

Applicant NCE Eligibility

The Applicant, Lubbock Public Media, ("LPM") certifies the following:

1. LPM is a nonprofit educational organization, other than a nonprofit educational institution or governmental entity.
2. LPM's 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 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.
3. Exhibit A, attached hereto, LPM's Certificate of Formation as filed in the Office of the Secretary of State of Texas on 6/22/2023, details the applicant's educational objectives, including but not limited to: "to provide educational and musical opportunities to audiences in Lubbock and the South Plains on air and online; to promote education, live music, the performing and visual arts and arts continuing education in Lubbock and the South Plains; and to promote Lubbock and South Plains education, arts, and artists worldwide." The station's mission will clearly further educational objectives in accordance with 47 C.F.R. § 73.503.
4. Sufficient net liquid assets are on hand or sufficient funds are available from committed sources to operate the requested facilities for three months without revenue.
5. This application is not contingent upon receipt of a grant from a charitable organization, approval of a school or university budget, or an appropriation from a state, county, municipality, or other political unit or subdivision.

EXHIBIT A

Form 202

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: \$25

**Certificate of Formation
Nonprofit Corporation**

Filed in the Office of the
Secretary of State of Texas
Filing #: 805112971 06/22/2023
Document #: 1259823020002
Image Generated Electronically
for Web Filing

Article 1 - Corporate Name

The filing entity formed is a nonprofit corporation. The name of the entity is :

Lubbock Public Media

Article 2 – Registered Agent and Registered Office

☐ A. The initial registered agent is an organization (cannot be corporation named above) by the name of:

OR

☒ B. The initial registered agent is an individual resident of the state whose name is set forth below:

Name:

Brad Moran

C. The business address of the registered agent and the registered office address is:

Street Address:

620 Avenue O Lubbock TX 79401

Consent of Registered Agent

☐ A. A copy of the consent of registered agent is attached.

OR

☒ B. The consent of the registered agent is maintained by the entity.

Article 3 - Management

☐ A. Management of the affairs of the corporation is to be vested solely in the members of the corporation.

OR

☒ B. Management of the affairs of the corporation is to be vested in its board of directors. The number of directors, which must be a minimum of three, that constitutes the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting or until their successors are elected and qualified are set forth below.

Director 1: **Brad Moran**

Title: **Director**

Address: **620 Avenue O Lubbock TX, USA 79401**

Director 2: **Ella Moran**

Title: **Director**

Address: **620 Avenue O Lubbock TX, USA 79401**

Director 3: **Ava Moran**

Title: **Director**

Address: **620 Avenue O Lubbock TX, USA 79401**

Director 4: **Carla Moran**

Title: **Director**

Address: **620 Avenue O Lubbock TX, USA 79401**

Article 4 - Organization Structure

☐ A. The corporation will have members.

or

☒ B. The corporation will not have members.

Article 5 - Purpose

The corporation is organized for the following purpose or purposes:

The Corporation is a nonprofit corporation organized and shall be operated

exclusively for charitable, religious, scientific and/or educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; including, but not limited to, to provide educational and musical opportunities to audiences in Lubbock and the South Plains on air and online; to promote education, live music, the performing and visual arts, and arts continuing education in Lubbock and the South Plains; and to promote Lubbock and South Plains education, arts and artists worldwide.

Supplemental Provisions / Information

See addendum.

[The attached addendum, if any, is incorporated herein by reference.]

Addendum to Form 202.pdf

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

Initial Mailing Address

Address to be used by the Comptroller of Public Accounts for purposes of sending tax information.

The initial mailing address of the filing entity is:

**620 Avenue O
Lubbock, TX 79401
USA**

Organizer

The name and address of the organizer are set forth below.

Brad Moran **620 Avenue O, Lubbock, TX 79401**

Execution

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Brad Moran

Signature of organizer.

FILING OFFICE COPY

**Addendum to Form 202 – Certificate of Formation – Nonprofit Corporation
of
Lubbock Public Media**

The Corporation is a nonprofit corporation organized and shall be operated exclusively for charitable, religious, scientific and/or educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, including but not limited to the making of grants to other organizations which are organized and operated exclusively for one or more of such purposes. The assets and properties of the Corporation are hereby pledged for use in performing its charitable, religious, scientific and/or educational purposes.

This Corporation is organized to promote, encourage, and foster such charitable, religious or educational activities; to accept, hold, invest, and reinvest and administer any gifts, legacies, bequests, devises, funds and property of any sort of nature, and to sue, expend, or donate the income or principal thereof for, and to devote the same to, the foregoing purposes of the Corporation; and to do any and all lawful acts and things which may be necessary, useful, suitable, or proper for the furtherance of accomplishment of the purposes of this Corporation. Provided however, no act may be performed which would violate Section 501(c)(3) of the Internal Revenue Code of 1986, as it now exists or as it may hereafter be amended.

No part of the net earnings of the Corporation shall inure to the benefit of or be distributable to its incorporator, or any private individual provided, however, the Corporation shall be authorized and empowered to make reasonable payments and distributions (including reasonable compensation for services rendered to or for the Corporation) in furtherance of its purposes as set forth in these Articles.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate or intervene in (including the publication or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.

Notwithstanding any other provisions of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on by (i) a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Code, as amended, or corresponding provisions of any subsequent federal tax law, or (ii) a corporation, contributions to which are deductible under Section 170(c)(2) of the Code, as amended, or corresponding provisions of any subsequent federal tax law.

Notwithstanding any other provision of these Articles of Incorporation, if this Corporation shall be, or shall be deemed to be in any one year, a “private foundation” as described in Section 509(a) of the Code, then (a) the Corporation shall make distributions in each taxable year at such time and in such manner as not to subject the Corporation to taxation under Section 4942 of the

Code, and (b) the Corporation is expressly prohibited from (i) engaging in any act of “self-dealing” as defined in Section 4941(d) of the Code, (ii) making any investments in such manner as to subject the Corporation to taxation under Section 4944 of the Code, and (iv) making any taxable expenditures as defined in Section 4945(d) of the Code.

The Corporation shall not accept any gift or grant if the gift or grant contains major conditions which would restrict or violate any of the Corporation’s charitable, religious or educational purposes or if the gift or grant would require serving a private as opposed to a public interest.

In the event the Corporation is dissolved, after all liabilities and obligations of the Corporation are paid or provision is made therefore, the Corporation’s Directors shall adopt a plan for the distribution of the remaining assets of the Corporation which shall be distributed only for tax exempt purposes to such organization or organizations organized and operated exclusively for charitable, religious or educational purposes and which are exempt under Section 501(c)(3) of the Code. Any of such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located to one or more organizations exempt under Section 501(c)(3) of the Code, in a manner which best accomplishes the purposes of the Corporation. No member, director or officer of the Corporation and no private individual will be entitled to share in the distribution of any assets of the Corporation in the event of its dissolution.