

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Applications of:
CITYLIGHT MINISTRY CENTER
For a Construction Permit for a New LPFM
Station at Springfield, MA
Lighthouse Christian Center
For a Construction Permit for a New LPFM
Station at Feeding Hills, MA
ASSEMBLEIA DE DEUS DE SPRINGFIELD
For a Construction Permit for a New LPFM
Station at Springfield, MA
SARAH BETH CARON MEMORIAL
SCHOOL
For a Construction Permit for a New LPFM
Station at Westfield, MA
COMMUNITY CHRISTIAN RADIO, INC.
For a Construction Permit for a New LPFM
Station at Springfield, MA
GOODWILL INDUSTRIES OF
SPRINGFIELD
For a Construction Permit for a New LPFM
Station at Springfield, MA
WESTERN NEW ENGLAND COLLEGE
For a Construction Permit for a New LPFM
Station at Springfield, MA

MEMORANDUM OPINION AND ORDER

Adopted: May 17, 2005

Released: May 27, 2005

By the Commission: Commissioners Copps and Adelstein issuing a joint statement.

I. INTRODUCTION

1. The Commission has before it the captioned, mutually exclusive applications of Citylight

Ministry Center (“Citylight”); Lighthouse Christian Center (“Lighthouse”); Assembleia de Deus de Springfield (“Assembleia”); Sarah Beth Caron Memorial School (“Sara Beth”); Community Christian Radio, Inc. (“CCR”); Goodwill Industries of Springfield (“Goodwill”); and Western New England College (“WNEC”) seeking construction permits in the Low Power FM (“LPFM”) Broadcast Service in the Springfield, Massachusetts, area.¹ In accordance with our procedures,² the Commission published notice of the applications’ tentative selectee status.³ WTL Communications, Inc. (“WTL”) filed an informal objection against CCR’s application on May 19, 2004. For the reasons set forth herein, we dismiss WTL Communications, Inc.’s informal objection as moot. No parties filed petitions to deny or informal objections in response to the other captioned applications.

II. DISCUSSION

2. WTL argues in its informal objection that: (1) CCR failed to demonstrate that it was a nonprofit legal entity, as it failed to provide its articles of incorporation or the status of its incorporation on the filing date; (2) even if the applicant is properly incorporated, it improperly claimed a comparative point for established community presence; and (3) the applicant appears to be controlled by a central organization and will not truly be serving the local community. Because CCR’s application is not part of the voluntary time-share agreement discussed herein, and will be dismissed, WTL’s informal objection is dismissed as moot.

3. Before applying the mutually exclusive selection procedure preference to determine the number of merit points to be awarded to each applicant, we first ascertain the basic eligibility of the applicants. In order to further our diversity goals and foster local, community-based service, we do not allow any broadcaster or other media entity subject to our ownership rules to control or to hold an attributable ownership interest in an LPFM station or enter broadcast-related operating agreements with an LPFM licensee. Additionally, to foster the local nature of LPFM service, we have limited eligibility to local entities during the first two years that LPFM licenses are available. Based on the complete application record, we conclude that Citylight, Lighthouse, Assembleia, Sarah Beth, CCR, Goodwill, and WNEC are qualified to hold an LPFM station license.

4. Mutually exclusive LPFM applications are subject to the comparative selection procedures set forth in Section 73.872 of the Commission’s rules.⁴ This procedure awards a maximum of three points based on three criteria deemed to be most relevant to predicting the applicant best qualified to provide the service for which LPFM spectrum has been allocated.⁵ Each applicant that certified that it has had an *established community presence of at least two years’ duration* is awarded one point. An applicant is deemed to have an established community presence if, for a period of at least two years prior to application, the *applicant* has been physically headquartered, has had a campus, or has had 75 percent of its board members residing within 10 miles of the reference coordinates of the proposed transmitting

¹ The applications of Calvary Chapel of Western Massachusetts (File No. BNPL-20010615AKE) and Pioneer Valley Planning Commission (BNPL-20010613ACO) were dismissed by Commission staff, respectively, on March 16, 2004, and September 23, 2004.

² See *Creation of a Low Power Radio Service, Report & Order*, 15 FCC Rcd 2205 (2000); *Creation of a Low Power Radio Service, Memorandum Opinion & Order on Reconsideration*, 15 FCC Rcd 19208 (2000); and *Creation of Low Power Radio Service, Second Report & Order*, 16 FCC Rcd 8026 (2001).

³ See *Public Notice, Closed Groups of Pending Low Power FM Mutually Exclusive Applications Accepted for Filing*, DA 04-679, (rel. Mar. 12, 2004).

⁴ 47 C.F.R. § 73.872.

⁵ *Id.*

antenna. Second, an applicant that has *pledged to operate at least 12 hours per day* is awarded one point. Third, an applicant that has *pledged to originate locally at least eight hours of programming per day* is awarded one point. For purposes of this criterion, local origination is defined as the production of programming within 10 miles of the reference coordinates of the proposed transmitting antenna.⁶ The tentative selectee is the applicant with the highest score.

5. Under this comparative selection process, the applicants are awarded the following points:

Established Community Presence. Each applicant is entitled to one point because it certifies that for a period of at least two years prior to the filing date of its application, it has existed as an educational institution or organization and has been physically headquartered, has had a campus, or has had 75 percent of its board members residing within 10 miles of the coordinates of the proposed transmitting antenna⁷

Proposed Operating Hours. Each applicant is entitled to one point because it pledges to operate at least 12 hours per day.⁸

Local Program Origination. Each applicant is entitled to one point because it pledges to originate at least eight hours of local programming per day.⁹

Total. Accordingly, Citylight, Lighthouse, Assembleia, Sarah Beth, CCR, Goodwill, and WNEC are entitled to three points. A time-share agreement has been submitted by Citylight and Lighthouse. Under the terms of the agreement, Citylight proposes to broadcast from 2:00 am until 4:00 am the following day, every day, local time, while Lighthouse proposes to broadcast from 4:00 am until 2:00 am the following day, every day, local time. We conclude that the acceptance of Citylight's and Lighthouse's voluntary time-share agreement, which also aggregates their points, and fully complies with the requirements of Section 73.872,¹⁰ would serve the public interest, convenience and necessity. The terms of this time-share agreement will also be made part of the authorization issued to each of these applicants. Thus, Citylight and Lighthouse are the prevailing tentative selectees in LPFM Mutually Exclusive Group No. 48.

III. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED, that the applications of Assembleia de Deus de Springfield (File No. BNPL-20010611ABQ); Sarah Beth Caron Memorial School (File No. BNPL-20010613AFT); Goodwill Industries of Springfield (File No. BNPL-20010614AJK); Western New England College (File No. BNPL-20010615AFS); and Community Christian Radio, Inc. (File No. BNPL-20010614AIB) ARE DISMISSED, and the informal objection filed by WTL Communications, Inc., against Community Christian Radio, Inc. (File No. BNPL-20010614AIB) IS HEREBY DISMISSED as moot.

⁶ *See id.*

⁷ *See* File No. BNPL-20010611ADE (“Citylight Application”) at Section III, Question 1(a); *see also* Exhibit 7; File No. BNPL-20010613AGT (“Lighthouse Application”) at Section III, Question 1(a); *see also* Exhibit 7; File No. BNPL-20010611ABQ (“Assembleia Application”) at Section III, Question 1(a); *see also* Exhibit 7; File No. BNPL-20010613AFT (“Sarah Beth Application”) at Section III, Question 1(a); *see also* Exhibit 7; File No. BNPL-20010614AIB (“CCR Application”) at Section III, Question 1(a); *see also* Exhibit 7; File No. BNPL-20010614AJK (“Goodwill Application”) at Section III, Question 1(a); *see also* Exhibit 7; and File No. BNPL-20010615AFS (“WNEC Application”) at Section III, Question 1(a); *see also* Exhibit 7.

⁸ *See* Citylight; Lighthouse; Assembleia; Sarah Beth; CCR; Goodwill; and WNEC Applications at Question 2.

⁹ *See* Citylight; Lighthouse; Assembleia; Sarah Beth; CCR; Goodwill; and WNEC Applications at Question 3.

¹⁰ *See* 47 C.F.R. § 73.872.

7. IT IS FURTHER ORDERED, that the applications of Citylight Ministry Center (File No. BNPL-20010611ADE) and Lighthouse Christian Center (File No. BNPL-20010613AGT) ARE GRANTED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

**JOINT STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN**

Re: Applications for Construction Permits for New LPFM Stations

We are pleased that the Commission is moving ahead to license additional low power FM radio stations. These community-based stations are licensed to churches, schools and other local organizations and can help in significant ways to meet the needs of under-represented communities. Low power benefits recording artists by providing more outlets for airplay, especially on a local or regional level. It provides community coverage in often strikingly-successful ways. To promote these local stations, we hope the Commission would also move forward on its recent proceeding on low power FM radio and consider opening a new filing window for the many noncommercial entities that want to offer new low power FM radio services wherever possible.