

## Nature and Educational Purposes of Applicant

The Applicant is the Catholic church serves the proposed community of license and the surrounding areas.

The FCC staff has concluded that religiously oriented applicants for noncommercial educational FM stations satisfy the requirements of Section 73.503 of the FCC's Rules by fulfilling two criteria.<sup>1</sup>

First, the applicant must propose an overall educational program.

Second, the proposed programming must advance the applicant's educational objectives. The full Commission has cited this two-prong test with approval.<sup>2</sup>

As explained herein, the Applicant satisfies both elements of this test.

The Applicant will provide a noncommercial broadcast service for the purpose of advancing its educational objectives. The educational objectives of the Applicant include the following:

- 1) To provide educational and religious instruction, including analysis of ancient scripture and the moral teachings manifest in the Bible and in the Catechism of the Roman Catholic Church;
- 2) To provide the opportunity for, and to promote, informative discussion and debate in areas pertaining to contemporary social and religious issues, as well as citizenship and its responsibilities; and
- 3) To foster the development and implementation of successful methods, including the delivery of charitable services, for responding to community problems such as poverty, the crisis in marital and family relationships, sexual and substance abuse, and mental health disorders and homelessness.

To advance these and other educational purposes, the Applicant plans to broadcast primarily the radio programming provided by Eternal Word Television Network ("EWTN").

The Applicant will not air commercials, and the EWTN feed includes no paid programming. Rather, the EWTN radio service includes news and current affairs programming; interactive call-in discussion shows; live interviews with authors on spiritual matters and social issues; recorded instructive talks by eminent theologians, scholars, and homilists; and live airings of devotional prayers and the daily Mass. Below is a copy of the most current EWTN program schedule.

In addition, the Applicant may at times broadcast elements of the syndicated programming available from other Catholic sources, such as Relevant Radio, Ave Maria Radio and Oklahoma Catholic Broadcasting.

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<sup>1</sup> Columbia Bible College Broadcasting Co., 06 F.C.C.R. 516, 517 (ASD 1991)

<sup>2</sup> WQED Pittsburgh, 15 F.C.C.R. 202, 215 (1999).

Over time, the Applicant hopes to develop and produce locally originated programs. The Applicant will work with local Roman Catholic parishes and other community organizations to assist and complement existing efforts to administer to the spiritual, intellectual, and physical needs of the listening audience.

In view of the foregoing, the Applicant is an educational organization and has evidenced an intention to operate the new noncommercial educational FM station consistent with an overall educational program. Accordingly, the nonprofit nature and educational purposes of the Applicant make it eligible, consistent with Section 73.503 of the Commission's Rules, to obtain the broadcast authorization sought in the instant application.

The Applicant is a church operated by a parish, the established local jurisdiction of the Catholic Church. The Commission may take notice of the educational purpose of the Catholic Church since its fundamental mission is to evangelize and to instruct the faithful in the tenets of their faith.

That said, the religious nature and evangelistic impulse that permeates every Catholic organization does not somehow make every member of the Catholic clergy a party to the instant application. We therefore do not attempt to list as parties to this application anyone other than the local Pastor himself, who presides over the church. Bishops in other jurisdictions govern other Dioceses, and other Pastors govern other Parishes, without reference to the Applicant.

In an abundance of caution, we acknowledge that the Pastor who controls the Applicant is appointed by the Bishop of the local Diocese, and that the Pastor owes to that Bishop deference to his ecclesiastic authority. However, even the local Bishop should not be considered a party to the instant Application. Any contrary conclusion mitigating the eligibility of the Applicant for points under the comparative criteria, or in the tiebreaker analysis, would essentially 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.

The principal place of business for the Applicant clearly evidences an established local presence in the instant community. No applications or broadcast interests related to other Catholic organizations, including those of any Diocese or of any other parish, can be attributed to the Applicant for the purposes of determining eligibility for comparative points criteria or for tiebreaker analysis. Accordingly, there can be no doubt that the Applicant is established locally in its community, that it has no other attributable broadcast interests, and that it has no other pending applications.

## Know All Men by These Presents:

THAT Theophile Meerschaert, Bishop of Oklahoma,-----

----- of Oklahoma City, Oklahoma

County, State of Oklahoma, part Y-----of the first part, in consideration of the sum of -----  
One----- DOLLARS,in hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Convey  
unto St. Mary's Catholic Church of Ardmore, Oklahoma, (A Corporation)----- ofCarter----- County, State of Oklahoma, party----- of the second part, the following  
described real property and premises, situated in Carter----- County, State of Oklahoma, to-wit:-----The South fifty (50) feet of lot five (5) and lot six (6) in Block Four  
Hundred and Fifteen (415) in the City of Ardmore, Oklahoma, according to  
the official plat or map of said City;-----And, Commencing at an iron pin 360.3 feet West and 23.8 feet North of  
the South East corner of the N 1/2 of the S-E 1/4 of the S-W 1/4 of  
Section Six (6) Township Five (5) South, Range Two (2) East; thence  
westerly Two Hundred and Ninety-One feet to an iron pin 18 feet north of  
the S-W 1/4 Corner of N 1/2 of S-E 1/4 of the N-E 1/4 of S-W 1/4 of  
said Section Six (6); thence North 312 feet to an iron pin the same-----being the N-W 1/4 Corner of the S-E 1/4 of the N-E 1/4 of S-W 1/4 of  
said Section; thence East, along the North line of the said S-E 1/4 of N-E  
1/4 of the S-W 1/4, 391 feet to an iron pin; thence south 507.2 feet to  
place of beginning; containing 2.07 acres.  
together with all the improvements thereon and the appurtenances thereunto belonging, and warrant  
the title to the same.To HAVE AND TO HOLD said described premises unto the said part Y of the second part its  
successors  
heirs and assigns forever, free, clear and discharged of and from all former grants, charges, taxes, judg-  
ments, mortgages and other liens and encumbrances of whatsoever nature -----Signed and delivered this twenty-seventh----- day of June----- 19013-----*Theophile Meerschaert*  
*Bishop of Oklahoma*

## WARRANTY DEED

Statutory Form—Individual

Know All Men by These Presents:

That Francis C. Kelby; Bishop of Oklahoma City &amp; Tulsa,

(Successor to Theophile Meerschaert, Bishop of Oklahoma, and  
formerly Vicar Apostolic of Oklahoma and Indian Territory,)

of

County, State of Oklahoma, part of the first part, in consideration of the  
sum of One and No./100 DOLLARSin hand paid, the receipt of which is hereby acknowledged, does hereby Grant, Bargain, Sell and Con-  
vey unto St. Mary's Catholic Church of Ardmore, Oklahoma, a corporation

of Carter County, State of Oklahoma, part of

of the second part, the following described real property and premises situate in Carter

County, State of Oklahoma, to-wit:

The South 50 feet of Lot Five (5) and all of Lot Six (6) Block 415, Original  
Town of Ardmore, Oklahomatogether with all the improvements thereon and the appurtenances thereunto belonging, and warrant  
the title to the same.TO HAVE AND TO HOLD said described premises unto the said part of the second part,  
its heirs and assigns forever, free, clear and discharged of and from all former grants,  
charges, taxes, judgments, mortgages and other liens and incumbrances of whatsoever nature.

Signed and delivered this

20th

day of

May, 1931

XXXX

Bishop of Oklahoma City & Tulsa  
(Successor to Theophile Meerschaert,  
Bishop of Oklahoma, and formerly  
Vicar Apostolic of Oklahoma & Indian Territory)