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RECEIVED

July 19, 2001

JUL 19 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

Re: New NCE-FM  
File No. BPED-19960516ME  
Facility ID 81959  
Ocean City, MD

Attention: Mail Stop 1800E3

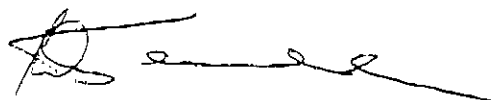
Dear Ms. Salas:

Submitted herewith in triplicate on Form 340 Supplement is a Point Supplement to the pending application of the Executive Committee of the Board of Trustees of American University for a construction permit for a new noncommercial educational FM broadcast station to operate at Ocean City, Maryland.

There is only one mutually exclusive applicant: Maranatha, Inc., BPED-19951128MA. The attached Point Supplement demonstrates a decisive Section 307(b) preference for the Executive Committee, thereby eliminating the need for a comparative evaluation of the points for each applicant.

If there are any questions about this matter, please contact the undersigned.

Very truly yours,

  
Peter Tannenwald

Attachment

cc: (w/att) Ms. Anne Healy (public file)  
Thi Nguyen-Southern, Esq.  
Mr. Douglas L. Vernier  
Lee J. Peltzman, Esq., Counsel for Maranatha, Inc.

**FILE COPY**Federal Communications Commission  
Washington, D. C. 20554Approved by OMB  
3060-0034**POINT SUPPLEMENT TO PENDING FCC 340 FILED PRIOR TO POINT SYSTEM  
(NONCOMMERCIAL EDUCATIONAL BROADCAST STATION)**File Number of Application to be Supplemented: BPED-19960516ME

City/State of Proposed Facility:

Ocean City, MD☒ FM ☐ TV

Legal Name of the Licensee/Permittee		
The Executive Committee of the Board of Trustees of American University		
Mailing Address		
c/o WAMU, Brandywine Bldg., American University, 4400 Massachusetts Ave., N.W.		
City	State or Country (if foreign address)	ZIP Code
Washington	DC	20016-8082
Telephone Number (include area code)	E-Mail Address (if available)	
202-885-1264	anne@wamu.org	
	Call Sign (new)	Facility Identifier
		81959
Contact Representative (if other than licensee/permittee)		Firm or Company Name
Anne Healy		WAMU
Telephone Number (include area code)	E-Mail Address (if available)	
202-885-1264	anne@wamu.org	

[Sections I, II and VII of FCC 340 are not reproduced]

**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.)**

- 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.
- 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.  
E2

This box is for FCC use only:

Technical Points:

- ☐ 0 points.
- ☐ 1 point. Applicant's proposal covers the largest area and population, and both area and population are 10% greater than next best proposal; or
- ☐ 2 points. Applicant's proposal covers the largest area and population, and both area and population are 25% greater than next best proposal.

POINTS CLAIMED BY APPLICANT (from Questions 1-3)

TECHNICAL POINTS? (from Question 4)

TOTAL POINTS

**Section V -- Tie Breakers -- New and Major Change Applications Only** (used to choose among competing radio and television applicants receiving the same number of points in Section IV)

1. **Existing Authorizations.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, including Class A stations.

(number of commercial and noncommercial licenses and construction permits)

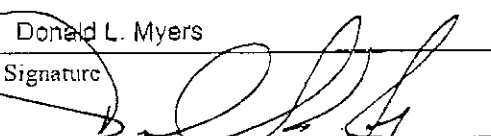
2. **Pending Applications.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, including Class A stations.

(number of pending commercial and noncommercial applications)

The "1" pending application is the subject of this form. There are no others.

#### Section VI -- Certification

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Donald L. Myers	Secretary of the Executive Committee
Signature	Date
	July 12, 2001

**Section IV -- Point System Factors -- New and Major Change Applications Only** (used to select among mutually exclusive radio and television applications for new stations and major modifications) **NOTE:** Applicants will not receive any additional points for amendments made after the close of the application filing window.

1. **Established Local Applicant:** Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation. ☐ Yes (3 points) ☒ No (0 points)

2. **Diversity of Ownership:** (a) Applicant certifies that the principal community (city grade) contour of the proposed station as identified in 47 C.F.R. Section 73.7003(b)(2) does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in FM translator stations other than those identified in 2(b) below) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity be maintained, and that it has placed documentation of its diversity qualifications in a local public inspection file and has submitted to the Commission copies of the documentation. ☒ Yes (2 points) ☐ No (0 points)

See Attached Exhibit L-1.

(b) Is the applicant's certification to 2(a) based on its exclusion of FM translator station(s) that will be replaced with a full service station pursuant to the authorization requested here? ☐ Yes ☒ No

If Yes, applicant must include an exhibit identifying the FM translator station authorization for which it will request cancellation upon commencement of operation of the proposed full service station (i.e., upon its filing of a license application and receipt of program test authority).

Exhibit No.

3. **State-wide Network:** Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation. ☐ Yes (2 points) ☒ No (0 points)

4. **Technical Parameters:** Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or Grade B (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM) and 73.683(TV) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC) ☒ Yes ☐ No

New area served in square kilometers (excluding areas of water):

5,845.8

Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:

297,054



EXHIBIT L-1

## AMERICAN UNIVERSITY

WASHINGTON, D C

July 18, 2001

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Washington, DC 20554

Dear Ms. Salas:

This letter is provided as an attachment to Form 340-SUPP, being filed by the Executive Committee of the Board of Trustees of American University, with respect to a pending application for a new noncommercial FM radio station in Ocean City, Maryland.

American University was incorporated by an Act of the Congress of the United States on February 24, 1893 (27 Stat. 476). The University's charter may be amended only by a further Act of Congress. Therefore, it is not possible for the University to amend its charter to preserve diversity of ownership of radio stations. However, Article XVIII of the University's By-Laws, a copy of which is attached, prohibits any trustee having a conflict of interest or possible appearance of conflict of private or business interest from voting on any matter, or being counted in determining quorum, with respect to such conflict.

It is the opinion of this office that the holding of any attributable broadcast media interest that would conflict with the University's commitment to preserve diversity of ownership in connection with its Ocean City application would constitute a conflict of interest that would invoke Article XVIII.

Very truly yours,

Thi Nguyen-Southern  
Assistant University Counsel

OFFICE OF UNIVERSITY COUNSEL

4400 MASSACHUSETTS AVENUE, NW WASHINGTON, DC 20016-8165 202-885-3285 FAX: 202-885-3278

## ARTICLE XVIII

### Conflicts of Interest

#### Section 1.

Any conflict of interest or possible appearance of conflict of private or business interest on the part of any trustee shall be disclosed to the other members of the Board and made a matter of written record through an appropriate procedure.

#### Section 2.

Any trustee having conflict of interest or possible appearance of conflict of private or business interest on any matter shall not vote on such matter and shall not be counted in determining the quorum for the meeting, even where permitted by law. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting, and the quorum situation.

#### Section 3.

The foregoing requirements shall not prevent the trustee from briefly stating his/her position on the matter, nor from answering pertinent questions from other Board members.

#### Section 4.

Any new Board member shall be advised of this policy when entering upon the duties of the office and shall comply with these procedures.

## BYLAW AMENDMENTS AND REVISIONS

Effective October 31, 1942. Amended: January 12, 1945; June 2, 1947; April 17, 1948; May 28, 1949; October 29, 1949; April 18, 1953; October 31, 1953; January 12, 1957; June 4, 1960; November 25, 1963; June 12, 1965; April 30, 1966; and revised effective April 29, 1972; and amended, April 24, 1976; October 26, 1979; October 24, 1980; October 23, 1981; May 7, 1982; March 4, 1983; October 25, 1985; May 8, 1987; March 2, 1990; March 1, 1991; February 28, 1992; October 29, 1993; May 5, 1995; November 17, 1995; March 8, 1996; February 28, 1997; October 31, 1997; May 15, 1998; September 18, 1998.

**EXHIBIT #E1**  
**ENGINEERING STATEMENT**

Concerning the Application of  
The Executive Committee of the Board of Trustees  
Of American University  
To Supplement the Pending Application  
BPED19960516ME  
To Construct a New Non-Commercial FM Station  
To Serve Ocean City, Maryland

May, 2001

**Channel 202B**

**50 kW ERP**

This engineering statement supports the supplement to the pending application filed by the Executive Committee of the Board of Trustees of American University to construct a new non-commercial FM station to serve Ocean City, Maryland.

Exhibit #E2 is a map depicting first and second aural service pursuant to 47 U.S.C. Section 307(b). The land area within the proposed one mV/m contour amounts to 5,845.8 square kilometers.<sup>1</sup> The population within the 60 dBu service contour was determined to be 297,054 people through the use of a computer program which extracts a population count based on population centroids defined by U.S. Census 2000 (PL-94-171) digital census data.<sup>2</sup>

The 60 dBu contours of all existing NCE FM stations that overlap the proposed facility were then added to the map. The population in each contour overlap area was calculated using the same method as above. The areas of second service or above were then subtracted from the whole, leaving 420 people receiving first service from the proposed station, or 0.14% of the people residing in the coverage area. The total population receiving second service or better is 79,451, or 26.7% of the population within the proposed 1 mV/m contour.

<sup>1</sup> The land area within the 60 dBu contour was determined using a compensating polar planimeter.

<sup>2</sup> Population served based on the most recent (2000) census block data from the United States Census Bureau using the centroid method (PL-94-171).

Ex #E1, Pg #2

Applying a similar analysis to the mutually exclusive application of Maranatha, Inc., BPED19951128MA, results in a total population within the 60 dBu service area of 176,750, a first service to 14,972 persons (8.5%), and total receiving a second service or better of 62,481 (36.3%).

Page #3 of this exhibit (Ex. # E1 ) is a declaration made by the preparer, Doug Vernier, attesting to his qualifications.



Page #3

**Declaration:**

I, Doug Vernier, declare that I have received training as an engineer from the University of Michigan School of Engineering. That, I have received degrees from the University in the field of Broadcast Telecommunications. That, I have been active in broadcast consulting for over 25 years;

That, I have held a Federal Communications Commission First Class Radiotelephone License continually since 1964. In 1985, this license was reissued by the Commission as a lifetime General Radiotelephone license no. PG-16-16464;

That, I am certified as a Professional Broadcast Engineer (#50258) by the Society of Broadcast Engineers, Indianapolis, Indiana. (Re-certified 11/95.)

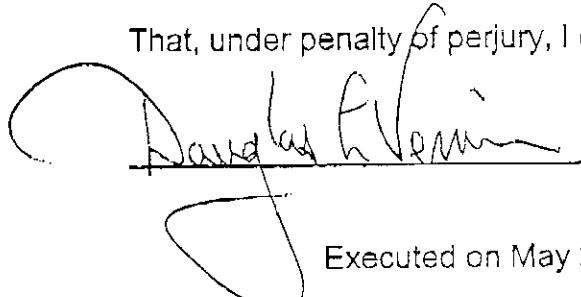
That, my qualifications are a matter of record with the Federal Communications Commission;

That, I have been retained by American University, Washington D.C., and as such have prepared the engineering showings appended hereto;

That, a portion of the exhibits contained herein were prepared under my supervision by Kate Michler, Associate;

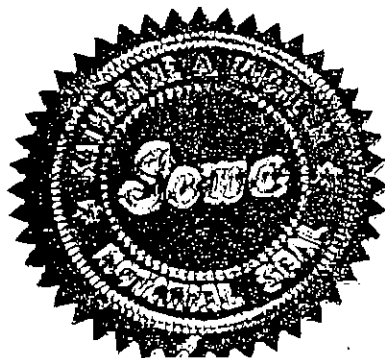
That, I have prepared these engineering showings, the technical information contained in same and the facts stated within are true of my knowledge;


That, under penalty of perjury, I declare that the foregoing is correct.

  
\_\_\_\_\_  
Douglas L. Vernier

Executed on May 28, 2001

Subscribed and sworn before me this 28th day of May, 2001.



  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

My Commission Expires August 10, 2001

