

**FORM 318 APPLICATION FOR PERMIT TO CONSTRUCT LPFM STATION**  
**EXHIBIT 2 - Nonprofit and Educational Nature of Applicant**

Applicant is the nonprofit corporate extension of a Catholic parish community; its entire reason for being is to further the parish's educational mission through broadcasting efforts and other means while enjoying the civil or regulatory advantages derived from an incorporated nonprofit status. Accordingly, it is an educational institution. Moreover, it will operate the proposed Low Power FM broadcast facility pursuant to Part 73, subpart G, of the Commission's Rules.<sup>1</sup>

With respect to the licensing requirements governing all noncommercial educational ("NCE") facilities,<sup>2</sup> the Commission has stated that religiously-oriented applicants can meet its NCE eligibility standards where the applicant (1) proposes an overall educational program and (2) its proposed programming furthers its educational objectives.<sup>3</sup>

We hereby demonstrate eligibility for a LPFM authorization inasmuch as the Applicant:

- is recognized by a state government as a nonprofit entity;<sup>4</sup>
- proposes an overall educational program; and
- proposes broadcast programming to advance its educational purposes.

***Nonprofit Recognition.*** The nonprofit nature of the Applicant is set forth in its Articles of Incorporation and Bylaws (the "Governing Documents"). *Enclosed herewith are copies of these documents, or applicable excerpts thereof.*

***Educational Nature.*** Applicant's Governing Documents further describe its religious and educational nature.<sup>5</sup> The overall educational nature of its activities can be derived from its many catechetical and evangelistic activities of the parish church. By its nature, the Applicant is pursuing religious education on an ongoing basis. Pursuant to Canon Law, all Catholic parishes are required to operate an educational program that provides for the religious education of children and adults through systematic formal catechesis of sufficient length and intensity to ensure effective faith and sacramental

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<sup>1</sup> 47 C.F.R. §73.801 - §73.881

<sup>2</sup> See 47 C.F.R. §73.853(a) and 47 C.F.R. §73.503(d)

<sup>3</sup> *Columbia Bible College Broadcasting Co.*, 6 FCC Rcd 516, ¶¶ 9-10 (1991)

<sup>4</sup> See *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, MEMORANDUM OPINION AND ORDER, FCC 13-116, ¶14 (rel. August 23, 2013).

<sup>5</sup> Again, we note that copies of the Articles, or applicable excerpts thereof, are enclosed herewith.

formation at each level.<sup>6</sup> Accordingly, even if the Applicant did not form a nonprofit corporation to facilitate its use of media, helping it to more easily demonstrate its eligibility to hold a permit to construct a new noncommercial educational low power FM radio facility, the parish community would nonetheless qualify as an educational organization.

***Advancement of Educational Purpose.*** The Applicant will provide a noncommercial broadcast service for the advancement of its educational program. Applicant's educational objectives include the following:

- Re-broadcast religious programs produced by organizations within the Catholic Church and delivered via satellite or magnetic media;
- Originate local Catholic religious, educational and cultural programs on local Catholic events of interest to the population within the broadcast area; and
- Distribute religious, educational and cultural material available and furnished by the clergy and laity of the Catholic Church, including materials produced by various organizations and apostolates faithful to the Catholic Church.

In order to advance these and other educational purposes, Applicant plans to broadcast in a "Catholic Talk" format. A schedule of current programming offered by Eternal Word Television Network ("EWTN") -- the most significant supplier of programming for stations with a Catholic Talk format -- is provided herewith.<sup>7</sup>

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<sup>6</sup> Some applicable provisions of the Code of Canon Law include:

- Canon 756, §§1-2 -- "[T]he function of proclaiming the gospel has been entrusted principally to the Roman Pontiff and the college of bishops. With respect to the particular church entrusted to him, an individual bishop, who is the moderator of the entire ministry of the word within it, exercises that function;
- Canon 775, §1 -- "Having observed the prescripts issued by the Apostolic See, it is for the diocesan bishop to issue norms for catechetics, to make provision that suitable instruments of catechesis are available, even by preparing a catechism if it seems opportune, and to foster and coordinate catechetical endeavors."

This list is not intended to be exhaustive.

<sup>7</sup> See, enclosed herewith, the "EWTN Radio Schedule" (also at <http://www.ewtn.com/radio/schedule.htm>). We note that the Applicant is not herein committing to affiliate with any single network programming provider, but rather that the programming schedules cited herein are intended to illustrate the type of programming that is currently unavailable in the proposed Community of License and that Applicant wishes to offer. Applicant may offer programming from any number of Catholic radio programming producers. See, e.g., "WAOB Radio Schedule" available at <http://www.waob.org/#!/program-schedule/czpx>; "Catholic Answers", available at <http://www.catholic.com>; Relevant Radio, available at <http://www.relevantradio1.com/page.aspx?pid=1399>; and Ave Maria Radio, available at <http://avemariaradio.net/on-air/radio-schedule/>.

Applicant also intends, of course, to honor the commitments set forth in its Form 318 application, including those with respect to the local origination of programming. Such local origination programming may include broadcast of a local Mass, or the broadcast of homilies by local clergy, interviews with the Bishop, or spiritual music introduced by a local on-air personality.<sup>8</sup> 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 any event, the EWTN schedule supplied herewith may be viewed as representative of the type of educational programming that the Applicant anticipates airing.

Moreover, Applicant will not air commercials. The EWTN network 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. The programming produced by We Are One Body (WAOB), “Catholic Answers”, Ave Maria Radio, and Relevant Radio are similar in nature to those produced by EWTN.

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, Applicant operates an educational institution and has evidenced its intention to operate the new noncommercial education station consistent with an overall educational program. Accordingly, the nature and educational purposes of the Applicant make it eligible to obtain the broadcast authorization sought herein.

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<sup>8</sup> Regardless of the applicability of agency preferences for local origination of programming, important Church documents urge the faithful to take up broadcasting and other social media to engage in the New Evangelism. This same body of documents favors “subsidiarity” (an emphasis on local responsiveness) within an obligation of wise “stewardship”. Accordingly, all Catholic broadcasters share a goal to introduce such programming. See, e.g., each of the documents specified (along with the Internet address where it may be obtained) as follows:

- *Rerum Novarum* (1891), an encyclical re subsidiarity by Pope Leo XIII  
[http://www.vatican.va/holy\\_father/leo\\_xiii/encyclicals/documents/hf\\_l-xiii\\_enc\\_15051891\\_rerum-novarum\\_en.html](http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html)
- *Inter Mirifica* (1963), the *Vatican II* decree on social media, promulgated by Pope Paul VI  
[http://www.vatican.va/archive/hist\\_councils/ii\\_vatican\\_council/documents/vat-ii\\_decree\\_19631204\\_inter-mirifica\\_en.html](http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19631204_inter-mirifica_en.html)
- *Laborum Exercens* (1981), an encyclical re stewardship by Pope John Paul the Great  
[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_14091981\\_laborem-exercens\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens_en.html)
- *Redemptoris Missio* (1990), an encyclical re evangelism by Pope John Paul the Great  
[http://www.vatican.va/holy\\_father/john\\_paul\\_ii/encyclicals/documents/hf\\_jp-ii\\_enc\\_07121990\\_redemptoris-missio\\_en.html](http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_07121990_redemptoris-missio_en.html)