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BEFORE THE

Federal Communications Commission

JUL 12 1994

WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In re Applications of	)	
	)	MM Docket NO. 94-10
<b>THE LUTHERAN CHURCH/ MISSOURI SYNOD</b>	)	
	)	File Nos. BR-890929VC
	)	BRH-890929VB
For Renewal of Licenses of	)	
Stations KFUD/KFUD-FM	)	
Clayton, Missouri	)	

To: The Honorable Arthur I. Steinberg  
Administrative Law Judge

CHURCH EXHIBIT 1

Testimony of Reverend Ralph A. Bohlmann

Respectfully submitted,

THE LUTHERAN CHURCH -  
MISSOURI SYNOD

By: Richard R. Zaragoza  
Kathryn R. Schmeltzer  
Barry H. Gottfried  
Scott R. Flick

Its Attorneys

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LEADER & ZARAGOZA L.L.P.  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, D.C. 20006-1851  
(202) 659-3494

Dated: June 1, 1994

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Docket No. 94-10 Exhibit No. 1

Presented by CHURCH

Disposition { Identified 6/21  
Received 6/21  
Rejected \_\_\_\_\_

Reporter BREBRET WOOD

Date 6/21/94

## TABLE OF CONTENTS

### CHURCH EXHIBIT 1:

Testimony of Reverend Ralph A. Bohlmann

- Attachment 1:** License for Land Radio Station Issued to Concordia Seminary, January 29, 1925
- Attachment 2:** Broadcast Station License Record
- Attachment 3:** The Gospel Voice, May 1, 1928
- Attachment 4:** Commission Decision in the Matter of The Pulitzer Publishing Company, March 2, 1938
- Attachment 5:** The Bond, June 1942
- Attachment 6:** Lutheran Witness, September 24, 1957
- Attachment 7:** The Gospel Voice, May 1967

TESTIMONY OF REVEREND RALPH A. BOHLMANN

A. BACKGROUND

1. I hold and have held the following positions with The Lutheran Church - Missouri Synod (the "Church"). I was President of the Church from 1981 to 1992. I was President of Concordia Seminary from 1974 to 1981. I was Executive Secretary of the Commission on Theology and Church Relations from 1971 to 1974. I was a Professor at Concordia Seminary from 1960 to 1981.

2. The Church is the licensee of radio broadcast stations KFUD(AM) and KFUD-FM, licensed to Clayton, Missouri (the "Stations" or "KFUD"). KFUD(AM) is a daytime only AM station operating noncommercially and broadcasting religious programming. KFUD-FM is a fulltime commercial FM station broadcasting a classical music format with some religious programming. Initially through its Concordia Seminary, the Church has been the owner and operator of KFUD(AM) since 1924. In 1948, the Church put KFUD-FM on the air. KFUD-FM is the only fulltime classical music station in the St. Louis radio market.

3. As a Church, our whole reason for being has been to proclaim the Word of God, nurture our members, meet the needs of people and welcome into our fold men and women of every race, color and national origin. We have always wanted our Church membership to grow and for all of our Church ministries (broadcasting is one of our most important ministries) to include

all qualified persons without regard to race, color or national origin.

4. I was President of the Church when in September 1989 I was asked to review and sign the KFUO(AM) and KFUO-FM renewal applications and related EEO program report. The documents, which were prepared and already reviewed by responsible station personnel, appeared to be in order. We have always been proud of the Stations' track record of programming service and their commitment to non-discrimination. Hence, I signed the forms and sent them on for filing with the FCC.

**B. THE HISTORY OF KFUO(AM/FM)**

5. The Stations have carried out our very important, decades old, broadcast ministry in Clayton and throughout the adjacent St. Louis radio market. The radio ministry originated in the 1920's. On February 19, 1923, the Chairman of the Board of Control of Concordia Seminary ("Concordia Seminary" or the "Seminary"), proposed the idea of operating a radio station either at the Seminary or at Concordia Publishing House. The following week, the matter was presented to the Board of Directors of the Lutheran Layman's League (the "League"), an auxiliary men's organization of the LCMS, to request the League's financial support. The funds for construction and the initial operating expenses of the radio station came from Concordia Seminary and the League as well as from the St. Louis Lutheran Publicity Organization and the Walther League. The students of

Concordia Seminary, in addition to raising \$1,500 from donations from friends and relatives, also appropriated \$1,000 from the student treasury to help build the radio station. Contracts for equipment and installation were then signed, and work on the new station began in the attic of the old Seminary on South Jefferson Avenue in St. Louis.

6. Station KFUO(AM) went on the air on December 14, 1924. It was officially dedicated to the glory of God during an evening broadcast from 9:15 to 11:00 p.m. on that day from an attic studio at the Seminary on South Jefferson Avenue, St. Louis, Missouri. The station's commitment was to promote Gospel outreach and service to the listening audience through religious programming and "serious" music. The station's first license was issued to Concordia Seminary by then Secretary of Commerce Herbert Hoover on January 29, 1925 for a term expiring January 25, 1926 (See Attachment 1). The station began broadcasting with a 500 watt transmitter at 550 kHz sharing that dial position with KSD(AM) Radio.

7. In 1924, when KFUO became operational, there were fewer than 600 radio stations in the United States and the station's broadcast signal extended from the east coast to the Rocky Mountains at certain times during the broadcast day. With the rise in the number of broadcast stations and increased industry regulation through the Federal Radio Commission (the predecessor to the Federal Communications Commission), the broadcast range of Station KFUO gradually diminished. Initially, KFUO(AM) broadcast

only two programs per week, on Sunday and Wednesday evenings. By 1928 the station was broadcasting thirty-four programs per week, approximately twenty-one hours of programming.

8. In 1926, Concordia Seminary relocated from Jefferson Avenue in south St. Louis to a new campus in suburban Clayton, Missouri, necessitating relocation of KFUO(AM). The problem of moving the radio facility was resolved when the League offered to rebuild the station at the new Seminary and provide funds for annual maintenance. In conjunction with the relocation, on June 15, 1926, the League submitted a resolution to the Synod proposing that the Synod take over the station with control in the hands of the Board of Control of Concordia Seminary. FCC records reflect that the licensee during the late 1920's was the "Evangelical Lutheran Synod of Missouri, Ohio, and other States, through Board of Control of Concordia Seminary." (See Attachment 2). A KFUO Radio Committee was appointed to oversee the station.

9. KFUO(AM)'s new facility at Concordia Seminary's Clayton campus was dedicated on May 29, 1927 and at that time KFUO began operating with a 1,000 watt transmitter. Church policy was enacted which affirmed that the station's abiding interest in cultural, civic and educational programming was compatible with its primary purpose of Gospel broadcasting.

10. In addition to the fact that the Seminary, both individually and later through the Synod, was the licensee of KFUO(AM) for many years, the relationship between the Seminary and the station was interwoven in other respects as well. The

Seminary has permitted KFUO (and later KFUO-FM)) to remain on its campus on a rent-free basis. A May 1, 1928 issue of The Gospel Voice, a station publication, describes how the musical talent of the Seminary was banded together into an organization which adopted the name "The Concordia Broadcasters." The express purpose of this group was to render regular services over KFUO(AM). The Concordia Broadcasters furnished the music for all the week-day daylight broadcasts except Saturday afternoons and for all the week-day evening broadcasts except Wednesdays and Saturdays. In addition, the Concordia Seminary Publicity Committee cooperated with the station in bringing KFUO radio activities before the public; members of the 1928 Postgraduate Class gave brief religious addresses over KFUO every Thursday afternoon at 3:00 p.m.; and members of the Concordia Seminary Mission Society assisted KFUO in the work connected with the Bible class. (See Attachment 3).

11. During the 1920's and 1930's (except for a brief interval), KFUO shared the frequency of 550 kHz with Radio Station KSD(AM), owned by the St. Louis Post Dispatch. KSD(AM) occupied the frequency for 80% of the broadcast time and KFUO(AM) for 20%. (See Attachment 4) This relationship resulted in scheduling difficulties for both Stations and therefore at the time that license renewal applications were filed in the late 1930's, KSD(AM) also sought modification of its license to increase its hours of operation from time-sharing to unlimited hours. KFUO(AM) sought to increase its operating power from 1 kW

day, 500 watts night to 5 kW day, 1 kW night, to install a directional antenna for night use and to use the shared frequency 50% of the time. Two hearings were held concerning the respective proposals and the records of both hearings were consolidated and covered by the report of an Examiner, submitted June 22, 1937. He recommended the denial of Station KSD(AM)'s application for unlimited time and the grant of KFUO(AM)'s application for half time. KSD(AM) filed exceptions and on March 2, 1938, the Commission issued an Order which found each applicant fully qualified to operate as proposed but nevertheless held that the public interest would best be served by continued operation of each station as then licensed. The Commission noted that KFUO(AM) was located on the grounds of Concordia Seminary and the station's operation was under the control of a radio committee of ten members, four of whom were members of the faculty or Board of Control of Concordia Seminary and six of whom were lay members. The Commission further observed that a sub-committee known as the KFUO Committee was in direct control of operation. (See Attachment 4, p. 5). The close association of the station and the Seminary was further described by the Commission in its remarks that the talent used by KFUO(AM) was drawn almost entirely from the membership of the Church, the faculty and student body of Concordia Seminary and prominent ministers as well as its remark that the nationally known Concordia Seminary chorus was one of the two major sources of talent for the station. (See Attachment 4, pp. 6-7). KFUO

appealed the Commission's 1938 Order to the U.S. Court of Appeals for the D.C. Circuit which affirmed the Commission's decision on June 26, 1939.

12. Shortly after its application for 50% use of 550 kHz on a share-time basis was denied, KFUO applied for authority to operate on 830 kHz and for an increase in power to 5,000 watts. The application was approved in November 1940. A few months later, the FCC modified KFUO(AM)'s frequency to 850 kHz, the position it occupies on the dial today.

13. The next major expansion of the KFUO radio ministry occurred in 1948 when the physical plant for KFUO(AM) was enlarged, and our Church, then called "Evangelical Lutheran Synod of Missouri," applied for and received a license for Channel 256, 99.1 MHz in the FM band. The new station's call letters were KFUO-FM. Shortly, thereafter, pursuant to an application, the licensee changed its name to "The Lutheran Church - Missouri Synod." With its new FM license, the Church gained the ability to broadcast around the clock.<sup>1/</sup>

14. The ties between KFUO(AM) and the Seminary have remained strong. A June 1942 edition of The Bond stressed that KFUO "serves as a radio laboratory for the students, where they may acquire valuable radio experience which they can later employ in the local stations of their communities." (See Attachment 5).

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<sup>1/</sup> The Church also applied for and received a license for a UHF television station in 1948. Although the facility was not constructed, the application highlighted the fact that the station was located on the Seminary grounds and that KFUO was broadcasting the devotional services of the Seminary on a regular basis.

A September 1957 issue of The Lutheran Witness remarked that "The radio student training project, sponsored jointly by Concordia Seminary and the station, gives specialized instruction in radio and television to theological students." (See Attachment 6). A May 1967 edition of The Gospel Voice stated that Seminary graduates "were reminded of the importance of radio in their total ministry to the needs of the people in their community." During the 1970's and into the 1980's courses and workshops developed and taught by KFUCO staff were offered by the Seminary to its students. (See Attachment 7). Over the years KFUCO(AM) and FM have served as training grounds for the use of radio as a medium in the Church's mission and ministry.

15. I have known both Paul Devantier and Dennis Stortz for many years. I know that they are honest and are individuals of the highest integrity who would never discriminate.

DECLARATION

I, Reverend Ralph A. Bohlmann, have read the foregoing Lutheran Church - Missouri Synod Exhibit entitled "Testimony of Ralph A. Bohlmann," and I declare under penalty of perjury that it is true and correct to the best of my knowledge and belief.

Executed this 30<sup>th</sup> day of May 1994.

  

---

Reverend Ralph A. Bohlmann



000001

KFID RECEIVED ITS FIRST  
LICENSE TO BROADCAST IN  
1924

This copy is one of the first  
issued by the United States.  
The signature of former  
President Herbert Hoover is  
shown on this license when  
he was Secretary of Commerce  
for the United States.

*See pages 100-101*

PROVISIONAL

No. 1643

# LICENSE FOR LAND RADIO STATION

CLASS 1B1 - LIMITED COMMERCIAL

DEPARTMENT OF COMMERCE  
BUREAU OF NAVIGATION  
RADIO SERVICE

000002

Pursuant to the act to regulate radio communication, approved August 13, 1912,

CONCORDIA SEMINARY

a citizen of the State of \_\_\_\_\_, a company incorporated under the laws of the State of MISSOURI, having applied therefor, is hereby granted by the Secretary of Commerce for a period of THREE MONTHS on and subject to the restrictions and conditions hereinafter stated and revocable for cause by him, this License to use or operate the apparatus for radio communication (identified in the schedule hereinafter) for the purpose of transmitting to and receiving from ship stations and other land stations public correspondence, Government and service correspondence, and distress signals and messages, at rates of compensation not in excess of those fixed by the international agreement to which the Government of the United States has adhered, which have been submitted to and approved by the Secretary of Commerce, as included in the schedule hereinafter, or for the purpose of conducting experiments for the development of the science of radio communication or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and

4

or messages using the distress wave length as provided by the International Radiotelegraphic Convention in force.

In view of special conditions the station is authorized to use for communication exclusively with stations licensed by the United States the following additional wave lengths under 600 or over 1,600 meters:

Meters, 545.1, Meters, \_\_\_\_\_, Meters, \_\_\_\_\_, Meters, \_\_\_\_\_

ANDREWS OFFICE PRODUCTS CAPITOL HEIGHTS, MD (K)

BROADCASTING STATE OF MISSOURI LICENSE RECORD

Date First

Licensed.....1-29-25.....

CALL LETTERS KFDU

Clayton, Missouri

THE LUTHERAN CHURCH - MISSOURI SYNOD (ML 8-6-48)

x Evangelical Lutheran Synod of Missouri, Ohio and Other States (R-3-22-40)

x Evangelical Lutheran Synod of Missouri, Ohio and

Other States, Rev. R. Kretzschmar, Chairman,

Board of Control of Concordia Seminary. (Lic. 4-19-29)

Name of

Licensee:

x Concordia Theological Seminary

801 DeMun Ave. Clayton, Mo.

x Near junction of Highway 3 and 157 S. of Dupo, Illinois. (CP 11-23-49)

Transmitter

x 801 De Mun Ave., Clayton, Mo.

Location:

x 3648 So. Jefferson Ave., St. Louis, Mo.

000001

Main Studio

Location:

63105

801 De Mun Ave., Clayton, Mo. (1-31-29)

FRC-65

-S-B-

BROADCASTING STATION LICENSE RECORD

Date First

Licensed 1-27-25

Call

Letters KFUC

Card No. 2

Name of Evangelical Lutheran Synod of Missouri, Ohio and Other States (R-3-22-40)  
Licensee: Rev. R. Kretzschmer, Chairman, Board of Control of Concordia Seminary

Transmitter

Location:

Main Studio

Location:

FRC-65

000002

No. 1 STATION APPLICATION RECORD

APPLICANT: Concordia Theological Seminary  
ADDRESS: 3645 So. Jefferson Ave., St. Louis, Missouri  
Present  
Assignment: 550 kc., 500 w.  
Requested: same

CALL LETTERS: KFUC  
FILE NO: 4-S-B-638 DATED: 4-12-27  
ACTION: T.P. 4-26-27; 550 kc. 8-07

APPLICANT: Concordia Theological Seminary  
ADDRESS: 801 De Mun Ave., Clayton, Missouri  
Present  
Assignment: 550 kc., 500 w.  
Requested: 550 kc. 1000 w. unlin.

CALL LETTERS: KFUC  
FILE NO: 4-R-B-638 DATED: 6-2-27  
ACTION: Lic. 6-15-27; 550 kc. 500w.  
KSD also ext. 4-8-27; 1010-B-27

APPLICANT: Concordia Theological Seminary  
ADDRESS: 801 De Mun Ave., Clayton, Missouri  
Present  
Assignment: 550 kc., 500 w., + KSD  
Requested: 550 kc., 1000 w., unlin.

CALL LETTERS: KFUC  
FILE NO: 4-R-B-638 DATED: 8-10-27  
ACTION: Lic. 10-15-27; 1830 kc.  
1500 w. d; 1000 w. n; + KFV

000003

STATION APPLICATION RECORD

no. 2

APPLICANT: ..Concordia Theological Seminary..... CALL LETTERS: ...KFUD

ADDRESS: ..... 801 De Mun Ave., Clayton, Mo. .... FILE NO: ..4-R-B-638 DATED: 10-25-27

Present  
Assignment: 1280 kc., 1500 w., d; 100 w., n., n. KFVE..... ACTION: ..letter of ext. 10-24-27

Requested: same for period 10-31-27 to 12-3-27

APPLICANT: ....Concordia Theological Seminary..... CALL LETTERS: KFUD

ADDRESS: ..... 801 De Mun Ave., Clayton, Missouri..... FILE NO: 4-R-B-638.. DATED: 1-13-28

~~Present~~  
Assignment: ..550 kc., 1500 w., d; 1000 w., n; unlim. .... ACTION: ..Lic. 10-29-28; 550 kc.

11-10-28

Requested: renewal 500 w. + KSD

APPLICANT: ....Concordia Theological Seminary ..... CALL LETTERS: KFUD

ADDRESS: ..... 801 De Mun Ave., Clayton, MISSOURI..... FILE NO: 4-R-B-638.. DATED: 1-15-28

Present  
Assignment: 550 kc., 500 w. + KSD ..... ACTION: ..Lic. 1-25-29; 550 kc.

Requested: 550 kc., 500 w. + *these shown 1000 w. d* 100 w., n; + KSD  
500 w. n; 1000 w., d; + KSD

000004

no 5

STATION APPLICATION RECORD

APPLICANT: Board of Control of Concordia Lutheran Synod of Missouri, Ohio, and Other States, through Station KFUP by said body. Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, St. Louis, Mo.  
ADDRESS: 801 DeMun St., Clayton, Mo.

Present 500 nite  
Assignment: 550 kc. 1 KW LS + KSD

Requested: Renewal

APPLICANT: Board of Control of Concordia Lutheran Synod of Missouri, Ohio, and Other States, through Station KFUP by said body. Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, St. Louis, Mo.  
ADDRESS: 801 DeMun St., Clayton, Mo.

Present 550 kc. 500 W: day, 1 KW L  
Assignment: LS. Divides KSD

Requested: Renewal

APPLICANT: Board of Control of Concordia Lutheran Synod of Missouri, Ohio, and Other States, through Station KFUP by said body. Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, St. Louis, Mo.  
ADDRESS: 801 DeMun St., Clayton, Mo.

Present 500 w.  
Assignment: 550 Kc. 1 KW LS Divides KSD

Requested: Renewal

FILE NO: 4-R-B-638 DATED: 3/25/29

ACTION: Lic. 4-19/29 550 kc. 500 nite, 1 KW LS + KSD  
Period 4/30 to 7/31/29.

FILE NO: 4-R-B-638 DATED: 6/10/29

ACTION: G.O. 69. 7/31 to 10/31

FILE NO: 4-R-B-638 DATED: 10/30/29

ACTION: Lic. 10-5-29 550kc. 1 KW L + KSD  
Per. 10-31-29 to 1-31-30

000005

STATION APPLICATION RECORD

APPLICANT: SAME

CALL LETTERS: KFUC

ADDRESS: SAME

FILE NO: 4-R-B-638 DATED: 1-6-30

Present Assignment: 1 KW-LS  
550 kc. 500 w. + KSD

Renewal License  
 Per: 1-31 to 4-30-30

ACTION: .....

Requested: Renewal

APPLICANT: CONCORDIA THEOLOGICAL SEMINARY

CALL LETTERS: KF00

ADDRESS: 801 De Lun Avenue, Clayton, Missouri

FILE NO: 4-K-B-489 DATED: 1/6/30

Present Assignment: 1 KW. LS.  
550 kc. 500 W. nite Divides with KSD  
Permission to use 1 KW.

Retired to files. Superseded  
 by 4-M-B-618

ACTION: 3-31-31

Requested: on Wednesdays from 11 P.M. to midnight

APPLICANT: Same

CALL LETTERS: KF00

ADDRESS: Same

FILE NO: 4-R-B-638 DATED: 3-31-30

Present Assignment: 550 Kc. 500 W 1 KW LS + KSD

Renewal Lic. 4-5-30

Per: 4-30 to 7-30-30

ACTION: .....

Requested: Renewal

STATION APPLICATION RECORD

APPLICANT: Evangelical Lutheran Synod of Mo., Ohio, & other States  
Rev. E. Kruttschmer, Chairman, Board of Control of  
Concordia Seminary.

CALL LETTERS: KFDU

ADDRESS: 801 De Mos Street, Clayton, Mo.

FILE NO: 4-R-B-633 DATED: 6-24-30

Present 800 w. night  
Assignment: 550 Kc. 1 KW - LS 1 KSD

Renewal License 7-7-30  
ACTION: Per: 7-31 to 10-31-30

Requested: Renewal

APPLICANT:

CALL LETTERS:

ADDRESS:

FILE NO: DATED:

Present  
Assignment:

ACTION:

Requested:

APPLICANT:

CALL LETTERS:

ADDRESS:

FILE NO: DATED:

Present  
Assignment:

ACTION:

Requested:

000007

## APPLICATION RECORD - BROADCASTING

Call  
Letters KF00Name EVANGELICAL LUTHERAN SYNOD OF MO., OHIO, AND OTHER STATES, --REV. R. KRETZSCHMAR, ChairmanBOARD OF CONTROL OF CONCORDIA SEMINARY

File No.	Dated <del>XXXXXX</del>	Application for	Action	
			Nature	Date
4-M-B-618	6/24/30	Increase power from 1 KW. day & 500 W. nite to 1 KW. on 550 kc.	Denied	12-22-31
4-R-B-638	9-27-30	Renewal of license	Granted	10-21-30
4-R-B-638	12-29-30	Renewal of license	C.O.103 Granted	1-20-31 4-24-31
4-Z-B-2	1/28/31	To determine license power of brdcstg. station by Direct Measurement of Antenna Input.	<del>Cancelled</del>	
4-F-B-128	1/29/31	To install auto. frequency control.	Granted	3-13-31
4-R-B-638	6-23-31	Renewal of license	Returned resubmitted 8-7-31	Granted 8-18-31
4-R-B-638	" # "	" " "		
4-R-B-638 Resubmitted	12-30-31	Renewal of license	Returned <del>1-10-32</del> Granted	to coal.  2-19-32

800000