

EXHIBIT 12
FCC FORM 340
SECTION IV, QUESTION 1
Established Local Applicant

Oklahoma State University (“OSU”) submits the following documentation in support of its claim for points as an established local applicant. OSU certifies that it has placed a copy of this documentation in the public inspection file for the proposed station in accordance with FCC rules.

OSU is the large, comprehensive state university in Stillwater, Oklahoma. Its four campuses are home to approximately 26,000 students. OSU is a state governmental entity established in 1890. OSU is governed by a nine member Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (the “Board of Regents”), which was created in 1944 by Section 31a, Article 6, of the Oklahoma Constitution. One member of the Board of Regents is the President of the State Board of Agriculture. All other members of the Board of Regents are appointed by the Governor of Oklahoma.

As a state governmental entity, OSU is considered a local entity for purposes of the FCC noncommercial point system determination “throughout the area within which their authority extends.” *In re Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Report and Order, 15 FCC Rcd 7386, (Apr. 21, 2000) at paragraph 54.¹ Accordingly, as a state institution of higher education, the Board of Regents qualifies as a local entity applicant throughout the state of Oklahoma.

The Board of Regents has been in existence since 1944 and is therefore an “established” local entity pursuant to Section 73.7003(b)(1) of the FCC’s Rules. Attached as Attachment A is a copy of Section 31a, Article 6, of the Oklahoma Constitution, which establishes the authority of the Board of Regents to operate as a state governmental entity in Oklahoma.

¹ “. . . For example, the New York State government would be considered local throughout New York State, including New York City, but the New York City Board of Education would be local only in New York City.” *Id.*

ATTACHMENT A

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Section VI-31a: Board of Regents for agricultural and mechanical schools and colleges - Members - Vacancies - Removal - Terms.

There is hereby created a Board of Regents for the Oklahoma Agricultural and Mechanical College and all Agricultural and Mechanical Schools and Colleges maintained in whole or in part by the State. The Board shall consist of nine (9) members, eight (8) members to be appointed by the Governor by and with the advice and consent of the Senate, a majority of whom shall be farmers, and the ninth member shall be the President of the State Board of Agriculture. Any vacancy occurring among the appointed members shall be filled by appointment of the Governor by and with the advice and consent of the Senate. The members of the Board shall be removable only for cause as provided by law for the removal of officers not subject to impeachment. The members shall be appointed for terms of eight (8) years each, with one term expiring each year, provided that the members of the first Board shall be appointed for terms of from one (1) to eight (8) years respectively. Provided that no State, National or County officer shall ever be appointed as a member of said Board of Regents until two years after his tenure as such officer has ceased.

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