

The Benedictine Fathers of Sacred Heart Mission, Inc.
Eligibility Exhibit
LPFM Application

The instant application seeks an authorization for a new LPFM construction permit for the The Benedictine Fathers of Sacred Heart Mission, Inc. (the “Applicant”).

The Applicant is eligible for an LPFM station authorization under 47 C.F.R. Section 73.503 of the Commission’s rules, which applies to LPFM stations pursuant to 47 C.F.R. Section 73.801. 47 C.F.R. Section 73.503 provides that a noncommercial educational (“NCE”) FM broadcast station “will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the advancement of an educational program.”

The Commission has previously determined that the three basic NCE eligibility requirements are: (1) nonprofit educational organization; (2) an educational goal or purpose; and (3) use of station programming to further that educational purpose. As more fully described below, the Applicant identified in the instant application and the proposed use of the LPFM station meets each of the NCE eligibility requirements.

The Applicant is a nonprofit educational organization

The applicant is a nonprofit education organization incorporated in the State of Oklahoma. The Applicant’s corporate paperwork is attached hereto.

The Applicant possesses an educational goal or purpose

The founders of The Benedictine Fathers of Sacred Heart Mission, Inc., now doing business as St. Gregory’s Abbey, first came to what was Indian Territory in 1875. Through the course of our history, we have established numerous schools, Catholic parish communities and even a world-class art museum. Today, St. Gregory’s Abbey continues its educational objectives

through our sponsorship of St. Gregory's University, sponsorship of the Mabee-Gerrer Museum of Art, and religious education and pastoral ministry throughout the State of Oklahoma.

The Commission has made it clear that an applicant organization such as a church or ministry may operate channels reserved for NCE stations.¹ In *Way of the Cross*, the Commission stated that "noncommercial, educational organizations, even though religiously oriented, can qualify upon an appropriate showing for licenses on reserved channels."

The Applicant will use the station to further the Applicant's educational purpose.

The station and its programming will further the Applicant's educational purpose.

The requirement that NCE licensees provide programming that advances an educational objective may be satisfied by a variety of programs, including, but not limited to, "instructional programs, programming selected by students, bible study, cultural programming, in-depth news coverage, and children's programs such as Sesame Street that entertain as they teach."²

Here, the Applicant will use the radio station to enhance our educational services to the local community by providing religious education and devotional programming, community service announcements and programming, and educational programming using the staff and faculty of The Mabee-Gerrer Museum of Art and St. Gregory's University.

The Applicant is prepared to submit additional information regarding its educational purpose and the proposed use of the station upon request. However, it is respectfully submitted that the foregoing establishes its eligibility pursuant to established precedent to apply for the facility proposed in the instant Application.

¹ *Way of the Cross of Utah, Inc.*, Memorandum Opinion and Order, 101 FCC 2d 1368 (1985) ("*Way of the Cross*").

² *In the Matter of Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Further Notice of Proposed Rulemaking, 13 FCC Rcd 21167, 21169 (1998).

of the Benedictine Fathers of Sacred-Heart Mission.

Be It Known that we the undersigned persons do hereby voluntarily associate ourselves together for the purpose of becoming a body corporate under the provisions of the Corporation Act of The Territory of Oklahoma.

Art. 1. The name of this Corporation shall be "The Benedictine Fathers of Sacred Heart Mission."

Art. II. The place of business and the location of said Benedictine Fathers of Sacred Heart Mission is in Pottawatomie County township six north, Range five east, south half of section seven, and north half of section eighteen, of the Territory of Oklahoma.

Art. III. The object and purpose of this Corporation is religious, litterary and educational. It shall establish, support, and maintain a church, a college and farm, for the promotion of education and teaching the arts and sciences, the support of litt-erary and scientific undertakings, the encouragement of Agriculture, and other useful industries, the maintenance of a Library, and the promotion of music, painting and other fine arts.

Art. IV. This corporation shall have and possess all and singular the powers vested in such corporations by the laws of Oklahoma, and may take by deed, gift, endowment or devise, and hold, own and control in its corporate name any property real or personal, not exceeding in aggregate value one million dollars; and shall have full power to use or dispose of said property for the uses of said Corporation. Same corporation shall have the further power to confer such degrees and to grant such diplomas to pupils attending said college in the discretion of the managing board of said corporation, as are usually granted in colleges and universities of this county.

Art. V. The Corporation shall make and adopt by laws and rules for the government, support and management of its property and affairs, and herein provide for the admission of members, mode of



To all to whom these Presents Shall Come Greeting:

I BENJAMIN F. HARRISON, Secretary of State of the State of Oklahoma, do hereby certify that the following and hereto attached is a true copy of

Articles of Incorporation
of
The Benedictine Fathers of Sacred Heart
Mission
Filed February 4th, 1895.

the original of which is now on file and a matter of record in this office

In Testimony Whereof, I do set my hand
and cause to be affixed the great Seal of State
Done at the City of Oklahoma City this
14th day of September AD 1914.



Benjamin F. Harrison
SECRETARY OF STATE

STATE OF OKLAHOMA
DEPARTMENT OF STATE

Benjamin F. Harrison



Secretary of State

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and cause to be affixed the great Seal of State
Done at the City of Oklahoma City this

14th day of September AD 1914.

Benjamin F. Harrison

ARTICLE FIVE

This corporation is formed for Charitable, Benevolent, Religious, Educational or Scientific purpose and has no stated capital.

ARTICLE SIX

The number of directors to be elected at the first meeting of the trustees is: 4 (four)

(TRUSTEES SIGN BELOW)

STATE OF OKLAHOMA

COUNTY OF Pottawatomie } SS:

Before me, _____ a Notary Public in and for said county and State, on this _____ day of April, 1959 Personally appeared, _____

to me known to be the identical persons who executed the foregoing Articles of Incorporation and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

Notary Public

(SEAL)

My Commission expires _____

CERTIFICATE TO BE FILLED OUT BY PRESIDING OFFICER

I hereby certify that the within named Directors or Trustees were duly elected at a meeting held for said purpose at

_____ on the _____ day of April, 1959

Presiding Officer

STATE OF OKLAHOMA

COUNTY OF Pottawatomie } SS:

_____, of lawful age, being first duly sworn, says: that he is the presiding officer above named, that he has read the foregoing certificate and knows the contents thereof, and that the facts set forth therein are true, as he verily believes.

Presiding Officer

Subscribed and sworn to before me this _____ day of _____, 19____

Amended

ARTICLES OF INCORPORATION

(CHARITABLE, BENEVOLENT, RELIGIOUS, EDUCATIONAL OR SCIENTIFIC PURPOSE)

STATE OF OKLAHOMA

COUNTY OF Pottawatomie } SS:

TO SECRETARY OF STATE OF THE STATE OF OKLAHOMA:

We, the undersigned trustees or directors

NAME	NO. & STREET	CITY & STATE
Phillip Berning OSB	St. Gregory's Abbey	Shawnee, Oklahoma
Denis Statham OSB	St. Gregory's Abbey	Shawnee, Oklahoma

being persons legally competent to enter into contracts, for the purpose of forming a corporation under the laws of the State of Oklahoma, do hereby adopt the following Articles of Incorporation:

ARTICLE ONE Amended

The name of this corporation is: Catholic University of Oklahoma

(known as "St. Gregory's College")

ARTICLE TWO Amended

The address of its registered office in the State of Oklahoma is St. Gregory's Abbey

in the City of Shawnee County of Pottawatomie and the name of its Registered

Agent is St. Rev. Phillip Berning OSB whose Address is St. Gregory's Abbey, Shawnee, Okla.

ARTICLE THREEPerpetual

The duration of the corporation is _____

ARTICLE FOUR

The purpose or purposes for which the corporation is formed are:

- (a) For the purpose of promoting an educational and scientific work of every kind and character.
- (b) For the purpose of educating in the sciences, arts, languages, manual training, agricultural and mechanical pursuits, students of all denominations.
- (c) To erect, complete and repair suitable buildings; procure officers, instructors, agents and employes and procure such books, maps, charts and globes and such philosophical, chemical and other apparatus as may be necessary for the objects and success of the institution.
- (d) To take and receive all such donations, devises or bequests as may be made to it for particular purposes and to be applied in conformity with the express condition of the donor or devisor.
- (e) To have such courses of study and of teaching as will enable it to confer, on the recommendation of the faculty, all such degrees or honors as are usually conferred by colleges and universities in the United States, and such others, as the worth and accomplishment and course of studies of the student may be deemed proper.
- (f) To do all such things in connection with or in furtherance of the above objects as are now or may hereafter be permitted by law.

STATE OF OKLAHOMA)
) SS.
COUNTY OF POTTAWATOMIE)

Before me, a notary public in and for said county and state, on this 8th day of May, 1967, personally appeared Philip A. Berning, Chairman, Eugene C. Marshal, Matthew Brown, Conrad Betzen, Gregory Pezzetti, Joseph Murphy, George McClendon, Amandus di Vincenzo and Richard Sneed, to me known to be the identical persons who executed the foregoing Amended Articles of Incorporation and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year above written.

M. M. Mastrogiovanni
Notary Public

My Commission Expires:

September 15, 1970

STATE OF OKLAHOMA)
) SS.
COUNTY OF POTTAWATOMIE)

I, Philip Berning, hereby certify that the within named Directors were duly elected at a meeting held for said purpose at Shawnee, Oklahoma on the 28th day of December, 1966 and further certify that I am the presiding officer above named, that I have read the foregoing and know that the contents thereof, and the facts set forth therein, are true.

Philip Berning
Philip Berning

Subscribed and sworn to before me this 8th day of May, 1967.

M. M. Mastrogiovanni
Notary Public

My Commission Expires:

September 15, 1970

The corporation is not organized for pecuniary profit nor shall it have any power to issue certificates of stock or declare dividends, and no part of its assets or earnings shall inure to the benefit of any member, director, trustee or individual, other than its employees. Any money and property received by the corporation shall be used to pay the debts and obligations of the corporation and for carrying out the purposes of the corporation.

In the event of the dissolution of this corporation, or in the event it shall cease to carry out the objects and purposes as set forth herein, the assets of the corporation shall be distributed to any nonprofit corporation that the Directors of this corporation may select; and in no event shall any of said assets, in the event of dissolution, be distributed to any person, firm or corporation for the reimbursement of any sum subscribed, donated or contributed.

ARTICLE V

There shall be at least three Directors of this corporation, but in no event more than forty-one. Unless otherwise stated in the bylaws, the number of Directors of this corporation shall be nine (9).

ARTICLE VI

The corporation has no stated capital.

IN WITNESS WHEREOF, we have hereunto set our hands at Shawnee, Pottawatomie County, State of Oklahoma, this 8th day of May, 1967.

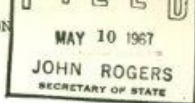
DIRECTORS:

Philip B. Berning
Eugene Marshall
Eugene S. Thompson
Gregory Pizzetti
Joseph F. Murphy

Ray McLean
Conrad H. Betton
Matthew Brown
Richard Smith

OK. Sent
this does
not require
to be
in their
minutes.

AMENDED ARTICLES OF INCORPORATION



STATE OF OKLAHOMA)
) SS.
 COUNTY OF POTTAWATOMIE)

TO THE SECRETARY OF STATE, STATE OF OKLAHOMA:

We, the undersigned, Directors of Catholic University of Oklahoma (known as "St. Gregory's College"), a corporation, hereby adopt the following Amended Articles of Incorporation:

ARTICLE I

The name of the corporation shall be Catholic University of Oklahoma (known as "St. Gregory's College").

ARTICLE II

The address of its registered office in the State of Oklahoma is St. Gregory's College, Shawnee, Oklahoma. The name of the registered agent is Philip Berning, and the address of said registered agent is St. Gregory's College, Shawnee, Oklahoma.

ARTICLE III

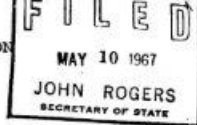
The term for which the corporation shall exist shall be perpetual.

ARTICLE IV

This corporation is formed to establish and maintain an institution of higher education. The corporation shall have the power to borrow money and to pledge property of the corporation to secure the payment thereof; to acquire and dispose of property in any manner; to enter into any lawful business enterprise, whether directly or through corporations, the majority of whose stock it owns; and shall have all other powers authorized by law, or necessary to promote or accomplish the objects of the corporation. The corporation shall have the right to take property under the terms of any will.

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) SS.
 COUNTY OF POTTAWATOMIE)



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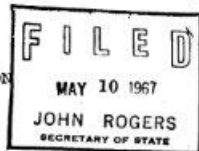
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June 30, 1919.

Corporation Officers,

BENEDICTINE FATHERS OF SACRED HEART MISSION.

President	Rev. Leo Gariador,
Vice-President,	Rev. A. Haffner,
Vice-President,	Rev. <u>Placidus Mariemondy</u> ,
Secretary,	Rev. Andrew Poey,
Treasurer,	Rev. Adalbert Haffner,
Cashier,	Rev. A. Poey,

C O R P O R A T I O N .



ALMER NIDKID

GERMING CASE OF INCORPORATION

Good to Myself, Good to Others, Good to God.

Amorinde

Interpretation. Articles of Incorporation duly signed and verified of

CATHOLIC UNIVERSITY OF OKLAHOMA

(Known as "St. Gregory's College")

have been filed in the office of the Secretary of State on the 13th day of April A.D., 1959, as provided by "The Laws of the State of Oklahoma."

Now Certificate, I, John D. Conner, Secretary of State of Oklahoma by virtue of the powers vested in me by law, do hereby issue this Certificate of Incorporation.

In Testimony Whereof, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.

Done at the City of Oklahoma City,
this 13 day of April A.D., 1959

this 13 day of APRIL

A.D., 1959

ASSISTANT SECRETARY OF STATE

SECRETARY OF STATE

admission, and prescribe their qualifications. Provision may also be made in such by-laws and rules for the suspension and removal from office of officers, and expulsion of members guilty of any infraction of Rules and against the good government of the Corporation. Provided however that such by-laws be in conformity with this charter and the laws of Oklahoma Territory.

Art. VI. The officers of this corporation shall be a President vice president, secretary, assistant-secretary, and treasurer; a majority of ~~of~~ whom shall constitute the executive board and manage the affairs of the corporation. The officers herein named shall be chosen and hold their offices as may be provided in By-laws.

Art. VII. The term for which this Corporation is to exist shall be one hundred years from the date of its incorporation to the Territory of Oklahoma.

Art. VIII. The By-laws shall direct how the Charter, Constitution, By-Laws and Rules of the Corporation may be amended.

The following named parties fill the respective offices for the first year:

Rev. Thomas Duperon, priest of the Order of St. Benedict,	President.
Rev. Leo Gariador	" " " " " " Vice-President
Rev. Savinien Louismet,	" " " " " " Secretary
Rev. Adalbert Haffner	" " " " " " Assistant Secretary
Rev. Louis Choron	" " " " " " Treasurer

And we the officers herein named of the aforementioned Corporation respectfully represent the above and foregoing articles to be by us agreed to and adopted.

Rev. Thomas Duperon, O.S. B.

Rev. Leo Gariador O.S.B.

Rev. Savinien Louismet O.S.B.

Rev. Adalbert Haffner, O.S. B.

Rev. Louis Choron O. S. B.