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October 29, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

Re: Ex Parte Notice
MB Docket Nos. 99-325, 04-233, 07-294, 09-52
MM Docket No. 99-25
RM-11565

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission Rules, this notice of an ex parte presentation in the above-referenced matters is being provided. On October 28, 2009, the undersigned, with representatives of Educational Media Foundation ("EMF"), met with Commissioner Mignon Clyburn and Acting Legal Advisor and Chief of External Affairs, Rick Kaplan, to discuss issues listed on the attached outline. The conversations included significant discussion of EMF's proposals for (i) use of a portion of TV Channel 6 for Low Power FM stations in markets where there was no longer a Channel 6 television operation, (ii) a freeze on any additional television or LPTV applications on that channel, and (iii) the protection of existing FM translators generally. Conversation also included a discussion of broadcast localism, service to a community of license, and main studio rules. EMF also provided background materials about the organization, including the summary of its operations which is also attached to this letter.

Representatives of EMF in attendance were Mike Novak, President; Joe Miller, Vice President for Signal Expansion, and Brian Gantman, General Counsel.

Copies of this notice are being submitted in the relevant dockets and rulemaking proceeding files.

Should there be any questions concerning this matter, please contact the undersigned.

Sincerely,

David Oxenford
Karen Ross

cc: Commissioner Mignon Clyburn
Rick Kaplan

Enclosures

Educational Media Foundation Meetings with the FCC
Outline of Topics

I. **Introduction to EMF**

A. Background and History

B. Currently the licensee of approximately 260 full-power stations (virtually all noncommercial educational stations), carried by about 350 translators, consistently one of the top 10 most listened to internet radio stations

C. Approximately 5 Million Weekly listeners

II. **EMF's Concept of Service to the Public**

A. Service provided by unique format often not available in areas served by the company – intentional decision not to go into markets where the format is available

B. Service goes beyond an hour or two of weekly public affairs programs – constant outreach to listeners and community – constant services on hand for listeners on a 24/7 basis

C. Traditional broadcast service to communities as well

D. Broadcaster need not be physically sitting in a community to provide local service

III. **EMF Issues at the FCC**

A. **Protection of translators**

1. No problem with expansion of LPFM, but not at expense of existing service, or service by full-powered stations

a. EMF has proposed immediate use of 87.5, 87.7 and 87.9 for LPFM in markets where TV 6 does not continue to operate

b. EMF suggests joint LPFM/translator filing windows in the future, with LPFM getting decisive preference – but won't block or delay translator roll-out to rural areas

2. Other translator procedural issues – rule of 10 for filing windows

B. **Protection and expansion of NCE FM frequencies**

1. Support NPR on proposal to eliminate Channel 6 protections

2. Support NPR compromise on IBOC power increase

3. Support expanded use of Channels 5 and 6 for FM where no incumbent TV user exists

C. **Concerns about specific, detailed localism requirements**

1. Particular concerns about needed flexibility for NCE stations

2. Particular concerns about small market radio

D. **Concerns about limiting flexibility of broadcasters to relocate stations to take advantage of marketplace needs and opportunities – rural radio proposals**

Fact Sheet/October 2009

Educational Media Foundation ("EMF") owns and operates some 260 full power FM stations throughout the United States. The vast majority of these stations operate on a non-commercial, listener-supported basis utilizing one of two "family-friendly" Christian music formats:

- K-LOVE features an "Adult Contemporary" Christian personality-oriented music format
- Air 1 features a "Top 40/Rock" Christian music format

Both services utilize EMF's 12-person news department which now provides 24/7 coverage. EMF technology was recently upgraded to allow news personnel to directly address individual stations or groups of stations with emergency information. During the fires in the San Diego area, EMF's KLVJ Julian, CA was providing updates as often as every 15 minutes. In Milwaukee, WKMZ aired emergency breakaway announcements related to a mandatory evacuation at a local meat processing plant (for 2010 EMF has set in place a new program to provide emergency hotline numbers to local officials in each EMF City of License to expand the use of this important program). Additionally in most hours, two minutes is set aside for announcements of local interest. These include regular "community calendar" features where local organizations provide news of events that run free of charge on the local station. EMF also does quarterly ascertainment surveys for each station and produces weekly long-form public affairs programming addressing community needs over both networks. Additional localized public affairs programming is specifically produced and aired targeting specific Cities of License in response to the results of these local community ascertainment surveys (these specialized programs will also be substantially increased in 2010). Shorter public affairs features are also aired throughout the week.

EMF is headquartered in Rocklin, CA (near Sacramento) and currently employs 326 persons at headquarters and throughout the United States. Most programming for both networks originates from EMF's Rocklin studio. Regional centers have also been established in Denver and Kansas City that include local and network news presences. Effective in December 2009, it is planned for both K-LOVE and Air 1 network morning shows to be produced in and originate from Indianapolis, IN.

EMF has stations in markets ranging from #3 to #302 and also a large number in un-rated areas. Representative larger market stations include Chicago, Phoenix, Denver, San Antonio and Kansas City. Medium markets include Milwaukee, Indianapolis, Norfolk, Austin and Oklahoma City. It is interesting to note that 131 (45%) of the EMF stations cover less than 100,000 persons in their 60dBu coverage areas, 73 of these cover less than 50,000 persons (including Doss, TX; Newton IA; Jamestown ND and Tucumcari NM). Total population covered by these 131 stations would be roughly the equivalent to one large station in the San Francisco area.

Additionally, going as far back as 1987, EMF has utilized FM translators as an important part of the network coverage. These facilities have fostered EMF growth in areas ranging from San Jose, CA to

Minot, ND. In a number of cases strong support from "translator areas" has been the impetus for acquiring or commencing full power stations to serve wider areas and provide the stability of a primary FM signal. Currently EMF broadcasts over 352 FM translators in 43 states.

EMF was founded in 1982 with the Vision to bring the Christian message in a relevant way utilizing the highest professional standards. Since 1993, EMF has grown rapidly as our Programming has been well accepted. From some 6 stations at that time, EMF ownership has now grown to 260 serving communities throughout the United States. EMF has also become accepted within the broadcast community at large, working with a number of brokers and station sellers who identify stations in both the commercial and non-commercial bands that have been having economic difficulties, and referring them for consideration. Throughout the years, listeners have appreciated and responded to the programming, often supporting it financially to allow for it to continue serving not only their individual families, but also communities as a whole. Over the years, as the reputation of EMF for straightforward dealing and reliability has spread, doors for growth have opened as many station owners have been willing to work with EMF on a "seller financed" basis. Today, by God's grace and the support of listeners, estimates show that EMF now reaches some 5,000,000 terrestrial listeners each week, and in addition also consistently ranks within the Top 10 for internet streaming.

Listener Outreach and Contact

EMF is available to listeners 24 hours a day 7 days both on the air and off. Receptionists handle calls at all hours handling a variety of needs, from song titles to crisis calls. Counseling and emergency calls are forwarded to one of five EMF full time staff pastors. This pastoral staff was involved in 373 suicide interventions, 14 child abuse interventions and 458 after hour counseling calls in 2008. The staff pastors maintain extensive contacts in each of our communities to refer listeners in need of assistance. Listeners to our local stations also called-in or e-mailed some 340,000 prayer requests. EMF also utilizes a "phone ministry team" that reaches out to local listeners on an ongoing basis for the purpose of thanking them for listening and supporting, plus offering prayer for special needs. These calls will often result in direct listener feedback regarding the effectiveness of EMF programming in local communities (over 168,000 calls were connected under this program in 2008). The ministries of K-LOVE and Air 1 are much more than just what is heard on the radio!

EMF also partners with other organizations to meet local, national and worldwide needs including HCJB Global, Compassion International, Teen Challenge USA, Shoes for Orphan Souls, Hope to the Hungry, Operation Christmas Child and others. Projects included the building for 109 churches in four countries, providing over 1,600,000 meals to homeless families in local communities across the United States, 80 fresh water wells were dug in Africa, and the playing a major role in "Global Food Crisis Day" to assist children living in poverty around the globe.