

**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 ☒ No \_\_\_\_\_  
FCC File Number
- 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.  
4(b)
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		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (e)	% of: of Total Assets (equity plus debt)  (f)
			Yes	No		
			(d)			
See FCC Form 314 application, <i>Attached hereto.</i>						

- 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.

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 111. 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

1. Applicant certifies that it provides a first aural (reception) service. Applicants answering "Yes" must provide an Exhibit. ☐ Yes ☐ No  

Exhibit No.
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2. Applicant certifies that (1) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (2) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (3) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (4) the proposed facility would be the first local tribal-owned noncommercial educational transmission service at the proposed community of license. Applicants answering "Yes" must provide an Exhibit. ☐ Yes ☐ No  

Exhibit No.
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**NEW MEXICO JUNIOR COLLEGE FOUNDATION**  
**EDUCATIONAL OBJECTIVES AND PROGRAM**

The New Mexico Junior College Foundation ("NMJCF"), a non-profit, 501(c)(3) corporation, was formed in 1969 to promote and encourage academic, technical, and vocational programs at New Mexico Junior College ("NMJC" or the "College"). The College is authorized by the State of New Mexico to confer Associate of Arts (AA), Associate of Science (AS), and Associate of Applied Science (AAS) degrees, and also offers occupational certificate programs that prepare students directly for employment or self-employment upon completion of the program.

This exhibit explains how NMJCF will use KPER(FM) (the "Station") to advance an educational program in furtherance of NMJCF's educational objectives. NMJCF's governing documents permit it to advance such an educational program and contain no provision that would restrict it from doing so, or from complying with any Commission rule or policy or any provision of the Communications Act of 1934, as amended.

**Educational Objectives and Program**

It is NMJCF's intent to use the Station to advance NMJCF's educational objectives and to provide noncommercial educational programming to Eunice, New Mexico and surrounding areas.

On-campus and local area interests will be served with a variety of programs that focus on the College and surrounding communities. NMJC is a residential campus that will benefit from public service programming geared toward events and activities at the College. NMJCF intends to advance the Station's community educational outreach activities through programming that will include conversations with local community and College leaders.

The station will also provide a forum for the College and other surrounding area schools for the promotion of scholastic endeavors, sports, and other extra-curricular activities. Students will be able to gain valuable, on-the-job training through internship and volunteer opportunities. The Station will serve as an integral teaching tool for the College's newly implemented Entertainment Technology degree.

In sum, NMJCF plans to advance local noncommercial educational service by creating local and College-based educational and cultural programming and by developing complementary outreach initiatives such as partnerships with local educational and cultural institutions.

## Parties to the Application

### As Reported on FCC 314 Assignment Application

#### 4a. Parties to the Application

List the assignee, and, if other than a natural person, its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the assignee, list separately its officers, directors, stockholders with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity.

(1) Name and address of the assignee and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the assignee first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.

(2) Citizenship.

(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's **equity/debt plus** standard., etc.

(4) Percentage of votes.

(5) Percentage of total assets(debt plus equity).

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
NEW MEXICO JUNIOR COLLEGE FOUNDATION, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	PROPOSED ASSIGNEE	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
SCOTT K. SMITH, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	PRESIDENT	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
JOHN GRAHAM, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	VICE PRESIDENT	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)

				plus equity)
DAN HARDIN, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	TREASURER	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
TINA KUNCO, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	SECRETARY	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
ANITA BRAUN, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
PATRICIA A. CHAPPELLE, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
JOSHUA GRASSHAM, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
LISA HARDISON, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
RANDY HOLLADAY, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
DANIEL JOHNCOX, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt
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				plus equity)
JOHN MANSEAU, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
STEVE MCCLEERY, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
TJ PARKS, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
DAVID A. PYEATT, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
MICHAEL RABURN, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
BETTY RICKMAN, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
GRANT TAYLOR, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets(debt plus equity)
DAVID WHITTEN, 5317 LOVINGTON HIGHWAY, HOBBS, NM 88240	US	MEMBER, BOARD OF DIRECTORS	0	0

or [Exhibit 14]

b. Assignee certifies that equity interests not set forth above are non-attributable.

☒ Yes ☐ No