

## **FORMAL REQUEST FOR WAIVER**

### **Exhibit 1**

THE PARTIES TO THIS APPLICATION RESPECTFULLY REQUEST A WAIVER OF SECTION 73.865 OF THE COMMISSION'S RULES THAT PROHIBITS THE ASSIGNMENT OR TRANSFER OF CONTROL OF A LOW POWER FM STATION.

THE CONTRACT FOR THIS ASSIGNMENT OF LICENSE APPLICATION IS AVAILABLE IN EXHIBIT 4. THERE IS NO MONETARY OR OTHER FORM OF COMPENSATION IN EXCHANGE FOR THE TRANSFER OF WYTY-LP TO THE FREEDOM FUND.

WYTY-LP IS THE ONLY BROADCASTING SERVICE LICENSED TO OOLTEWAH, TN AND THEREFORE THE ONLY LOCALLY ORIGINATED PROGRAMMING PROVIDER ABLE TO MEET THE SPECIFIC NEEDS OF THE LOCAL PUBLIC INTEREST. WAIVER OF THE RULE IS THEREFORE IN THE PUBLIC INTEREST.

BACKGROUND: OOLTEWAH BAPTIST CHURCH ASSIGNED TWO PRIMARY BOARD MEMBERS THE RESPONSIBILITY OF OVERSEEING WYTY-LP. THESE BOARD MEMBERS ARE TIM KOCHIS AND PASTOR STEPHEN PASSMORE. PASTOR STEPHEN PASSMORE IS NO LONGER ON THE BOARD OF OOLTEWAH BAPTIST CHURCH. HIS ABSCENCE HAS PUT A STRAIN ON THE BOARD RESOURCES TO SPEND THE NECESSARY TIME REQUIRED TO PROPERLY OPERATE WYTY-LP. AS A RESULT, THE STATION'S DAY TO DAY OPERATIONS, LOCAL PUBLIC INTEREST WORK, FUND RAISING, EQUIPMENT MAINTENANCE, PROGRAMMING AND EVERY OTHER RESPONSIBILITY FOR THE STATION OPERATIONS IS BEING SOLELY HANDLED BY TIM KOCHIS. THEREFORE, IT IS THE DESIRE OF THE CURRENT BOARD OF OOLTEWAH BAPTIST CHURCH TO TRANSFER THE WYTY-LP LICENSE TO THE FREEDOM FUND.

THE FREEDOM FUND IS A LOCAL NON-PROFIT CORPORATION, CONSISTING OF LOCAL BOARD MEMBERS (INCLUDING TIM KOCHIS – BOARD MEMBER OF OOLTEWAH BAPTIST CHURCH), WILL SHARE THE RESPONSIBILITY OF WYTY-LP STATION OPERATION. THE FREEDOM FUND DOES NOT WISH TO CHANGE THE PROGRAMMING OR EDUCATIONAL PURPOSE OF WYTY-LP, BUT SIMPLY WISHES TO FREE OOLTEWAH BAPTIST CHURCH FROM AN OBLIGATION TO THE LOCAL PUBLIC INTEREST WHICH OOLTEWAH BAPTIST CHURCH CAN NO LONGER MEET. THE ADDITIONAL RESOURCES FOUND WITHIN THE PRO-ACTIVE BOARD OF THE FREEDOM FUND WILL GREATLY AID WYTY-LP IN ADVANCING ITS EDUCATIONAL PURPOSE AND LOCAL CONTENT. TIM KOCHIS, AS THE PRIMARY MOVING FORCE BEHIND WYTY-LP WILL REMAIN WITH THE FREEDOM FUND AS BOARD MEMBER AND WYTY-LP GENERAL MANAGER.

FURTHER WEIGHT IS ADDED TO THIS REQUEST BY THE MM DOCKET 99-25, 'SECOND ORDER ON RECONSIDERATION AND FURTHER NOTICE OF PROPOSED RULEMAKING'RELEASED MARCH 17, 2005.

PARAGRAPHS 16, 17, 18, 19, 20, AND 21 ALL PROVIDE RELATED CRITERIA TO THIS APPLICATION PURPOSE FOR WHICH COMMENTS ARE BEING SOUGHT. FROM EACH PARAGRAPH POINTS ARE MADE WHICH SHOW REASONS FOR WHICH IT WOULD BE BENEFICIAL TO GRANT THIS APPLICATION. THE CONSIDERATIONS WE SEEK ARE BEING REVIEWED FOR FUTURE RULEMAKING BY THE COMMISSION.

PARAGRAPH 16 SEEKS COMMENT ON WHETHER TRANSFER OR ASSIGNMENT SHOULD BE BROADLY PERMITTED OR LIMITED TO SPECIAL CIRCUMSTANCE. IN THE CASE OF A MOST CONSERVATIVE FUTURE DECISION, THIS REQUEST LIKELY WOULD MERIT A 'SPECIAL CIRCUMSTANCE' WAIVER TO MAINTAIN THE ONLY LOCAL PUBLIC SERVICE WHERE THE PROPOSED ASSIGNEE IS QUALIFIED AND READY TO ACCEPT THE RESPONSIBILITIES OF CONTINUING TO PROVIDE LPFM SERVICE TO THE COMMUNITY.

PARAGRAPH 17 SEEKS COMMENT ON WHETHER THE RULES SHOULD BE AMENDED TO ALLOW CERTAIN TYPES OF CHANGES IN ORGANIZATIONAL STRUCTURE AND CITES SEVERAL EXAMPLES. IT IS LIKELY, THAT WHEREAS A WAIVER OF THE STANDING RULES IS REQUESTED NOW TO GRANT THIS APPLICATION, IN THE FUTURE IT MAY REQUIRE NO WAIVER AT ALL. THE ORIGINAL LICENSEE BOARD HAS CHANGED AND ONE OF TWO BOARD MEMBERS OVERSEEING WYTY-LP IS NO LONGER PRESENT WITH THE BOARD. THE REMAINING BOARD MEMBER IS CARRYING THE WEIGHT OF OPERATING THIS STATION ON A DAILY BASIS. THE LICENSEE ACKNOWLEDGES THIS MISFORTUNE AND WISHES TO RELIEVE A PORTION OF THE DAILY RESPONSIBILITIES NOW UPON THE SHOULDERS OF A SOLE BOARD MEMBER BY TRANSFERRING THE LICENSE OF WYTY-LP TO ANOTHER LOCAL NON-PROFIT EDUCATIONAL ORGANIZATION. THIS NON-PROFIT CAN PROVIDE BETTER RESOURCES, TIME, AND TALENT AS LICENSEE OF WYTY-LP. THE LICENSEE BOARD MEMBER IS ALSO A BOARD MEMBER OF THE ASSIGNEE. THE ADDITIONAL RESOURCES MADE AVAILABLE BY GRANT OF THIS APPLICATION WOULD THEREFORE BE IN THE PUBLIC INTEREST.

PARAGRAPH 18 SEEKS COMMENT ON WHETHER ASSIGNMENT OF LPFM AUTHORIZATIONS FROM THE LICENSEE TO ANOTHER ENTITY SHOULD BE ALLOWED. AND IF SO, SHOULD LPFM'S BE SUBJECT TO SALE? THIS FILING AGAIN, IF A WAIVER IS EXTENDED AND THE APPLICATION IS GRANTED WILL LIKELY MEET THE STRICTEST DECISION, UNLESS A DECISION IS MADE THAT NO TRANSFER OR ASSIGNMENT WHATSOEVER IS ALLOWED TO ANOTHER ENTITY. IN THIS CASE, THE ONLY ACTIVE LPFM BOARD MEMBER WITHIN THE PRESENT LICENSEE CORPORATION IS THE GENERAL MANAGER OF WYTY-LP. HE WILL REMAIN WITH THE STATION AND CONTINUE AS BOARD MEMBER OF THE REQUESTED ASSIGNEE. NO MONEY

OR OTHER COMPENSATION IS BEING TRANSFERRED TO THE LICENSEE OR ANY OTHER PARTY FOR THIS TRANSACTION.

PARAGRAPH 19 SEEKS COMMENT ON WHETHER GUIDELINES CAN BE ESTABLISHED FOR TRANSFER OF CONTROL OR ASSIGNMENT OF LPFM STATIONS, OR IF A CASE BY CASE BASIS DECISION SHOULD BE USED. IN LIGHT OF THE FORTHCOMING RULEMAKING, WE REQUEST GRANT OF THIS APPLICATION AS IT WOULD BE IN THE PUBLIC INTEREST. IN REVIEWING THE MANY EXAMPLES CITED IN PARAGRAPH 19 IT APPEARS WE MIGHT BE ELIGIBLE FOR TRANSFER WHEN THE FUTURE RULES ARE ADOPTED.

PARAGRAPH 20 NOTES THE CONCERN THAT 'WE DO NOT BELIEVE THAT WAIVER IS APPROPRIATE TO PERMIT THE FOR-PROFIT SALE OF AN LPFM STATION TO ANY ENTITY...'. THE GRANT OF THIS APPLICATION WILL NOT RESULT IN A MONETARY (OR ANY OTHER FORM OF) COMPENSATION FOR THE TRANSFER OF WYTY-LP TO THE FREEDOM FUND.

PARAGRAPH 21 REVIEWS THE MAXIMUM NUMBER OF STATIONS ANY LICENSEE CAN OWN AFTER A GIVEN NUMBER OF YEARS. WITH GRANT OF THIS APPLICATION THE FREEDOM FUND WILL ONLY BE LICENSEE OF A SINGLE LPFM SERVICE.

THE FOLLOWING IS SECTION II OF FCC FORM 318 ESTABLISHING THE NON-PROFIT EDUCATIONAL STATUS OF THE ASSIGNEE, WHICH HAS A LOCAL BOARD, 75% OF WHICH RESIDE WITHIN 10 MILES OF THE TRANSMITTING ANTENNA LOCATION, AND WHICH HAS NO OTHER BROADCAST INTERESTS.

**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 General Instructions, Paragraph H for additional information regarding the completion of explanatory exhibits.**

## Section II - Legal

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

1.	<b>Certification.</b> 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	<b>Eligibility.</b> The applicant certifies that: a. it is a nonprofit educational institution; b. it is a nonprofit educational organization; or c. it proposes a noncommercial public safety radio service to protect the safety of life, health or property.  Note: Applicants that answer "Yes" to 2a. or 2b. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. The exhibit should include the state and date of applicant's incorporation.	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <div>Exhibit 2</div>
3.	<b>Parties to the Application.</b>  a. 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 a corporation or partnership 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. (1) Name and address of party. (2) Citizenship. (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's <b>equity/debt plus</b> standard. (4) Percentage of votes. (5) Percentage of total assets (equity plus debt). <div>Enter Parties/Owners Information</div> b. Applicant certifies that equity and financial interests not set forth above are non-attributable.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A  See Explanation in <div>Exhibit 3</div>
4.	<b>Community-Based Criteria.</b> The applicant certifies that:  a. it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles) of the proposed transmitting antenna site set forth in this application; b. it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles) of the proposed transmitting antenna site set forth in this application; or c. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	<input type="radio"/> Yes <input type="radio"/> No  <input checked="" type="radio"/> Yes <input type="radio"/> No  <input type="radio"/> Yes <input type="radio"/> No
5.	<b>Ownership.</b> The applicant certifies, based on its completion of Worksheet 1 and its review of the instructions to this application,	

that:	
a. no party to this application has an attributable interest in any other low power FM broadcast station;	<input checked="" type="radio"/> Yes <input type="radio"/> No
b. no party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions;	<input checked="" type="radio"/> Yes <input type="radio"/> No
See Explanation in <a href="#">Exhibit 4</a>	
c. the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	<input checked="" type="radio"/> Yes <input type="radio"/> No
d. the applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	<input checked="" type="radio"/> Yes <input type="radio"/> No
6. <b>Character Issues.</b> The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:	<input checked="" type="radio"/> Yes <input type="radio"/> 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	See Explanation in <a href="#">Exhibit 5</a>
b. any pending broadcast application in which character issues have been raised.	
7. <b>Adverse Findings.</b> The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, 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?	<input checked="" type="radio"/> Yes <input type="radio"/> 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.	
Exhibit 6	
8. <b>Unlicensed Operation.</b>	
a. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	<input checked="" type="radio"/> Yes <input type="radio"/> No
b. For applicants responding "No" to Question 8a. only, the applicant certifies, under penalty of perjury, that to the extent the applicant or any party to the application has engaged in any manner, individually or with other persons, groups, organizations or other entities, in the unlicensed operation of a station in violation of Section 301 of the Communications Act, as amended, 47 U.S.C. Section 301, all such engagement:	
i. ceased voluntarily no later than February 26, 1999, without direction from the Commission to do so; or	<input type="radio"/> Yes <input type="radio"/> No
ii. ceased within 24 hours of being directed by the Commission to terminate unlicensed operation of any station.	<input type="radio"/> Yes <input type="radio"/> No
9. <b>Anti-Drug Abuse Act Certification.</b> Applicant certifies that neither the 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No

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**Parties to the Application**

<b>Names &amp; Address of Party</b>	<b>Citizenship</b>	<b>Positional Interest</b>	<b>% Votes</b>	<b>% Assets</b>
The Freedom Fund, 5503 Barrington Country Circle, Ooltewah, TN 37363	US	Assignee	0	100
Tim Kochis, 5503 Barrington Country Circle, Ooltewah, TN 37363	US	Trustee/Treasurer	25	0
Joseph Kochis, 5503 Barrington Country Circle, Ooltewah, TN 37363	US	Secretary	25	0
Mike Carter, 3306 Ooltewah-Ringgold Road, Ooltewah, TN 37363	US	Board Member	25	0
Larry Stophel, 6716 Heritage Business Court Chatt., TN 37421-2596	US	Board Member	25	0

## **The Freedom Fund**

### **Mission Statement**

The Freedom Fund was created in 1990, for the sole purpose of raising funds, to build, manage, and maintain the equipment for producing Christian broadcast programs, to provide funding for specific projects designated by the Board of Directors and to promote the growth of Christianity in Ooltewah and Chattanooga, Hamilton County Tennessee USA.

The purpose of The Freedom Fund is to offer a Ministry of Christian values and to have the means and opportunity to bring the Christian message to the people of Ooltewah and Chattanooga, Hamilton County Tennessee.

The mission of The Freedom Fund is to impact youth and adults alike for Jesus Christ primarily through the medium of radio. Our programming package will feature Christian music and a message that promotes faith in Christ, wholesome moral values and a positive life style based on life principles found within the scriptures of the Holy Bible. To demonstrate that the Christian life is exciting, to uplift the body of Christ and to be a light for the lost by sharing Christ daily and by lifting up the name of Jesus.

### **BY-LAWS**

of

The Freedom Fund

#### **Article I**

##### **Names and Location**

Section 1      Name: The Freedom Fund

Section 2      Location: To locate the studio(s), office and all equipment in a safe and secure environment and to maintain all equipment.

## Article II

### Purpose

The Freedom Fund has been formed to operate exclusively for the sole purpose including, but not limited to the following:

- Section 1      The sole purpose for which The Freedom Fund is organized is exclusively religious, charitable, scientific, literary, and educational within the meaning of section 501 c (3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.
- Section 2      Notwithstanding any other provision of these articles, this organization shall not carry on any activity not permitted to be carried on by an organization exempt from Federal Income tax under section 501 c (3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue law.
- Section 3      Upon dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501 c (3) of the Internal Revenue Code of 1986 or the corresponding section of any future federal tax code of the United States Internal Revenue law.
- Section 4      The Corporation is a non-profit corporation.
- Section 5      Obtain funds; allocate appropriate space needed for a studio(s), office and equipment.
- Section 6      Design the required studio(s) and office.
- Section 7      Build the studios and equipment needed to the specifications set by the officials of this fund.
- Section 8      Manage the studio(s), office and related equipment and to maintain the equipment.
- Section 9      Maintaining The Freedom Fund which will be used for the purchase and maintenance of the studio(s), office and equipment and related items including future projects.
- Section 10     The Freedom Fund may from time to time conduct other charitable activities such as the distribution of Bibles, Christian literature and may also provide assistance to local, national or international missions work after approval of the Board of Directors.

## Article III

### Objectives

- Section 1      To construct a production studio(s), offices.
- Section 2      For the production facility and equipment to be owned and maintained by The Freedom Fund, with the option for patrons to make contributions for the regular maintenance of the facilities and needed studio(s) support items. (Ref. Article II, Sec. 5, 6, 7)

## Article IV

### Board Members

#### General



- Section 1 The Board Members of this Fund will include at least three individuals:  
(1) The chairman/President, (2) the Registered Agent/Treasurer and (3) the Secretary.
- Section 2 There will be at least one (1) meeting each year.
- Section 3 Special meetings may be called by its officers by notifying all officers. Each meeting request must be communicated by telephone, US Mail or personal notification.
- Section 4 Each meeting be it regular or special, must be preceded by a notice at least seven (7) days prior to that meeting, which may be accomplished via telephone, US Mail or personal notification.
- Section 5 Robert's Rules of Order will be the Authority for all procedures during meetings conducted by this Fund.

Article V  
Board Responsibility

- Section 1 This Fund will have the power to indemnify, hold harmless any officer, advisor or any member from any suit, damage, claim judgment and/or liability arising out of, or asserted to rise out of conduct by such persons in his or her capacity as an officer, advisor, or member (except in the case of willful misconduct). This Fund will have the power to purchase or procure insurance for such purpose, if needed.
- Section 2 The Fund officers may enter into any contract or execute and/or deliver any instrument in the name of and on behalf of this Fund only after it has been voted on by the officers at a regular or special meeting.
- Section 3 All checks, drafts and other orders of payment of money will be signed by the Secretary and the Treasurer/Trustee. All documents will require at least two (2) signatures, one of which will be that of the Secretary and the other may be that of the Treasurer/Trustee.
- Section 4 In the absence or incapacitation of one of the officers designated to sign such documents, one signature will be allowed notifying the other officers of the Fund.
- Section 5 This Fund will keep correct and accurate records of all accounts and will also maintain recorded minutes of all meetings, proceedings, and official activities of the business, or it's officers, advisors and committees; and will keep at the Registered Agent's office a record of name and addresses of each officer indicating their authority to vote. All books and records may be inspected by any member upon request with a minimum notice of forty-eight (48) hours, on regular business days, to the Registered Agent.
- Section 6 The fiscal year for the Fund will end on June 30.

Article VI  
Committees  
General

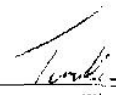
- Section The officers of the Fund may appoint additional committees, as needed. Each committee will consist of at least one (1) chairperson.

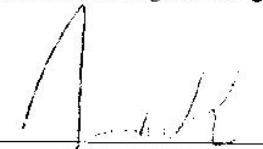
Article VII  
Amendments

- Section 1      The Board of Directors of this Fund may amend these by-laws to include or omit any provision that it could lawfully include or omit at the time the amendment is made.
- Section 2      No more than three (3) provisions may take place at one (1) time. Upon written notice of at least thirty (30) days any amendments of the by-laws may be submitted and voted on at a single meeting of the officers of this Fund and will be adopted at such meeting upon receiving a majority vote of the officers of this organization.

Article VIII  
Certification

We, the undersigned, hereby certify that the above by-laws were duly adopted by the officers of The Freedom Fund, started and instituted at a meeting held on the 12<sup>th</sup> day of July, 2004.

President, Treasurer and Registered Agent:   
Timothy J. Kochis

Secretary:   
Joseph A. Kochis

- 1) Mr. Timothy J. Kochis, President, Treasurer and Registered Agent  
5503 Barrington Country Circle  
Ooltewah, TN. 37363
- 2) Mr. Joseph A. Kochis, Secretary  
5503 Barrington Country Circle  
Ooltewah, TN. 37363
- 3) Mr. Mike Carter, Board Member  
3306 Ooltewah-Ringgold Road  
Ooltewah, TN. 37363
- 4) Mr. Larry Stophel, Board Member  
6716 Heritage Business Court  
Chattanooga, TN. 37421-2596