

FORM 318 APPLICATION FOR PERMIT TO CONSTRUCT LPFM STATION
EXHIBIT 10 – Established Community Presence of Applicant

Defining “Local” and “Established”. The proposed Community of License, as set forth at Section I, Item (3), is located *outside* of the top 50 urban markets.¹ Thus, for the purposes of this application, the applicant is “local” (its “Local Eligibility”) if its physical headquarters or campus is within **20 miles** of its transmitter site as contemplated in the instant application (the “Local Threshold”). Alternatively, Local Eligibility exists if at least 75 percent of members of the Board of Directors reside within this Local Threshold.

Support for Certification as a Local Applicant. The Applicant’s proposed transmitter site is set forth at Section VI (the “Transmitter Site”).

- Applicant supports its Section II, Item (4)(a) certification by noting that it maintains its physical headquarters/campus at the address specified at Section I, Item (1). This location is, with respect to the Transmitter Site, within the Local Threshold.

Support for Comparative Criteria Claim of “Established Community Presence”. Applicant has at all times maintained is nonprofit and educational nature as documented in Exhibit 2 of this Application. Thus, Applicant may claim an established local presence if this Local Eligibility has existed for at least two years prior to its application.

Applicant’s community presence began at least as early as the date set forth at Section IV, Item (1), a period of *at least two years* prior to the submission of this application. Accordingly, the Applicant is eligible for the “established community presence” point system factor.

Duration of “Established Community Presence”. For the purposes of any tiebreaker analysis in the processing of mutually exclusive applications, Applicant may claim an “established” community presence for the duration in which its Local Eligibility existed continuously in the years prior to the submission of its application. In view of the foregoing, Applicant claims an established community presence since on or about March 25th of the year set forth in the enclosed entry from the *Official Directory of Catholic Organizations*. Enclosed herewith, at Exhibit 2 (incorporated herein by this reference) and

¹ See http://www.arbitron.com/downloads/Arb_US_Metro_Map_12.pdf.

at this Exhibit 10, is documentation and archival evidence of the established community presence of the Applicant.²

² See enclosed entry in the *Official Directory of Catholic Organizations*, published since 1817 by P.J. Kenedy & Sons (2012). Only “public charities” can be included in the *Directory*, which is recognized as authoritative by the Internal Revenue Service in connection with its umbrella ruling for Catholic institutions. For details regarding inclusion in the *Directory*, see <http://old.usscb.org/bishops/dfi/exemptionruling.htm>. The agency’s electronic submission system does not permit Form 318 to list dates prior to 1950, but Applicant is nonetheless claiming establishment in the local community since the year set forth in the *Directory*.

Please note that after so many decades, a precise date is difficult to ascertain, but the *Directory*, and thus the year specified therein, is widely viewed as authoritative within the nation’s single largest faith tradition, the Catholic Church. Accordingly, we ask the agency to take official notice of the year set forth in the *Directory*.

This evidence is not intended to be exhaustive but, rather, sufficient to illustrate the historic ties of the Applicant to the local community. Numerous Catholic churches played an instrumental role in founding their communities. Were Applicant to produce every bit of evidence documenting its historic ties to the community over many decades, this would cease to be an application process and begin to look much like the discovery phase of civil litigation, an outcome we presume the agency wishes to avoid. Even so, Applicant is prepared to provide additional evidence of such ties upon the agency’s request.