

EXHIBIT 2: FORM 34D, SECTION II. QUESTION 4(b)

The purpose of this exhibit is to demonstrate the Modesto Peace/Life Center's educational objective and demonstrate that the proposed radio station will be used for the advancement of an educational program under 73.503(a) of the Rules. The rules describe that noncommercial licenses are not limited to classroom instruction, but may "transmit educational, cultural, and entertainment program to the general public," (Section 73.503(b) in the advancement of a radio program. The following describes this:

EDUCATIONAL NATURE AND PROGRAM

The Modesto Peace/Life Center is an established 39-year-old nonprofit educational organization under section 501 (c)(3) of the Internal Revenue Service code. Within its Articles of Incorporation it states that:

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. The specific purpose of this corporation is to assist educational, religious and charitable organizations and individuals

I. to learn the history and techniques of non-violence, and

2. to learn how to apply these in their work and lives in the context of social change, and

3. to develop programs to promote harmonious relationships between and among people and their environment.

The Modesto Peace/Life Center's objectives are well in-line with the qualification of being considered an educational nonprofit.

PAST EDUCATIONAL PROGRAMS

The Modesto Peace/Life Center (MPLC), over the last 39 years, has provided many educational events and programs. For example:

- *STANISLAUS CONNECTIONS*, the Modesto Peace/Life Center's alternative, community newspaper (an outgrowth of the Center's original newsletter) produced and distributed free since 1989, continues to provide thoughtful, educational articles and public notices on a wide variety of local, national and international issues dealing with peace, justice, and the environment.
- The MPLC created the Peace Essay Contest, now in its 24th year, which solicits essays from middle and high school students on topics of peace and non-violence. Each year hundreds of children throughout Stanislaus County participate. Awards are presented at a

yearly public event at which the winners read their essays. These essays are published in a booklet available to the community, and some are printed in *Stanislaus Connections*.

- The Center has organized many presentations of films, speakers, and/or discussions on a wide variety of topics concerning local, national and international events. Topics have included nuclear power development, energy conservation and alternative renewable sources of energy, nuclear weapons proliferation, conflicts in Central America (1980's, early 1990's) and in the Middle East, including the Iraq and Afghanistan wars, and environmental and social justice topics including river habitat restoration, health care, immigration, and farm worker issues. The Center also initiated film showings and discussions in local high schools regarding the issue of nuclear war, and participated in Days of Respect at which victims of discrimination tell their stories to high school students.
- In 1993, at the suggestion of a local activist, the MPLC initiated the Martin Luther King, Jr. Commemoration which offers the community a program of song, spoken word, and film celebrating the life of Martin Luther King, Jr., and promoting his vision today. Originally organized and supported by the MMPLC and the City of Modesto, it has now gained the active involvement of Modesto Junior College; California State University, Stanislaus; and numerous community groups and individuals. Nationally known speakers are recruited to speak each year and local adults and children participate. This event is funded entirely by donations and is free to the public so that anyone may attend. Speakers have included Rev. Joseph Lowery, Yolanda King, actor-activists James Edward Olmos, Danny Glover, and Mike Farrell, Titans' coach Herman Boone, Professor Cornel West, Mahatma Gandhi's grandson, Arun Gandhi, astronaut Mae Jemison, M.D., and Civil Rights leader Robert Moses. This year we featured one of California's best known political leaders, San Francisco's former mayor, Willie Brown. Over 700 people attended.
- Twenty-seven years ago, the MPLC started a weekend summer Peace Camp in the Sierra Nevada mountains that offers workshops, hiking, campfire, singing, a talent show, children's activities and healthy meals. Camps have often hosted prominent peacemakers and activists who share their experiences and interact with the campers. We are currently attracting and involving more youth, including high school students, in our camp program.
- In 2009, the Center held its first Social Justice Youth Leadership Conference whose goal was to inspire local high school students to get involved in their community by making them more aware of the opportunities for public service. Nine local community agencies gave brief presentations and engaged the youth in discussion. Training in conflict resolution was also begun and continues monthly at the Peace Center, led by our two youth activities coordinators. A second youth conference is being planned for September 2010.

PROPOSED EDUCATIONAL PROGRAM

The Modesto Peace/Life Center intends to provide radio programming not currently available in the local community, including programming that responds to the ascertained problems, needs and interests of Westley (Modesto) and the surrounding service area.

A proposed radio channel for Westley (Modesto), California, would provide broader public outreach and would widen the educational forum for speakers, music, and discussion related to the goals and mission of the Modesto Peace/Life Center. As an educational tool, a local noncommercial educational broadcast station would reach a larger audience than our current efforts do, and draw in more diverse groups and individuals by providing a broad intercultural array of educational programming. A radio station would greatly enrich the lives of the people in the listening area.

The Modesto Peace/Life Center intends to utilize the proposed facility to extend its educational mission to the airwaves by carrying:

- Public affairs and public service programming dealing with the arts, environment, current affairs, diversity, media education, business, agriculture, weather, health care and maintenance (including the special needs of senior citizens and children), state, county and local government, education and schools, parenting, and cultural affairs.
- In-depth political news and information and opinion.
- News/views of local high school and college youth.
- Live presentations of diverse community speakers and events that promote appreciation of the many cultural groups that live in our area.
- A diversity of musical programming not usually found on many commercial radio stations.
- Interviews, debates, talk shows and independent news with a range of views related to issues of concern to the community. Public service announcements and local information not usually available through the area's commercial stations.

In addition, the Modesto Peace/Life Center –Westley (Modesto) –intends to work closely with local volunteer and governmental emergency services to provide public safety information to its service area, and intends to have standby emergency power available at both the studio and transmitter sites. Our area is a combination of rural, agricultural, small town, and urban areas located in the heart of the San Joaquin Valley of California. Some area terrains are subject to flooding and are predominantly rural in nature. Flooding due to creek and river overflows are potential problems in the proposed service area. If the budget permits, applicant also intends to install emergency radio communications equipment at its studio within a year of initial broadcast operations.

Applicant is prepared on request to furnish any additional information the Commission may desire regarding its educational program hopes and plans.

Applicant believes the above adequately describes its educational objectives and how the proposed station will be used to advance an educational program in furtherance of 47 C.F.R. Section 73.503. The rules are clear that noncommercial licensees are not limited to classroom instruction, but may “transmit educational, cultural, and entertainment programs to the general public,” Section 73.503(b). In 1985, in *Way of the Cross of Utah, Inc.*, the Commission rejected a noncommercial application, based in part on the applicant's failure to furnish a proposed program schedule, 101 FCC 2d 1368 (1985). However, despite the Commission's ruling in that matter, there are no cases suggesting a noncommercial applicant is obligated to furnish a

program schedule. Additionally, the eligibility for noncommercial FM is less stringent than for the applicant in *Way of the Cross* and other television applicants, since television rules require a station to be used “*primarily* to serve the educational needs of the community,” [emphasis added] Section 73.621(a). There is no counterpart to this requirement for NCE FM applicants.

Further, where illustrative examples of programming have been provided for NCE FM applicants, the Commission has tended to grant the application, even where the proposal is far from comprehensive. For instance, an “illustrative program list,” with 10.75 hours identified, was deemed sufficient, *Palm Bay Public Radio, Inc.*, 6 FCC Red 1772 (1991). Even an incomplete schedule geared to “religious instruction” — not an issue here - has passed muster, *Columbia Bible College Broadcasting Co.*, 6 FCC Red 1772 (1991). Given the Commission’s rulings in these and other cases, there is no strict definition as to what may be considered “educational, cultural and entertainment programs” under Section 73 .503(b). The Commission recognizes that it has an “appropriately limited role of facilitating the development of the public broadcasting system rather than determining the content of its programming.” NPRM, Revision of Programming Policies and Reporting Requirements Relating to Public Broadcasting Licensees, 87 FCC 2d 716 at 732 (1981).