applications of MORNING STAR ACADEMY (hereafter "Star") Channel No. 219A New Durham, New Hampshire CAPITOL CITY EDUCATIONAL FOUNDATION (hereafter "Capitol") Channel No. 218A Concord, New Hampshire NOTRE DAME COLLEGE (hereafter "NDC") Channel No. . . . Adopted: December 18, 1990; Released: January 30, 1991 6 FCC Rcd. 487 (1991).

DA 90-1705 In re Applications of COLUMBIA BIBLE COLLEGE BROADCASTING CO. (hereafter CBCB) Monroe, North Carolina WINGATE COLLEGE (hereafter Wingate) Wingate, North Carolina INSPIRATIONAL DELIVERANCE CENTER, INC. (hereafter IDC) Monroe, North Carolina . . . Adopted: November 20, 1990; Released: January 30, 1991 6 FCC Rcd. 516 (1991).

DA 90-1706 In re Applications of MARTINSVILLE COMMUNITY WORKSHOP, INC. (hereafter: Workshop) Martinsville, Virginia Req: 90.5 MHz Channel 213C3 4.3 kW (H & V) 116 meters VISION COMMUNICATIONS, INC. (hereafter: Vision) Roanoke, Virginia Req: 90.3 MHz Channel . . . Adopted: November 20, 1990; Released: January 22, 1991 6 FCC Rcd. 361 (1991).

DA 90-1079 In re Applications of CENTRAL BAPTIST CHURCH, INC. d/b/a PANAMA CITY CHRISTIAN SCHOOLS (hereafter Central Baptist) Panama City, Florida CHIPLEY EDUCATIONAL RADIO (hereafter Chipley) Chipley, Florida For Construction Permit for a New Non-commercial FM Station Adopted: August 9, 1990 Released: September 10, 1990 5 FCC Rcd. 5470 (1990)

DA 90-634 In re Applications of SOUTHWEST FLORIDA COMMUNITY RADIO, INC. (hereafter "SFCR") THE YOUTH FOUNDATION OF AMERICA, INC. (hereafter "Youth") For Construction Permit for a New Noncommercial, Educational FM Station on Channel 206C1 (89.1 MHz) in Sarasota, Florida Adopted: April 23, 1990; Released: June 4, 1990 5 FCC Rcd. 3347 (1990).

DA 90-632 In re Applications of FAMILY LIFE MINISTRIES RADIO, INC. (hereafter "Family") Canandaigua, New York, Channel 205A UNIVERSITY OF ROCHESTER BROADCASTING CORPORATION (hereafter "University of Rochester") Rochester, New York, Channel 203A COMMUNITY . . . Adopted: April 23, 1990; Released: June 4, 1990 5 FCC Rcd. 3348 (1990).

DA 90-607 In re Applications of FINE ARTS RADIO, INC. (hereafter: Fine) Guilford, Connecticut TOTOKET EDUCATIONAL FELLOWSHIP, INC. (hereafter: TEF) North Branford, Connecticut For Construction Permit for a New Noncommercial Educational FM Station on Channel 218A Adopted: April 18, 1990; Released: May 30, 1990 5 FCC Rcd. 3275 (1990).

DA 89-741 In re Applications: CABRINI COLLEGE (hereafter Cabrini) Radnor Township, Pennsylvania Req: 88.5 MHz, Channel 203A 0.7 kW (V), 68.3 meters VILLANOVA UNIVERSITY IN THE STATE OF PENNSYLVANIA (hereafter Villanova) Villanova, Pennsylvania Req: 88.5 MHz, . . . 4 FCC Rcd. 5462 (1989).

DA 89-670 In re Applications of MIDLAND EDUCATIONAL BROADCASTING FOUNDATION (hereafter: Midland) RADIO MINISTRIES (hereafter: Radio) For Construction Permit for a New Noncommercial Educational FM Station on Channel 211A in Midland, Texas Adopted: June 13, 1989; Released: June 27, 1989 4 FCC Rcd. 5207 (1989).

DA 89-530 In re Applications of YOLO COUNTY PUBLIC RADIO (hereafter "Yolo") West Sacramento, California Channel 205B1 SACRAMENTO CITY UNIFIED SCHOOL DISTRICT (hereafter "SCUSD") Sacramento, California Channel 209 CALIFORNIA STATE UNIVERSITY, SACRAMENTO (hereafter . . . Adopted: May 10, 1989; Released: May 23, 1989 4 FCC-Rcd. 4482 (1989).

DA 89-531 In re Applications BLUEFIELD EDUCATIONAL BROADCASTING FOUNDATION (hereafter BEBF) Bluefield, Virginia Req: 91.1 MHz, Channel 216B1 1.0 kW (H & V), 355 meters VIRGINIA-WEST VIRGINIA COMMUNITY RADIO, INC. (hereafter VA-WV) Bluefield, West Virginia Req: 90.9 . . . Adopted: May 10, 1989; Released: May 23, 1989 4 FCC-Rcd. 4485 (1989).

DA 89-371 In re Applications of RFI ASSOCIATES (hereafter RFI) Req: Channel 203B1 Ithaca, New York FAMILY LIFE MINISTRIES RADIO, INC. (hereafter Family) Req: Channel 203B1 Spencer, New York For a Construction Permit for a New Non-Commercial Educational FM Station Adopted: March 31, 1989; Released: April 12, 1989 4 FCC Rcd. 3455 (1989).

DA 88-1946 In re Applications of VOICE OF CALVARY EDUCATIONAL MINISTRIES, INC. (hereafter Voice) Roanoke, Virginia UNITY OF ROANOKE VALLEY (hereafter Unity) Salem, Virginia For a Construction Permit for a New Noncommercial Educational FM Station on Channel 217C . . . Adopted: December 13, 1988; Released: January 31, 1989 4 FCC Rcd. 1203 (1989).

DA 88-1847 In re Applications of BLOUNTVILLE EDUCATION ASSOCIATION, INC. (hereafter BEA) Blountville, Tennessee Req: Channel 203A (88.5 MHz) 0.47 kW (H & V), 64 meters FAMILY STATIONS, INC. (hereafter Family) Bristol, Tennessee Req: Channel 202C2 (88.3 MHz) 1 kW . . . Adopted: November 25, 1988; Released: December 20, 1988 3 FCC-Rcd. 7181 (1988).

DA 88-1344 In re Applications of MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (hereafter District) SUN HEALTH CORPORATION (hereafter Sun) ARIZONA BOARD OF REGENTS FOR ARIZONA STATE UNIVERSITY (hereafter ASU) WESTERN BROADCASTING CORPORATION (hereafter Western) RADIO . . . Adopted: August 25, 1988; Released: September 22, 1988 3 FCC-Rcd. 5637 (1988)

DA 88-916 In re Applications of REAL LIFE EDUCATIONAL FOUNDATION OF BATON ROUGE, INC. (hereafter Real Life) JIMMY SWAGGART MINISTRIES (hereafter Swaggart) RADIO FOR THE BLIND & PRINT HANDICAPPED, INC. (hereafter Radio) For Construction Permit for a New . . . Adopted: June 15, 1988 Released: July 20, 1988 3 FCC Rcd. 4359 (1988).

DA 88-614 In re Applications of WMHT EDUCATIONAL TELECOMMUNICATIONS, INC. (hereinafter: WMHT) Poughkeepsie, New York, Channel 204B1 STATE UNIVERSITY OF NEW YORK (hereinafter: SUNY) New Paltz, New York, Channel 204A For a Construction Permit for a . . . Adopted: April 21, 1988; Released: May 5, 1988 3 FCC-Rcd. 2551 (1988).

DA 88-326 In re Applications of FAMILY STATIONS, INC. (hereafter Family) CHRISTIAN COMMUNICATIONS, INC. (hereafter Christian) For a Construction Permit for a New noncommercial FM Station on Channel 219A, Youngstown, Ohio Adopted: March 7, 1988; Released: April 8, 1988 3 FCC Rcd. 2021 (1988).

DA 88-256 In re Applications of WIREGRASS EDUCATIONAL RADIO, INC. (hereafter Wiregrass) Req: Channel 217A JAMES SMITH MINISTRIES (hereafter Smith) Req: Channel 219A BETHANY BIBLE COLLEGE & BETHANY THEOLOGICAL SEMINARY, INC. (hereafter Bethany) Req: Channel 216A . . . Adopted: February 22, 1988; Released: March 23, 1988 3 FCC Rcd. 1671 (1988).

DA 88-264 In re Applications Evangel Christian School, Inc. (hereafter Evangel) Goforth Media, Inc. (hereafter Goforth) For a Construction Permit for a New Noncommercial FM Station on Channel 203, Mobile, Alabama Adopted: February 18, 1988; Released: March 14, 1988 3 FCC Rcd. 1456 (1988).

DA 87-1875 In re Applications of FAMILY STATIONS, INC. Bridgeport, Texas CRISWELL CENTER FOR BIBLICAL STUDIES Wichita Falls, Texas For Construction Permit for a New Noncommercial Educational FM Station on Channel 213C2 MM Docket No. 87-585, File No. BPED-831115AK, File No. BPED-831208AF Adopted: December 23, 1987; Released: January 22, 1988 3 FCC Rcd. 308 (1987)

DA 87-1646 NASHUA EDUCATIONAL BROADCASTING FOUNDATION (hereafter Nashua) FAMILY STATIONS, INC. (hereafter Family) For a Construction Permit for a New FM Station on Channel 202A in Nashua, New Hampshire Adopted: November 9, 1987; Released: November 23, 1987 2 FCC Rcd. 7023 (1987).

DA 87-1276 In re Applications of (Bible Baptist Temple, Inc. d/b/a) WARNER ROBINS CHRISTIAN ACADEMY (hereafter Academy) Warner Robins, Georgia AUGUSTA RADIO FELLOWSHIP INSTITUTE, INC. (hereafter Institute) Byron, Georgia For Construction Permit for a New FM . . . Adopted: September 10, 1987; Released: September 17, 1987 2 FCC Rcd. 5608 (1987).

DA 87-1233 In re Applications of GREAT PLAINS EDUCATIONAL TRUST (hereafter Great Plains) Brookings, South Dakota MINNESOTA PUBLIC RADIO, INC. (hereafter Minnesota) Appleton, Minnesota For Construction Permit for a New Noncommercial Educational FM . . . Adopted: August 31, 1987; Released: September 10, 1987 2 FCC Rcd. 5526 (1987)

DA 87-696 In re Applications of VIRGINIA BEACH EDUCATIONAL BROADCASTING FOUNDATION (hereafter Foundation). Req: 88.5 MHz, Channel 203 0.3 kW (H & V), 30 meters FAMILY STATIONS, INC. (hereafter Family Stations) Req: 88.5 MHz, Channel 203 0.175 . . . Adopted: June 3, 1987; Released: July 1, 1987 2 FCC Rcd. 3891 (1987)

DA 87-600 In re Applications of ROCKFORD EDUCATIONAL BROADCASTING FOUNDATION (hereafter "Rockford") Rockford, Illinois Req: 88.3 MHz; Channel 202B1 3.0 kW (H & V); 136 meters NORTHERN ILLINOIS UNIVERSITY (hereafter "University") Rockford, Illinois Req: 88.3 . . . Adopted: May 19, 1987; Released: May 29, 1987 2 FCC Rcd. 3205 (1987).

In re Applications of CENTRAL ILLINOIS RADIO FELLOWSHIP, INC. (hereafter "Central") Pekin, Illinois Req: 88.5 MHz, Channel 203A .55 kW (H & V), 123 meters ILLINOIS VALLEY BROADCASTING CORPORATION (hereafter "Valley") Peoria, Illinois Req: 88.5 . . . Adopted: May 13, 1987; Released: May 28, 1987 2 FCC Rcd. 3178 (1987).

DA 87-573 In re Applications of NATHAN EDUCATIONAL BROADCASTING FOUNDATION Everett, Washington Req: 90.7 MHz, Channel 214A .6 kW (H & V), 47 meters JACK STRAW MEMORIAL FOUNDATION Everett, Washington Req: 90.7 MHz, Channel 214A 1.4 kW (H & V), 35 meters Adopted: May 5, 1987; Released: May 21, 1987

DA 87-199 In re Applications of FAMILY STATIONS, INC. (hereafter "Family") Tarpon Springs, Florida Req: 88.9 MHz, Channel 205C 50 kW (H & V), 102 meters FLORIDA CHRISTIAN EDUCATION ASSOCIATION, INC. (hereafter "FCEA") Tarpon Springs, Florida Req: 88.9 MHz, . . . Adopted: February 25, 1987; Released: March 13, 1987 2 FCC Rcd. 1579 (1987).

DA 87-192 In re Applications of COASTAL BROADCASTING FOUNDATION AND SCHOOL, INC. Avalon, California Req: 88.7 MHz, Channel 204A 0.1 kW (H & V), -259A meters FAMILY STATIONS, INC. Avalon, California Req: 88.7 MHz, Channel 204A 0.1 kW (H & V), -223 meters THE CITY OF . . . Adopted: February 25, 1987; Released: March 12, 1987 2 FCC Rcd. 1539 (1987).

DA 86-433 In re Application of DISCOVERY AND DECISION EDUCATIONAL FOUNDATION, INC. Milwaukee, Wisconsin Req: 88.1 MHz, Channel 201A 0.250 kW (H & V), 238 meters (H & V) FAMILY STATIONS, INC. Milwaukee, Wisconsin Req: 88.1 MHz, Channel 201A 0.100 kW (H & V), 105 . . . Adopted: December 10, 1986; Released: January 13, 1987 2 FCC Rcd. 182 (1987).

DA 86-432 In re Applications of MERCYHURST COLLEGE Erie, Pennsylvania Req: 88.5 MHz, Channel 203A .35 kW (H & V), 3 meters FAMILY STATIONS, INC. Erie, Pennsylvania Req: 88.1 MHz, Channel 201B 2.2 kW (H & V), 201 meters BAYFRONT NATO, INC. Erie, . . . Adopted: December 10, 1986; Released: January 12, 1987 2 FCC Rcd. 180 (1987).

DA 86-286 FAMILY STATIONS, INC. Augusta, Georgia Req: 89.1 MHz, Channel 206C2 0.58 kW(H), 450 meters (H & V) 2.0 kW(V) SOUTH CAROLINA EDUCATIONAL TELEVISION COMMISSION Aiken, South Carolina Req: 89.1 MHz, Channel 206C1 10 kW (H & V), 377 meters (H & V) For . . . Adopted: November 19, 1986; Released: December 5, 1986 1 FCC Rcd. 1032 (1986).

ABBEVILLE EDUCATIONAL BROADCASTING FOUNDATION (hereafter "Abbeville") Abbeville, Louisiana Req: 91.7 MHz, Channel 219A 3 kw (H & V), 53 meters (HAAT) TRC EDUCATIONAL BROADCASTING FOUNDATION (hereafter . . . Adopted: October 27, 1986; Released: November 13, 1986 1 FCC Rcd. 586 (1986).

In re Application of CAPROCK EDUCATIONAL BROADCASTING FOUNDATION Amarillo, Texas Req: 89.1 MHz, Channel No. 206A .615 kw (H & V); 126 meters (H & V) SOUTHWEST EDUCATIONAL MEDIA FOUNDATION, . . . Adopted: June 4, 1986; Released: July 8, 1986

In re Application of FAITH EDUCATIONAL FOUNDATION Evansville, Indiana Req: 89.7 MHz, Channel 209A 0.65 kW (H & V), 34 meters (H & V) WESTERN KENTUCKY UNIVERSITY Henderson, Kentucky Req: . . . Adopted: April 16, 1986; Released: May 6, 1986

In re Applications of DES MOINES EDUCATIONAL BROADCASTING FOUNDATION (hereafter Foundation) Des Moines, Iowa Req: 91.3 MHz, Channel 217A 0.38 kW, 54 meters FAMILY STATIONS, INC. (hereafter Family) . . . Adopted: April 1, 1986; Released: April 25, 1986

In Re Applications of SONSHINE EDUCATIONAL RADIO, INC. THE ASSOCIATION FOR COMMUNITY EDUCATION, INC. For Construction Permit for New FM Station Mimeo 6239 Adopted: August 4, 1983 Released: September 6, 1983.

C. NCE FM (new applicant(s) vs. modification applicant(s))

DA 92-560 IN RE APPLICATIONS OF HOLY SPIRIT HARVEST CHURCH, INC. (HEREAFTER "HSHC") MACON, GEORGIA) FOR CONSTRUCTION PERMIT FOR A NEW NONCOMMERCIAL FM STATION ON CHANNEL 205 IN MACON, GEORGIA WARNER ROBINS CHRISTIAN ACADEMY (HEREAFTER "WRCA") WARNER ROBINS, GEORGIA . . . MM Docket No. 92-110

DA 92-412 IN RE APPLICATIONS OF SABLE COMMUNITY BROADCASTING CORPORATION (HEREAFTER "SABLE") CHANNEL 217A HOBSON CITY, ALABAMA BOARD OF TRUSTEES SHORTER COLLEGE (HEREAFTER "SHORTER") CHANNEL 217A ROME, GEORGIA GADSDEN STATE COMMUNITY COLLEGE (HEREAFTER . . . MM Docket No. 92-70 File No. BPED-851003MB 7 FCC Rcd. 2356 (1992)

DA 92-8 IN RE APPLICATIONS OF DRY PRONG EDUCATIONAL BROADCASTING FOUNDATION (HEREAFTER "DRY PRONG EDUCATIONAL") FOR MODIFICATION OF NONCOMMERCIAL STATION KVDP(FM), DRY PRONG, LOUISIANA MISSIONARY ACTION PROJECTS (HEREAFTER "MISSIONARY ACTION") FOR CONSTRUCTION . . . MM Docket No. 92-2 File No. BPED-900305MF File No. BPED-900905MK Adopted: January 6, 1992; Released: January 21, 1992 7 FCC Rcd. 496 (1992).

DA 91-1479 IN RE APPLICATIONS OF SHOWEM, INC. (hereafter: "Showem") For Construction Permit for a Major Modification for Noncommercial Educational Station WLPJ(FM) New Port Richey, Florida Req. 91.5 MHz Channel 218C2 25 kW (H & V) ERP; 119.3 meters HAAT CHRISTIAN . . . MM Docket No. 91-357 6 FCC Rcd. 7364 (1991).

DA 91-1477 IN RE APPLICATIONS OF FAITH BIBLE COLLEGE (hereafter "Faith") For Construction Permit for a New, Noncommercial, Educational FM Station on Channel 213A (90.5) in Milton, Florida and OKALOOSA INC. PUBLIC RADIO, (hereafter "Okaloosa") For . . . MM Docket No. 91-354 File No. BPED-910402MC File No. BPED-901016MK Adopted: November 25, 1991; Released: December 17, 1991 6 FCC Rcd. 7370 (1991).

DA 91-674 IN RE APPLICATIONS OF SACRED HEART UNIVERSITY, INC (HEREAFTER "SACRED HEART") CHANNEL NO. 210B1 NOYACK, NEW YORK CONNECTICUT PUBLIC BROADCASTING, INC. (HEREAFTER "CONNECTICUT") CHANNEL 210A SOUTHAMPTON, NEW YORK LONG ISLAND UNIVERSITY, (HEREAFTER . . . MM Docket No. 91-157 6 FCC Rcd. 3571 (1991).

DA 90-1883 In re Applications of GRANITE STATE EDUCATIONAL FELLOWSHIP, INC. (hereafter "GSEF") For Construction Permit for a New Noncommercial FM Station on Channel 219 in Walpole, New Hampshire KEENE STATE COLLEGE (hereafter "Keene State") For Modification . . . Adopted: December 31, 1990; Released: January 30, 1991 6 FCC Rcd. 540 (1991).

DA 90-1704 In re Applications of LAKESHORE COMMUNICATIONS, INC. (hereafter "Lakeshore") Green Bay, Wisconsin Reg: 88.5 MHz Channel 203 3 kW (H & V) 100 meters CATHOLIC DIOCESE OF GREEN BAY (WISCONSIN) (hereafter "CATHOLIC") Green Bay, Wisconsin Reg: 88.1 MHz . . . Adopted: November 20, 1990; Released: January 22, 1991 6 FCC Rcd. 359 (1991).

DA 88-665 In re Applications of SPRING ARBOR COLLEGE (WSAE) (hereafter Spring Arbor) Spring Arbor, Michigan BOARD OF TRUSTEES/OLIVET COLLEGE (WOCR) (hereafter Olivet) Olivet, Michigan For Construction Permit for Modification of Noncommercial FM Facilities Adopted: April 29, 1988; Released: May 13, 1988

DA 86-272 In re Applications of STATE UNIVERSITY OF NEW YORK (hereafter WBSU) Brockport, New York Has: 88.9 MHz, Channel 205A .128 kW (H & V), 55 meters Req: 89.1 MHz, Channel 206B 7.338 kW (H & V), 53 meters For Modification of Facilities for a . . . Adopted: November 25, 1986 Released: December 12, 1986 1 FCC Rcd. 1115 (1986).

In re Applications of FAMILY STATIONS, INC. (hereinafter "Family") Salt Lake City, Utah Req: 91.7 mHz, Channel 219 0.5 Kw (H & V), -76 meters HAAT For Construction Permit for a New Noncommercial . . . Adopted: August 26, 1986; Released: September 24, 1986

In Re Applications of CONNECTICUT EDUCATIONAL TELECOMMUNICATIONS CORPORATION Stamford, Connecticut... Mimeo 813 Adopted: October 28, 1983 Released November 17, 1983

In Re Applications of MESQUITE INDEPENDENT SCHOOL DISTRICT, Mesquite, Texas SOUTHWESTERN ADVENTIST COLLEGE Keene, Texas NORTH TEXAS STATE UNIVERSITY, Denton, Texas Mimeo 5270 Adopted: June 21, 1983 Released: July 13, 1983

D. NCE TV (new applicant(s) vs. renewal applicant)

In re Applications of KOED, Inc. San Francisco, California For renewal of license of noncommercial educational station KQEC(TV), Channel 32, San Francisco, California Minority Television Project San Francisco, California For a . . . Released: June 8, 1984

FCC 80-465 In Re Applications of BOARD OF EDUCATION OF JEFFERSON COUNTY, KENTUCKY For Renewal of License of Station WKPC-TV, Louisville, Kentucky METROPOLITAN LOUISVILLE PUBLIC TELEVISION, INC. Louisville, Kentucky For Construction Permit (Adopted: July 31, 1980; Released: September 9, 1980) 45 Fed Reg 60012 (1980) 80 F.C.C.2d 280

E. NCE FM (new applicant(s) vs. renewal applicant)

IN RE APPLICATIONS OF CENTER FOR STUDY AND APPLICATION OF BLACK ECONOMIC DEVELOPMENT FOR RENEWAL OF LICENSE OF STATION KUCB-FM, DES MOINES, IOWA IOWA ACORN BROADCASTING CORPORATION FOR CONSTRUCTION PERMIT FOR NEW FM STATION ON CHANNEL 207, DES . . . MM Docket No. 91-204 File No. BRED-900131OA File No. BPED-900102MB File No. BPED-900116MA Released: July 30, 1991

In Re Applications of CALIFORNIA STATE UNIVERSITY, LONG BEACH FOUNDATION ST. IGNATIUS RETREAT ASSOCIATION For Renewal of License of Station KLON(FM), Long Beach, California ST. IGNATIUS RETREAT ASSOCIATION For a Construction Permit Long Beach, California MM DOCKET 91-286 Adopted: September 25, 1991 Released: October 7, 1991

DA 90-499 (Rhodes College) (Memphis, Tennessee) In re Applications of RHODES COLLEGE For Renewal of License for Radio Station WLYX Memphis, Tennessee COSSITT LIBRARY d/b/a MEMPHIS/SHELBY COUNTY PUBLIC LIBRARY AND INFORMATION CENTER Memphis, Tennessee Req. Channel . . . Adopted: March 22, 1990; Released: May 14, 1990 5 FCC Rcd. 3014 (1990).

FCC 86-71 In re Applications of Seattle Public Schools For Renewal of License For Station KNHC(FM), Seattle, Washington and Jack Straw Memorial Foundation Seattle, Washington Req: 89.5 MHz, Channel 208C; 100 kW(H), 96 kW(V); 348 meters (H & V) For . . . Adopted: February 3, 1986; Released: February 7, 1986 103 F.C.C.2d 862 (1986) (Modified by Memorandum Opinion and Order in MM Docket No. 86-49, FCC 86-318 Adopted July 7, 1986 Released July 14, 1986)

AGAPE BROADCASTING FOUNDATION, INC. Dallas, Texas For Renewal of License for Radio Station KNON-FM and CRISWELL CENTER FOR BIBLICAL STUDIES Dallas, Texas For Construction Permit for a New Noncommercial Educational FM Station Released: October 7, 1985

FCC 81-273 In re Applications of CLEVELAND BOARD OF EDUCATION Has: 90.3 MHz, Channel 212 50 KW, 500 feet For Renewal of License of Station, WBOE-FM, Cleveland, Ohio CLEVELAND BOARD OF EDUCATION (Assignor) and CLEVELAND PUBLIC LIBRARY (Assignee) For . . . (Adopted: June 16, 1981; Released: June 23, 1981) 87 F.C.C.2d 9

F. NCE FM (modifications vs. modifications)

F.C.C. 77-731 In Re Applications of FRESH AIR, INC., CENTER FOR COMMUNICATION & DEVELOPMENT MINNEAPOLIS, MINNESOTA For Modifications of Construction Permit (Adopted: July 19, 1982; Released: August 6, 1982)

G. NCE FM (renewal vs. modification)

FCC 81-303 In re Applications of CUMBERLAND COLLEGE OF TENNESSEE Lebanon, Tennessee Has: 91.3 MHz, Channel 217 .48 kW, 86 feet For Renewal of License Req: 91.3 MHz, Channel 217 .48 kW, 86 feet For an Extension of Time of its Construction Permit to Complete . . . (Adopted: June 30, 1981; Released: July 17, 1981) 87 F.C.C.2d 194

II. SUBSEQUENT HISTORIES OF NCE COMPARATIVE CASES

A. NONCOMMERCIAL EDUCATIONAL TELEVISION CASES TOTAL = 6

1. All New Applicants Total = 5 cases

Creation House Research Institute of Science and Technology, Inc., FCC 83D-13, released February 24, 1983. Two mutually exclusive applicants, Creation House and Black Television Workshop of Los Angeles, Inc., sought to construct a new educational television station in Los Angeles, California. The administrative law judge granted the application of the Black Television Workshop as the comparatively superior applicant. However, the hearing exhibits of Creation House were not received into evidence because they were of no evidentiary value. Thus, no viable comparison was possible.

Public Communication Foundation for North Texas ("Public"), FCC 84D-6, released February 3, 1984. Public and the Denton Channel Two Foundation, Inc. filed applications for a new noncommercial educational television station in Flower Mound and Denton, respectively. The administrative law judge granted the application of the Denton, preferring it for proposing a transmission and reception service in a nonmetropolitan educational community. While the appeal was pending before the Review Board, the parties sought approval of a joint settlement agreement. The Board forwarded the settlement agreement to the Mass Media Bureau for appropriate disposition. Public Communications Foundation, 100 F.C.C.2d 396 (Rev. Bd. 1985).

Black Television Workshop of Santa Rosa ("BTW"), FCC 84D-29, released May 14, 1984. Two applicants sought to construct a new noncommercial educational television station in Santa Rosa, California. The judge granted the application of Bay North Educational Television, Inc. as the overwhelmingly superior applicant on comparative grounds. Under basic qualification issues, BTW was found to be financially unqualified. Although the parties excepted, BTW eventually sought to withdraw its application. The Review Board confirmed that Bay North was basically qualified and accepted BTW's withdrawal, however, the Board took this opportunity to ask the Mass Media Bureau for guidance on comparative issue concerning noncommercial educational stations. Black Television Workshop of Santa Rosa, 65 R.R.2d 34 (Rev. Bd. 1984).

San Antonio Educational Television, Inc. ("SAETV"), FCC 85D-24, released April 10, 1985. SAETV and Hispanic Community Educational T.V., Inc. ("HCETV") filed applications for a new noncommercial

television station in San Antonio, Texas. The ALJ granted both applications subject to a share time arrangement. SAETV's superior structure and form balanced out HCETV's superior provision for the community's needs. In a Supplemental Initial Decision, the Judge imposed a share time arrangement after the parties were unable to reach one among themselves. After the ALJ's imposition of share time, the parties excepted, but later sought Review Board approval for a joint settlement agreement. The Review Board approved the settlement. San Antonio Educational Television, Inc., FCC 85R-95, released November 22, 1985.

East Tennessee Public Communications Corporation, 2 FCC Rcd 685 (ALJ 1987). Three competing applicants sought to construct a new noncommercial educational television station in Knoxville, Tennessee. The ALJ granted East Tennessee's application and denied the competing application on the basis that East Tennessee better explained its operation's integration with its educational and cultural objectives by more organized and specific plans for the facility. The ALJ concluded that East Tennessee had done a better job of ascertaining community needs and was more likely to develop its proposed programming in the areas of instructional and public affairs programs. In addition, East Tennessee had the means (studio, staff, and a mobile unit) to carry out its proposal. While review of the ALJ's decision was pending at the Review Board, the parties reach a joint settlement. The settlement was approved by the Review Board. East Tennessee Public Communications Corporation, FCC 87R-52, released October 6, 1987.

2. Renewal Applicant vs. New Applicant = 1

KQED, Inc., 2 FCC Rcd 352 (ALJ 1987). This case involved a renewal application for Station KQEC in San Francisco that was mutually exclusive with an application for a new station, filed by Minority Television Project (MTP), as well as renewal challenges to KQED, Inc's license renewal applications. The administrative law judge granted KQED's renewal application for KQEC-TV with conditions and denied the competing new application by MPT. The ALJ found MPT financially unqualified and KQEC comparatively superior. Upon review, the Review Board concluded that KQEC-TV had misrepresented before the Commission and, therefore, did not engage in review of the comparative factors. The Board denied the KQEC-TV renewal and granted the MPT application. Id. 3 FCC Rcd 2821 (1988). The Commission adopted the Review Board's decision with respect to these matters, but did not pass on any comparative issues.

B. NONCOMMERCIAL EDUCATIONAL FM CASES TOTAL = 4 cases

A. All New Applicants = 2

Real Life Educational Foundation of Baton Rouge, Inc. ("Real Life"), 4 FCC Rcd 8433 (ALJ 1989). Jimmy Swaggart Ministries, Inc. (JSM) and Real Life, the two remaining applicants of this initial three-party case, sought a construction permit for a new noncommercial educational FM station at Baton Rouge, Louisiana. JSM received a slight preference for likely integration of its proposed operation into its cultural and educational objectives. JSM also received a moderate comparative coverage preference for providing second noncommercial educational radio service. Real Life received auxiliary power credit, but this credit could not overcome the comparative superiority of JSM. The ALJ concluded that a time share arrangement was inappropriate and awarded JSM use of the new frequency. The Review Board affirmed the award to JSM on the basis of superior coverage, but specifically found that neither applicant was preferred on the "educational and cultural integration" factor because no rational distinction could be extracted from the record.

Maricopa County Community College District ("Maricopa"), 5 FCC Rcd 4081 (1990). Three mutually exclusive applicants, Maricopa, the Board of Regents of Arizona State University ("ASU") and Sun Health Corporation ("Sun Health") sought to construct a new noncommercial educational FM station in Phoenix, Arizona. Under the ALJ's analysis, Maricopa and ASU were favored for superior community ascertainment. All three applicant's proposals were integrated into proposed operations, but Maricopa and ASU better met the community's needs. ASU and Maricopa had the experience and resources to make effectuation of their respective proposals likely, and Maricopa got credit for "synergies" with its other FM station. Sun Health and ASU merited slight coverage preferences in different categories that cancelled each other out. On this basis, the ALJ concluded that the Sun Health application was not competitive and should not prevail, but that with respect to ASU and Maricopa, all of the factors offset each other. The ALJ thus imposed a share-time arrangement. The Review Board reaffirmed the ALJ's Initial Decision imposing share time. Ultimately, the ASU and Maricopa reached a settlement whereby the construction permit for the facility would be issued to both parties jointly, and the station managed by a joint management committee. The Review Board approved the settlement agreement. Maricopa County, 7 FCC Rcd 859 (1992).

2. Renewal Applicant vs. New Applicant = 2

Agape Broadcasting Foundation, Inc. ("Agape"), 1 FCC Rcd 758 (1986). Agape, an existing licensee, faced a competing renewal challenge from Criswell Center for Biblical Studies for a noncommercial educational FM channel in Dallas, Texas. The ALJ denied the renewal application of Agape and granted the proposal of Criswell. Agape was found not to be basically qualified. The administrative law judge made comparative findings that Criswell was the superior applicant on a coverage basis, but concluded that neither applicant was entitled to a comparative advantage under the other noncommercial educational comparative criteria. Thus, no comparative conclusions were drawn. After the parties filed for review, a joint settlement agreement was reached and approved by the Review Board.

Seattle Public Schools ("SPS"), 3 FCC Rcd 3028 (ALJ 1988). The noncommercial educational renewal application of SPS faced a competing new application by the Jack Straw Memorial Foundation ("Straw"). The administrative law judge granted the SPS renewal application after concluding that SPS was entitled to a renewal expectancy, based on the record as a whole. The ALJ also evaluated the applicants under the standard noncommercial comparative issues, favoring SPS. On appeal to the Review Board, the Review Board granted the SPS renewal, based on its strong renewal expectancy, and denied the competing application. *Id.*, 4 FCC Rcd at 625 (Rev. Bd. 1989). The Board reviewed SPS's performance during its license term, as compared with the noncommercial comparative factors, and concluded that SPS's proven performance outweighed Straw's proposal, even if the proposal were viewed in its best light. No share time resolution was imposed.