

## Exhibit 31

Northwestern College ("NWC") is the proposed Assignee of the licenses of Stations KJJC(FM), Osceola, Iowa and KLRX(FM), Madrid, Iowa, in a Form 314 license assignment application granted by the Commission on November 3, 2003 (File Nos. BALH-20030922ABJ/ABK).

NWC is a Minnesota non-profit corporation exempt from the payment of Federal income tax under the provisions of Section 501(c)(3) of the Internal Revenue Code. It is the licensee of noncommercial educational FM Stations WSMR, Sarasota, Florida and KDNI and KDNW, Duluth, Minnesota. In addition, NWC is the licensee of Stations KTIS-FM, Minneapolis, Minnesota, WNWC-FM, Madison, Wisconsin, KNWC-FM, Sioux Falls, South Dakota, KFNV-FM, Fargo, North Dakota and KNWS-FM, Waterloo, Iowa, each of which is licensed to operate on a noncommercial basis.

The Form 302-FM application is being filed pursuant to Section 73.1690(c)(9) to change the license status of Station KJJC(FM) from commercial to noncommercial, contingent upon FCC action granting the license assignment application and consummation of the transaction. NWC is submitting herewith Section II of Form 340 to establish its qualifications as a noncommercial educational station licensee.

NWC further requests a waiver of Section 73.1125 of the Commission's rules ("Main Studio Rule") to permit the colocation of the main studio of KJJC at the new main studio of NWC's proposed co-owned station, KLRX, in West Des Moines, Iowa.<sup>1/</sup> The new studio location in West Des Moines is approximately 30 km from the allowable contour of KJJC(FM).

NWC proposes to operate KJJC(FM) as a "satellite" station of KLRX. Both stations will be added to the network of noncommercial radio broadcast stations operated by NWC. Each network station broadcasts the noncommercial educational programming carried on the network.

By having KJJC's main studio located at KLRX's main studio in West Des Moines, NWC will be able to reduce its operating costs and maintain its noncommercial educational programming. KJJC will be a listener-supported station. Maintaining separate staff for both KJJC(FM) and KLRX(FM) will be a financial burden on NWC.

To ensure that KJJC(FM) fulfills its local service obligations to the residents of Osceola, NWC will maintain an auxiliary studio within the station's community of license. Such an auxiliary studio will be capable of originating local programming that is responsive to local community needs. NWC will conduct regular ascertainment surveys of local community leaders and other residents to determine the concerns, problems and needs of Osceola listeners, which will be

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<sup>1/</sup> The new main studio site of KLRX(FM) in West Des Moines is located within 25 miles of the center of Madrid, Iowa., KLRX's city of license.

covered in NWC's news and public affairs programming. NWC's local representative will further serve as a liaison between the residents of Osceola and NWC's programming personnel. Finally, NWC will maintain a toll-free telephone number, as required by Section 73.1125(d) of the rules, and maintain a public inspection file in Osceola, as required by Section 73.3527 of the Commission rules.

Under Section 73.1125 of the Commission's rules, a broadcast station must maintain its main studio (a) within the station's community of license; (b) at a location within the principal community contour of any AM, FM, or TV broadcast station licensed to the station's community of license; or (c) within 25 miles from the reference coordinates of the center of the station's community of license, except when "good cause" exists for locating the main studio at an alternate location. The Commission traditionally considers waiver requests by noncommercial educational stations on a case-by-case basis. See Main Studio and Program Origination Rules, 3 FCC Red 5024 (1988); see also Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations, 13 FCC Red 15691, n. 18 (1998). Approval of waiver requests have been based upon a showing that centralized operations will provide an economic benefit to noncommercial stations which have limited funding, provided that local service obligations are met. See Letter to Jeffrey D. Southmayd (Re: WVML(FM), Millersburg, OH), dated December 10, 2002; Letter to Roy R. Russo, dated January 24, 1994; Letter to Richard J. Bodorff, dated January 1, 1992; The President and Board of Trustees of the Miami University, 7 FCC Red 2902 (1992); The Cedarville College, 6 FCC Red 538 (1991); Letter to Gerald Stevens-Kittner, Esq., dated July 15, 1991; Sound of Life, Inc., 4 FCC Red 8273 (1989); Lift Him Up Outreach Ministries, Inc., 3 FCC Red 5571 (1988); Georgia State Board of Education, 70 F.C.C.2d 948 (1979), recon. Denied, 71 F.C.C.2d 227 (1979); Nebraska Educational Television Comm'n, 4 R.R.2d 771 (1965).

NWC respectfully submits that its request presents substantially the same showing of good cause and public interest benefits as each of these waivers noted above. In each case, the Commission staff determined that the waivers were justified on the basis of the limited funding available to the stations and the increased efficiencies resulting from co-location of studios. Like these other waiver applicants, NWC will experience financial difficulties in maintaining separate staffing and separate facilities for its "parent" and "satellite" stations. NWC will also be fully capable of fulfilling its local service obligations in the same manner as each of these other stations.

NWC requests that the Commission find pursuant to Section 73.1125(b)(2) of the Commission's rules that the public interest will be served by the consolidation of KJJC(FM)'s main studio with KLRX's main studio, and authorize NWC to locate KJJC's main studio outside of the city grade community contour of the station and more than 25 miles from the reference coordinates of the center of Osceola.

**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 BMLED-20030304AAJ  
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.

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: Total Assets (equity plus debt) (f)
			Yes	No		
(d)						
See Exhibit A						

- 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.  
B

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  
N/A

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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Exhibit A

Northwestern College is a not-for-profit, non-stock Minnesota corporation. Following are the officers and trustees of Northwestern College.

<u>Name and Residence</u>	<u>Citizenship</u>	
Mr. Cary H. Humphries 4512 Moorland Avenue Edina, MN 55424	U.S.	Trustee/Officer Chair of the Board
Dr. Raymond P. Smyth 12489 Anchor Point Road Crosslake, MN 56442	U.S.	Trustee/Officer Vice Chair of the Board
Mr. Craig Howse 19276 Twin Lakes Road Elk River, MN 55330	U.S.	Trustee/Officer Secretary of the Board
Dr. Alan S. Cureton 2514 Tournament Players Circle S. Blaine, MN 554496	U.S.	Trustee/Officer President of the College
Douglas Schroeder 5230 Vicksburg Lane Minneapolis, MN 22113	U.S.	Officer VP for Business/CFO
Alice E. Balzer 1635 Holly Place Siloam Springs, AR 72761	U.S.	Trustee
Mr. Y. Marc Belton 4101 Linden Hills Blvd. Minneapolis, MN 55410	U.S.	Trustee
Mr. Lloyd L. Brandt 245 Wildflower Court Vadnais Heights, MN 55127	U.S.	Trustee
Dr. Wesley H. Burnham 7130 Willow Creek Road Eden Prairie, MN 55344	U.S.	Trustee
Mr. L. John Buyse 1133 Fremont Street Anoka, MN 55303	U.S.	Trustee
Rev. Galen Call 2760 Pitkin Court San Jose, CA 95125	U.S.	Trustee

Mr. Daniel P. Dye 18630 Magenta Bay Eden Prairie, MN 55347	U.S.	Trustee
Mr. Ron Halverson 3494 Tiffany Lane St. Paul, MN 55126	U.S.	Trustee
Mr. David Kelby 8716 Wedgemere Drive Victoria, MN 55386	U.S.	Trustee
Mr. Lauren Libby 6166 Del Paz Drive Colorado Springs, CO 80918	U.S.	Trustee
Mrs. Linda Linder 5108 Scriver Road Edina, MN 55436	U.S.	Trustee
B. A. Blue Olson 18787 Hobby Hills Circle Prior Lake, MN 55372-9704	U.S.	Trustee
Dr. Robert L. Pickering 5726 North Central Avenue Phoenix, AZ 85012	U.S.	Trustee
Dr. Sara Robertson 1070 Dartmouth Drive Wheaton, IL 60187	U.S.	Trustee
Grover Sayre 52 Bridgewater Drive Vadnais Heights, MN 55127	U.S.	Trustee
Mr. B. Gary Schaffer 6124 Scotia Drive Edina, MN 55439	U.S.	Trustee
Frank E. Vennes, Jr. PO Box 97 Excelsior, MN 55331	U.S.	Trustee

**EXHIBIT B**  
**OTHER AUTHORIZATIONS**

<u>Call Letters</u>	<u>Location</u>	<u>Facility ID</u>
KTIS	Minneapolis, MN	49770
KTIS FM	Minneapolis, MN	49787
Translator K232BC	Mankato, MN	49787
Translator K299AL	Albert Lea, MN	49787
KNWS	Waterloo, IA	49784
KNWS FM	Waterloo, IA	49786
Translator K290AJ	Ames, IA	49786
KFNW	Fargo, ND	49792
KFNW FM	Fargo, ND	49772
Translator K240AR	Devils Lake, ND	49772
Translator K272CW	Kulm, ND	49772
Translator K240CJ	Oakes, ND	49772
KNWC	Sioux Falls, SD	49772
KNWC FM	Sioux Falls, SD	49776
WNWC	Madison, WI	17381
WNWC FM	Madison, WI	49781
KDNW FM	Duluth, MN	49797
Translator K288BF	Grand Marais, MN	49797
Translator W230AN	Hayward, WI	49797
Translator K205AX	Hibbing, MN	49797
Translator K218AR	Washburn, WI	49797
Translator W208AL	Ironwood, MI	49797
KDNI FM	Duluth, MN	49768
WSMR FM	Sarasota, FL	64255