

### **Nature of Applicant and Waiver Request**

The Applicant is a church operated by a parish, the established local jurisdiction of the Catholic Church. The parish within the jurisdiction of the Archdiocese of Oklahoma City and not separately incorporated.

Other parishes within the Archdiocese of Oklahoma City possess construction permits for full-power NCE stations awarded during the 2021 NCE Filing Window.

In an abundance of caution, we acknowledge that the Pastor who controls the Applicant is appointed by the Archbishop, and that the Pastor owes the Archbishop deference to his ecclesiastic authority. However, even the Archbishop should not be considered a party to the instant Application.

The Pastor of the local parish has no authority over other parishes, or the construction permits for new FM stations those parishes possess.

Any contrary conclusion mitigating the eligibility of the Applicant for an LPFM station, comparative points and tiebreakers would discriminate against Catholic institutions and in favor of brethren protestant faith communities without such ecclesiastic structures. As such distinctions go to the core to the theological differences between Catholics and protestant faith communities, imposing such a disadvantage in access to broadcast spectrum rights would invoke serious First Amendment concerns under both the anti-establishment and free exercise clauses.

No applications or broadcast interests related to other Catholic organizations, including those of any Diocese or of any other parish, should be attributed to the Applicant for the purposes of determining eligibility for an LPFM station, comparative points or for tiebreaker analysis.

Nevertheless, if it is necessary to grant the instant application, the Applicant requests a waiver of 47 CFR § 73.858 and 47 CFR § 73.860.