

**Request for Authority to Operate on a Noncommercial Educational Basis**

The applicant, Maumee Valley Broadcasting Association, Inc. ("Maumee Valley"), is a non-profit corporation and the licensee of WPOS-FM in Holland, Ohio.

Maumee Valley was previously approved by the Commission to hold a commercial broadcast license and has been broadcasting since 1966. However, Maumee Valley has never operated on a commercial basis. Pursuant to its Constitution and By-laws and Articles of Incorporation, Maumee Valley has since its inception operated as a non-profit corporation and offered a noncommercial radio service to its listeners. This application seeks to modify the license of WPOS-FM to specify operation on a noncommercial basis. Attached is a description of the station's educational nature and programming to support this request. For the Commission's convenience, the applicant has also attached Section II (Legal and Financial Information) and Section VI (Certification) of FCC Form 340 demonstrating Maumee Valley's qualifications as a noncommercial educational broadcast licensee.

**NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See Instructions, paragraph L for additional information regarding completion of explanatory exhibits.**

**Section II - Legal and Financial**

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.  Yes  No

2. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.

The applicant certifies that it is:

a. a nonprofit educational institution; or  Yes  No

b. a governmental entity other than a school; or  Yes  No

c. a nonprofit educational organization, other than described in a. or b.  Yes  No

3. For applicants checking "Yes" to question 2(c) and applying for a new noncommercial educational television station only, the applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served.  Yes  No  N/A

4. a. The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.  Yes \_\_\_\_\_  
FCC File Number  
 No

b. Applicants who answered "No" to Question 4(a), must include an exhibit that describes the applicant's educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503 (for radio applicants) or 47 C.F.R. Section 73.621 (for television applicants).

Exhibit No.  
1

5. The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.  Yes  No

6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es)  (a)	Citizenship  (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.  (c)	Director or Member of Governing Board  (d)		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (e)	% of: Total Assets (equity plus debt)  (f)
			Yes	No		
Donald Conkin 516 Diana Street Holland, OH 43528	US	President	Yes		8.33	0
Merrill Nofzinger 18041 Country Road Wauseon, OH 43567	US	Vice President	Yes		8.33	0
David Border 6826 Greentree Lane Maumee, OH 43537	US	Secretary	Yes		8.33	0
Clyde Jordan 7154 Tottenham Road Toledo, OH 43617	US	Board Member	Yes		8.33	0
Karey Segler 202 W. Gramercy Ave. Toledo, OH 43612	US	Board Member	Yes		8.33	0
Jim Karns 5936 Door Street Toledo, OH 43615	US	Board Member	Yes		8.33	0
Duane Ashbaucher 12865 Five Point Road Lot 130 Perrysburg, OH 43551	US	Board Member	Yes		8.33	0

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

Yes  No

See Explanation  
in Exhibit No.

(a) Name and Residence/Headquarters Address(es)	(b) Citizenship	(c) Positional Interest: Officer, director, investor/credit or attributable under the Commission's equity/debt plus standard, etc.	(d) Director or Member of Governing Board Yes / No	(e) % of: Ownership (O) or Voting Stock (VS) or Membership (M)	(f) % of: Total Assets (equity plus debt)
Lowell Yoder P.O. Box 444 Holland, OH 43528	US	Board Member	Yes	8.33	0
Michael Doyle 6630 Inglewood Holland, OH 43528	US	Board Member	Yes	8.33	0
Norman Shephard 805 Countway Holland, OH 43528	US	Board Member	Yes	8.33	0
Tom Yoder P.O. Box 818 Holland, OH 43528	US	Board Member	Yes	8.33	0
John Ross	US	Board Member	Yes	8.33	0

7. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest pursuant to the notes to 47 C.F.R. Section 73.3555.

Exhibit No.

N/A

8. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with:

Yes  No

See Explanation in Exhibit No.

- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.

9. **Adverse Findings.** Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

Yes  No

See Explanation in Exhibit No.

If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

10. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

Yes  No

See Explanation in Exhibit No.

11. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

Yes  No

12. **Local Public Notice.** Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.

Yes  No

13. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Yes  No

14. **Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.

Yes  No  N/A

**QUESTIONS 15, 16 AND 17 APPLY ONLY TO APPLICATIONS FOR NEW STATIONS. OTHER APPLICANTS CAN PROCEED TO QUESTION 18.**

15. **Financial.** The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

Yes  No

See Explanation in Exhibit No.

If "No" to 15., answer questions 16. and 17.

16. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration?  Yes  No
17. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision?  Yes  No

**NOTE:** If Yes to 16. or 17., the application cannot be granted unconditionally until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on the applicant's part is required. If the applicant relies on funds from a source specified in Question 17., **the applicant must advise the Commission when the funds are committed or appropriated.** This should be accomplished by letter amendment to the application. Applicants should take note that the Commission's construction period is not considered "tolled" by funding difficulties and that any permit granted conditionally on funding will expire if the station is not constructed for any reason, including lack of funding.

**QUESTIONS 18 AND 19 DO NOT APPLY TO APPLICATIONS FOR NEW STATIONS. APPLICANTS FOR NEW FM STATIONS CAN PROCEED TO SECTION III. APPLICANTS FOR NEW TV STATIONS CAN PROCEED TO SECTION IV.**

**Holding Period.**

18. Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).  Yes  No

If "No," answer a. and b. below. If applicant answers "No" to 18. above and cannot answer "Yes" to either a. or b. below, the application is unacceptable.

- a. Applicant certifies that the proposed modification will not downgrade service to the area on which the Section 307(b) preference was based.  Yes  No
- b. Applicant certifies that although it proposes to downgrade service to the area on which the Section 307(b) preference was based, applicant has provided full service to that area for a period of four years of on-air operations.  Yes  No

19. Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.  Yes  No

If "No," applicant must be able to answer "Yes" to a. below or provide an exhibit that makes a compelling showing that the downgrade would be in the public interest.

- a. Applicant certifies that the population and area within the proposed service contour (60 dBu (FM) or Grade B (TV)) are greater than or equivalent to those authorized.  Yes  No

Exhibit No.
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**Section III**

**Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b) (New and Major Changes to FM Radio Only)** (Other applicants can proceed to Section IV.)

1. Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour **and** (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit.  Yes  No  

Exhibit No.
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2. Applicant certifies that the proposed station will provide a second noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour **and** (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit.  Yes  No  

Exhibit No.
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**This box is for FCC use only:**

Technical Points:

0 points.

1 point. Applicant's proposal covers the largest area and population, and both area and population are 10% greater than next best proposal; or

2 points. Applicant's proposal covers the largest area and population, and both area and population are 25% greater than next best proposal.

**POINTS CLAIMED BY APPLICANT (from Questions 1-3)**

**TECHNICAL POINTS? (from Question 4)**

**TOTAL POINTS**

**Section V -- Tie Breakers -- New and Major Change Applications Only** (used to choose among competing radio and television applicants receiving the same number of points in Section IV)

1. **Existing Authorizations.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of commercial and noncommercial licenses and construction permits)

2. **Pending Applications.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of pending commercial and noncommercial applications)

**Section VI -- Certification**

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
David Border	Secretary
Signature	Date
	3/15/2005

### **Educational Objective and Programming**

Section 73.503 of the Commission's rules sets forth the eligibility standards for the operation of a noncommercial educational radio station. In Columbia Bible College Broadcasting Co., 6 FCC Rcd. 516 (1991), the Commission held that an applicant meets the eligibility standards set forth in Section 73.503 where (1) the applicant proposes an overall educational program and (2) the proposed programming furthers the applicant's educational objectives. As discussed in detail below, Maumee Valley was formed for educational (as well as religious and charitable) purposes, based on an overall educational program. Moreover, Maumee Valley's programming schedule furthers its educational objective and thus meets the eligibility standards set forth in Section 73.503. Accordingly, consistent with Columbia Bible College Broadcasting Co., the Commission should grant Maumee Valley's application to specify operation of WPOS-FM, Holland, Ohio (Facility No. 65946), on a noncommercial educational basis.

***Educational Objective.*** It is the intent of the applicant, Maumee Valley, to operate broadcast radio station WPOS-FM in a manner consistent with Section 73.503.

Maumee Valley is a non-profit corporation organized under the laws of Ohio. It has received a determination from the Internal Revenue Service that it is exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code (See attached), and is certified as a non-profit in Ohio (See attached *State of Ohio Certificate of Continued Existence of Corporation Not for Profit*) and thus is exempt from state taxes. It is also exempt from the Commission's annual regulatory fees (See attached letter from Nia Mathis to Marlene Dortch).

In addition, Maumee Valley's Articles of Incorporation (See attached) provide that the corporation is organized "to serve the local community by broadcasting items of local interest, education and edification." Furthermore the Constitution and By-laws provide that Maumee Valley "is a NOT-FOR-PROFIT organization, co-operating with the churches, community, schools and service clubs to promote a more wholesome life in the community served, through presentation of news, entertainment, instructional discussions and devotional programs." (A copy of Maumee Valley's Constitution and By-laws are attached as well).

***Educational Programming.*** The programming that Maumee Valley broadcasts on WPOS-FM is a combination of self-produced programming and educational and religious programming acquired from external educational and religious broadcasters and organizations. With respect to the programs aired on WPOS-FM, the following are brief descriptions of examples of such programs and their educational purposes:

1. "Insight for Living," hosted by Chuck Swindoll, a Bible-teaching radio ministry.
2. "Ministry, Music and More," presented by Mark Siffer, a program that shares a daily history segment with listeners and teaches them how to defend their faith.
3. "How to Manage Your Money," with Howard Dayton and Steve Moore, a program that focuses on practical advice related to money management.
4. "Thru the Bible," hosted by Dr. J. Vernon McGee, a program that takes the listener through the entire Bible in five years.
5. "Jay Sekulow Live," a call-in program with Jay Sekulow of the American Center for Law and Justice, focusing on the protection of constitutional freedoms in America, including updates on the latest court decisions and legislation that affect issues of religious liberty.

6. "Paws and Tales," a children's program, produced by Insight for Living, using an entertaining and educational format to teach biblical principles to children ages six through twelve.

Thus, Maumee Valley's radio programming presents a comprehensive daily effort to educate the public.

B423 -1541

RECEIPT AND CERTIFICATE

No 8915

THE MAUMEE VALLEY BROADCASTING ASSOCIATION

NAME

343775

NUMBER

DOMESTIC CORPORATIONS

- ✓ ARTICLES OF INCORPORATION
- AMENDMENT
- MERGER/CONSOLIDATION
- DISSOLUTION
- AGENT
- RE-INSTATEMENT
- CERTIFICATES OF CONTINUED EXISTENCE
- MISCELLANEOUS

FOREIGN CORPORATIONS

- LICENSE
- AMENDMENT
- SURRENDER OF LICENSE
- APPOINTMENT OF AGENT
- CHANGE OF ADDRESS OF AGENT
- CHANGE OF PRINCIPAL OFFICE
- RE-INSTATEMENT

FORM 7

PENALTY

MISCELLANEOUS FILINGS

- ANNEXATION/INCORPORATION—CITY OR VILLAGE
- RESERVATION OF CORPORATE NAMES
- REGISTRATION OF NAME
- REGISTRATION OF NAME RENEWALS
- REGISTRATION OF NAME—CHANGE OF REGISTRANT'S ADDRESS
- TRADE MARK
- TRADE MARK RENEWAL
- SERVICE MARK
- SERVICE MARK RENEWAL
- MARK OF OWNERSHIP
- MARK OF OWNERSHIP RENEWAL
- EQUIPMENT CONTRACT/CHattel MORTGAGE
- POWER OF ATTORNEY
- SERVICE OF PROCESS
- MISCELLANEOUS
- ASSIGNMENT—TRADE MARK, MARK OF OWNERSHIP, SERVICE MARK, REGISTRATION OF NAME

I certify that the attached document was received and filed in the office of TED W. BROWN, Secretary of State, at Columbus, Ohio, on the 23rd day of Sept. A. D. 19 65, and recorded on Roll 3423 at Frame 1541 of the RECORDS OF INCORPORATION and MISCELLANEOUS FILINGS.

*Ted W. Brown*

TED W. BROWN,  
Secretary of State

Filed by and Returned To: Theodore Markwood  
Suite 955 Spitzer Bldg.  
Toledo, Ohio 43604

FEE RECEIVED: \$ 25.00

NAME: THE MAUMEE VALLEY BROADCASTING ASSOCIATION

230-57

B423 -1542  
343775

APPROVED  
By \_\_\_\_\_  
Date 9/26/65  
Am. Stat. 2500  
23257

ARTICLES OF INCORPORATION

OF

THE MAUMEE VALLEY BROADCASTING ASSOCIATION

The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation not for profit, under the General Corporation Act of Ohio, do hereby certify:

FIRST. The name of said corporation shall be The Maumee Valley Broadcasting Association.

SECOND. The place in Ohio where its principal office is to be located is Springfield Township, Lucas County, Ohio.

THIRD. The purposes for which said corporation is formed are:

(1) To own and operate Standard Broadcast, FM Broadcast and/or Television Broadcast station or stations and the required physical property and equipment to effectuate such operation; to apply for and hold such licenses and/or permits as may be required by state and local authorities in connection with such stations.

(2) To exalt The Lord Jesus Christ and to extend Him as Saviour and Lord.

(3) To maintain facilities for the worship of God and for the teaching and preaching of the Gospel that the lost might be saved and the saints edified.

(4) To serve the local community by broadcasting items of local interest, education and edification.

(5) To receive, hold, and disburse gifts, bequests and funds arising from this corporation and other sources; to own and maintain suitable property, real, personal and mixed; and to do any and all things necessary or incidental thereto.

(6) The assets of this corporation are dedicated for charitable purposes and therefore upon dissolution any remaining assets must be distributed for charitable purposes and for the general purposes for which this corporation was organized.

FOURTH. The following persons shall serve said corporation as trustees until the first annual meeting or other meeting called to elect

trustees: Jesse J. Fleck 3005 Northwood, Toledo, Ohio  
Lowell Yoder 1500 Holloway Road, Holland, Ohio  
Duane O. Ashbaucher 4215 Overland Pkwy, Toledo, Ohio

TM:mp 9/10/65 1&4

**B423 -1543**

IN WITNESS WHEREOF, we have hereunto subscribed our names  
this *21st* day of *September*, 1965.

*Jesse J. Fleck*  
\_\_\_\_\_  
Jesse J. Fleck

*Lowell Yoder*  
\_\_\_\_\_  
Lowell Yoder

*Duane O. Ashbaucher*  
\_\_\_\_\_  
Duane O. Ashbaucher

B423 -1544

APPOINTMENT OF AGENT

KNOW ALL MEN BY THESE PRESENTS, that Jesse J. Fleck,  
Lucas County,  
3005 Northwood, Toledo, Ohio, a natural person and resident of said County,  
being the County in which the principal office of The Maumee Valley Broad-  
casting Association is located is hereby appointed the person on whom process,  
tax notices and demands against said The Maumee Valley Broadcasting  
Association may be served.

THE MAUMEE VALLEY  
BROADCASTING ASSOCIATION

By Jesse J. Fleck  
Jesse J. Fleck

Lowell Yoder  
Lowell Yoder

Duane O. Ashbacher  
Duane O. Ashbacher

THE MAUMEE VALLEY BROADCASTING  
ASSOCIATION  
Holland, Ohio

Gentlemen:

I hereby accept the appointment as the representative of your  
corporation upon whom process, tax notices or demands may be served.

Jesse J. Fleck  
Jesse J. Fleck

B493 1905  
RECEIPT AND CERTIFICATE N° 18207

THE MAUMEE VALLEY BROADCASTING ASSOCIATION

NAME

343775

NUMBER

DOMESTIC CORPORATIONS

ARTICLES OF INCORPORATION  
✓ AMENDMENT  
MERGER/CONSOLIDATION  
DISSOLUTION  
AGENT  
RE-INSTATEMENT  
CERTIFICATES OF CONTINUED  
EXISTENCE  
MISCELLANEOUS

FOREIGN CORPORATIONS

LICENSE  
AMENDMENT  
SURRENDER OF LICENSE  
APPOINTMENT OF AGENT  
CHANGE OF ADDRESS OF AGENT  
CHANGE OF PRINCIPAL OFFICE  
RE-INSTATEMENT  
FORM 7  
PENALTY

MISCELLANEOUS FILINGS

ANNEXATION/INCORPORATION—CITY  
OR VILLAGE  
RESERVATION OF CORPORATE NAMES  
REGISTRATION OF NAME  
REGISTRATION OF NAME RENEWALS  
REGISTRATION OF NAME—CHANGE  
OF REGISTRANTS ADDRESS  
TRADE MARK  
TRADE MARK RENEWAL  
SERVICE MARK  
SERVICE MARK RENEWAL  
MARK OF OWNERSHIP  
MARK OF OWNERSHIP RENEWAL  
EQUIPMENT CONTRACT, CHATTEL  
MORTGAGE  
POWER OF ATTORNEY  
SERVICE OF PROCESS  
MISCELLANEOUS  
ASSIGNMENT—TRADE MARK, MARK  
OF OWNERSHIP, SERVICE MARK,  
REGISTRATION OF NAME

I certify that the attached document was received and filed in the office of TED W. BROWN, Secretary of State, at Columbus, Ohio, on the 13th day of April, A. D. 1967 and recorded on Roll B493 at Frame 1905 of the RECORDS OF INCORPORATION and MISCELLANEOUS FILINGS.

  
TED W. BROWN,  
Secretary of State

Filed by and Returned To: Theodore Markwood

Suite 955 Spitzer Building

Toledo, Ohio 43604

FEE RECEIVED: \$ 25.00

NAME: THE MAUMEE VALLEY BROADCASTING ASSOCIATION

38-126

**B493 1906**

CERTIFICATE OF AMENDMENT  
TO ARTICLES OF  
THE MAUMEE VALLEY BROADCASTING ASSOCIATION

3437  
APPROVE  
By: [Signature]  
Date: 2-14-67  
Amount: 75.01  
38-126

Jesse J. Fleck, President and Duane O. Ashbaucher, Ass't. Sec. of The

Maumee Valley Broadcasting Association, an Ohio corporation, organized not for profit, do hereby certify that at a meeting of the members of said corporation duly called and held on the 7th day of February, 1967 at 8:30 o'clock p.m., at which meeting a quorum of such members were present, and that by the affirmative vote of all of the members present thereat, the following resolution of amendment was adopted:

It was regularly moved, seconded and adopted that the articles of incorporation of The Maumee Valley Broadcasting Association be amended by striking therefrom the former article "Third" thereof and substituting in its place as if originally written therein the following article "Third":

THIRD: The purposes for which said corporation is formed are:

- (1) To organize, exist and operate exclusively for religious, charitable, and educational purposes.
- (2) To exalt The Lord Jesus Christ and to extend Him as Saviour and Lord.
- (3) To maintain facilities for the worship of God and for the teaching and preaching of the Gospel that the lost might be saved and the saints edified.
- (4) To receive, hold, and disburse gifts, bequests and funds arising from this corporation and other sources; to own and maintain suitable property, real, personal and mixed; and to do any and all things necessary or incidental thereto, but net earnings shall be expended solely and exclusively for religious, charitable and educational purposes.
- (5) To own and operate Standard Broadcast, FM Broadcast and/or Television Broadcast station or stations and the required physical property and equipment to effectuate such operation; to apply for and hold such licenses and/or permits as may be required by state and local authorities in connection with such stations, but net earnings shall be expended solely and exclusively for religious, charitable and educational purposes.

- (6) To serve the local community by broadcasting items of local interest, education and edification, having local, religious, charitable and educational significance.
- (7) The assets of this corporation are dedicated for charitable purposes and therefore upon dissolution any remaining assets must be distributed for charitable purposes and for the general purposes for which this corporation was organized.

In Witness Whereof, said Jesse J. Fick, President, and Duane O. Asmunder, Assistant Secretary of The Maumee Valley Broadcasting Association acting for and on behalf of said corporation, have hereunto subscribed their names this 14 day of June, 1970.

By Jesse J. Fick  
 Jesse J. Fick, President

By Duane O. Asmunder  
 Duane O. Asmunder,  
 Assistant Secretary

Corporation has no seal.



Prescribed by **J. Kenneth Blackwell**

Please obtain fee amount and mailing instructions from the **Filing Reference Guide** ( using the 3 digit form # located at the bottom of this form). To obtain the Filing Reference Guide or for assistance, please call Customer Service:

Central Ohio: (614)-466-3910 Toll Free: 1-877-SOS-FILE (1-877-767-3453)

Expedite is an additional fee of \$100.00  
 Expedite

## STATEMENT OF CONTINUED EXISTENCE OF CORPORATION NOT FOR PROFIT

The undersigned, a trustee, officer, or three members in good standing of the corporation named below, hereby verifies/verify that the corporation is still actively engaged in exercising its corporate privileges, and that:

1. The exact corporate name is: **MAUMEE VALLEY BROADCASTING ASSOCIATION**

Charter Number 343775

2. The city, village or township AND county in which its principal office is located are:  
SPRINGFIELD TOWNSHIP

(city, township, or village) (county)

3. The date of its incorporation was: SEPTEMBER 23 1965

4. a. The name of the current statutory agent is: LOWELL YODER

b. The complete address of the agent is:

6134 ESTATELAND ST.

(street name and number)

MAUMEE

(city, village or township)

, Ohio

43526

(zip code)

(P.O. BOX ADDRESSES ARE NOT ACCEPTABLE.)

**THIS DOCUMENT IS SIGNED BY A TRUSTEE, CORPORATE OFFICER,  
OR THREE MEMBERS IN GOOD STANDING.**

Signed

**SECRETARY**

Name:

RAY TURKINGTON

NOTE: If a new agent has been appointed on line 4a above, the agent whose name appears on line 4a must acknowledge his or her acceptance of such appointment below.

### ACCEPTANCE OF APPOINTMENT

The undersigned, \_\_\_\_\_, named herein as the statutory agent for the corporation named in line 1 of this statement, hereby acknowledges and accepts the appointment of statutory agent.

\_\_\_\_\_  
Signature of Statutory Agent



DATE:	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
08/24/2001	200123501622	CERTIFICATE OF CONTINUED EXISTENCE (CCE)	25.00	.00	.00	.00	.00

**Receipt**

This is not a bill. Please do not remit payment.

MAUMEE VALLEY BROADCASTING ASSOCIATION, INC.  
P O BOX 457  
7112 ANGOLA RD  
HOLLAND, OH 43528

# STATE OF OHIO

**Ohio Secretary of State, J. Kenneth Blackwell**

343775

It is hereby certified that the Secretary of State of Ohio has custody of the business records for  
**THE MAUMEE VALLEY BROADCASTING ASSOCIATION**  
and, that said business records show the filing and recording of:

Document(s)  
**CERTIFICATE OF CONTINUED EXISTENCE**

Document No(s):  
**200123501622**



United States of America  
State of Ohio  
Office of the Secretary of State

Witness my hand and the seal of  
the Secretary of State at Columbus,  
Ohio this 22nd day of August, A.D.  
2001.

*J. Kenneth Blackwell*  
Ohio Secretary of State

Stamp & Return



Wiley Rein & Fielding LLP

RECEIVED

February 9, 2004

FEB - 9 2004

Nia C. Mathis  
202.719.3231  
nmathis@wrf.com

1776 K STREET NW  
WASHINGTON, DC 20006  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

Virginia Office  
7925 JONES BRANCH DRIVE  
SUITE 6200  
MCLEAN, VA 22102  
PHONE 703.905.2800  
FAX 703.905.2820

Marlene Dortch, Secretary  
Federal Communications Commission  
236 Massachusetts Ave, NE  
Suite 110  
Washington, DC 20002

www.wrf.com

**Re: Regulatory Fee Exempt Status Certification  
Maumee Valley Broadcasting Assn.  
WPOS-FM, Holland, OH (Facility ID# 65946)**

Dear Ms. Dortch:

On behalf of Maumee Valley Broadcasting Association ("Maumee Valley"), the licensee of WPOS-FM, Holland, OH (Facility ID# 65946), and pursuant to 47 CFR §1.1162(c), we submit documentation of Maumee Valley's non-profit status as certified by the state of Ohio. (See attached *State of Ohio Certificate of Continued Existence of Corporation Not For Profit.*) As such, Maumee Valley is exempt from the payment of annual regulatory fees.

If there are any questions concerning this matter, please contact the undersigned.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Nia C. Mathis".

Nia C. Mathis

**Internal Revenue Service****Date:** March 11, 2004Maumee Valley Broadcasting Association  
7112 Angola Rd.  
Holland, OH 43528**Department of the Treasury**  
**P. O. Box 2508**  
**Cincinnati, OH 45201****Person to Contact:**John Kennedy ID 31-07927  
Customer Service Representative**Toll Free Telephone Number:**8:00 a.m. to 6:30 p.m. EST  
877-829-5500**Fax Number:**

513-263-3756

**Federal Identification Number:**

34-1002046

Dear Sir or Madam:

This is in response to your request of March 11, 2004, regarding your organization's tax-exempt status.

In October 1967 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(2).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

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Maumee Valley Broadcasting Association  
34-1002046

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

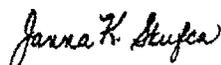
Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

This letter affirms your organization's exempt status.

Sincerely,



Janna K. Skufca, Acting Director, TE/GE  
Customer Account Services

ADOPTED SEPTEMBER 13, 1965

ADOPTED SEPTEMBER 13, 1965

CONSTITUTION AND BY-LAWS

ARTICLE I - NAME

The name of this incorporation shall be "Maumee Valley Broadcasting Association.

ARTICLE II - PURPOSE

To own and operate Standard Broadcast, FM Broadcast/or Television Broadcast station or stations and the required physical property and equipment effectuate such operation; To apply for and hold such licenses and/or permits as may be required, by Federal, State, and Local authorities in connection with such stations.

ARTICLE III - PROGRAMMING

All programming shall be of positive constructive emphasis, in keeping with the aim of community enrichment and Christian service.

ARTICLE IV - STATEMENT OF FAITH

1. We believe in the scriptures of the old and new testament as being the inspired word of God, and inerrant in the original writing, and that they are supreme and final authority in faith and life.

2. We believe in God, eternally existing in three persons, Father, Son, and Holy Spirit.

3. We believe that Jesus Christ was begotten by the Holy Spirit, and born of a virgin, (Mary) and is true God, and true man.

4. We believe that man was created in the image of God, that he sinned, and thereby incurred not only physical suffering, pain and premature physical death, But also Spiritual death, which is separation from God, and that all human beings are born with a sinful nature, and in the case of those who reach moral responsibility become sinners, in thought, in word, and in deed.

5. We believe that the Lord Jesus Christ died for our sins, (in our room and stead) as a representative and substitutionary sacrifice, and that all who receive Him are justified on the merits of his broken body and shed blood.

6. We believe in the resurrection of the crucified body of the Lord Jesus Christ, In His ascension into Heaven, And in His ~~present~~ present life there for us as High Priest and Advocate.

7. We believe in the blessed hope, The personal Pre-Millennial and imminent return of our Lord and Saviour Jesus Christ.

8. We believe that all who receive by faith the Lord Jesus Christ are born again of the Holy Spirit, and thereby become children of God.

9. We believe in the bodily resurrection of the just and the unjust, The everlasting blessedness of the saved, and the everlasting conscious punishment of the lost.

#### ARTICLE V - MEMBERS

The members of this association shall be designated TRUSTEES, the charter members, which shall not exceed six, may be appointed to the Board by the incorporators, and shall hold their position as trustees during their natural life, unless sooner removed from membership and office by a two third vote of the total board of trustees as hereinafter provided.

In conjunction with the permanent board, a rotating board of not more than seven (7) members shall be nominated by the Maumoo Valley Broadcasting Fellowship and placed on the Board by a two third majority of the total board of trustees according to article VII of these by-laws, rotating members shall hold office as trustees not to exceed three years at any one appointment.

#### ARTICLE VI - GOVERNMENT

The management and control of this Association shall be vested in it's Trustees, And all acts by two thirds of it's majority become the governing rules and policy of the Association, On the day of the adoption of these by-laws, the number of Trustees was three (3) consisting of the following persons.

Duane Ashbaucher, 4215 Overland Pkwy Toledo, O.  
J. J. Fleck, 3005 Northwood Ave., Toledo, O.  
Lowell Yoder, 1500 Holloway Rd., Holland, O.

~~AMENDED MARCH 5, 1974~~ COPY ATTACHED AMENDED NOV. 22, 1975 COPY ATTACHE  
ARTICLE VII - VACANCIES

The Board of Trustees shall be self-perpetuating, and may fill all vacancies which may occur. Trustees must subscribe to the statement of faith in article IV of these by-laws, and the programming principle of article III, They must be placed in nomination at any regular or special meeting of the board of trustees and elected to it's membership by a two third vote of the total board.

#### ARTICLE VIII - COMPENSATION

The Maumoo Valley Broadcasting Association is a NOT-FOR-PROFIT organization, co-operating with the churches, community, schools and service clubs to promote a more wholesome life in the community served, through presentation of news, entertainment, instructional discussions and devotional programs, consistent with the stated purpose in article III, and the position taken in article IV of this constitution. No Trustee or officer of this Association shall receive any salary or compensation for his service as such. However, the board may recompense an officer, or a trustee for special assigned duties or reimburse expenditures made in behalf of the Association.

ARTICLE IX - DISMISSAL

Any trustee, or officer of this association may be removed and expelled by a two third vote of the trustees for the following, Imoral conduct, or for failure to cooperate with the program of the association, or for actions contrary to the principles of the association.

ARTICLE X - POWERS

The board of trustees shall have care , custody and control of the seal and the personal property of the association, and may erect buildings or improve, sell and convey any real or personal estate of the association, and enter into all lawful contracts in the name and in behalf of the association, provided that no mortgage, encumbrance sale or conveyance shall be made of any such estate as to defeat or destroy the effect of any gift, grant devices and bequests which shall be appropriated and used as directed or intended by the person or persons making the same.

ARTICLE XI - PROPERTY

The entire property of the association shall be exclusively for the purpose of broadcasting as set forth herein, and such charitable purposes as the board of trustees may pass upon. The board shall have no power to make dividends, or distribute profits, or assets among the members.

ARTICLE XII - CHANGE IN BY-LAWS

These by-laws may be revised, or enlarged by a two third vote of the entire board.

ARTICLE XIII - OFFICERS

The officers of the association shall consist of a President, a Vice President, secretary and treasurer, and hold office for one year, or until their successors have been duly elected and qualified, one member may hold any two offices.

ADDITION TO ARTICLE XIII APPROVED JANUARY 28 1967

COPY OF MINUTES ATTACHED

ARTICLE XIV- GIFTS TAX DEDUCTIBLE

ADOPTED DECEMBER 13, 1965

COPY OF MINUTES ATTACHED