

TRINITY BROADCASTING OF OKLAHOMA CITY, INC.
FCC FORM 316
SECTION II, QUESTION 6B

**PRO FORMA ASSIGNMENT FOR AN
INVOLUNTARY AND INSUBSTANTIAL TRANSFER OF CONTROL**

EXHIBIT 6

1. Trinity Broadcasting of Oklahoma City, Inc. (“Trinity”) is seeking approval for a *pro forma* involuntary and insubstantial transfer of control due to the death on May 31, 2016 of Mrs. Janice W. Crouch, and subject to approval of this application, her replacement by Mrs. Laurie M. Crouch, her daughter in-law.¹

2. Trinity is a non-profit church corporation with a self-perpetuating board of directors. In June 2007 it went through a transfer of control approving four directors (BTCCT-20070614ADL): Dr. Paul F. Crouch, Sr., Mrs. Janice W. Crouch, Paul Crouch, Jr., and Matthew W. Crouch. Trinity was founded on August 2, 1973, and Dr. Paul F. Crouch, Sr. served as its President until he passed on November 30, 2013. Mrs. Janice W. Crouch, Dr. Crouch’s wife, also served as a director for approximately three decades (e.g., BRCT-19880729KG, granted November 23, 1988). The 2007 transfer of control noted the addition of Paul Crouch, Jr., as a director of Trinity (which had been previously reported in BOA-20050201BRX). It also reported the addition of Mr. Matthew W. Crouch as a director.

3. Due to Dr. Crouch’s deteriorating health in 2013, and the resignation of Paul Crouch, Jr. as a director and officer on October 8, 2013, Mr. Colby M. May² was elected as a director of Trinity on November 5, 2013. Neither of these changes required submission of a short-form (FCC

¹ A pro forma involuntary and insubstantial transfer of control application was filed on June 6, 2016 for Trinity Christian Center of Santa Ana, Inc., d/b/a Trinity Broadcasting Network (BTCCDT-20160606ABO). Separate pro forma involuntary and insubstantial transfer of control applications are also being submitted on behalf of Trinity’s following related affiliate church organizations which also hold television authorizations and have the same board members as Trinity: Trinity Broadcasting of Florida, Inc.; Trinity Broadcasting of Texas, Inc.; Trinity Broadcasting of Arizona, Inc.; Trinity Broadcasting of Oklahoma City, Inc.; Trinity Broadcasting of Washington, Inc.; Trinity Broadcasting of Indiana, Inc.; and, Trinity Broadcasting of New York, Inc. The broadcast authorizations for each organization are listed in paragraph 7, *infra.*, and a list of attributable broadcast interests for all directors is appended as Attachment 1.

² Mr. May is an attorney who has practiced before the Commission, and represented Trinity, for over thirty-five years, is a member of the Supreme Court of the United States of America, the United States Court of Appeals for the District of Columbia Circuit (and numerous other U.S. Circuit and District Courts), and is a Martindale-Hubbell AV Preeminent Peer Review Rated Lawyer (<http://www.martindale.com/Colby-Mims-May/1754715-lawyer.htm>).

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Form 316) or long-form (FCC Form 315) transfer of control application - a change of one of four directors does not involve a change of control - and were reported in the next Biennial Ownership Report filed in 2015, along with the subsequent death of Dr. Crouch (BOA-20151202DTW).³ Similarly, Dr. Crouch's death did not involve a change in control since control remained in directors Janice Crouch and Matthew Crouch, with Colby May being only a third director.

4. Janice Crouch's death and her replacement by Laurie Crouch are involuntary transfers of control. Commission Rule 73.3541(b), 47 CFR §73.3541(b), provides:

Applications for Involuntary Assignments of License or Transfer of Control

“(b) Within 30 days after the [] death [of a person directly or indirectly in control of a corporation which is a permittee or licensee], an application on FCC Form 316 shall be filed requesting consent [] for involuntary transfer of control to a person or entity legally qualified to succeed to the foregoing interests . . .”

The instant transfer of control is therefore properly handled through a short-form application (FCC Form 316).

5. In addition, in *Transfer of Control of Certain Licensed Non-Stock Entities, supra.*, the Commission has explained that “a majority change in a self-perpetuating board, which arises from a gradual transition of board members, [is] an insubstantial transfer of control,” *Id.* at ¶26 (footnote omitted), and “insubstantial transfer of control [] approval must be sought on an FCC Form 316 (short form) application.” *Id.* at ¶29.⁴ Accordingly, to the extent necessary, the gradual insubstantial transfer of control changes that have taken place in Trinity's board members over the last decade since its 2007 transfer application (BTCCT-20070613ACF) should also be included. Those include the *involuntary* change resulting from Dr. Paul Crouch's death in 2013, as well as Mrs. Janice Crouch's death on May 31, 2016, and the addition, respectively, of Colby May and Laurie Crouch, who along with Matthew Crouch, now constitute, with the Commission's approval, Trinity's current three member board of directors.

³ The guidance provided in *Transfer of Control of Certain Licensed Non-Stock Entities*, 4 FCC Rcd 3403 (at Par. 29), FCC 89-90 (released April 11, 1989), explains that gradual changes in the governing board of a non-profit organization should be reported on the licensee's Ownership Report.

⁴ Non-profit organizations have been operating under the interim policy set forth in *Transfers of Control of Certain Licensed Non-Stock Entities, Id.*, for almost 30 years.

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6. Under the policies set forth in *Transfers of Control of Certain Licensed Non-Stock Entities, Id.*, the Commission recognizes that nonprofit boards, such as Trinity in this case, will have periodic changes in board composition. It requires that, when a majority of the governing board changes due to these normal, gradual changes over time, a noncommercial broadcaster should file a short-form transfer of control (FCC Form 316). Short-form applications are routinely processed by the Commission and are not subject to the thirty-day waiting period of section 309(b) of the Act, 47 USC §309(b). Only if there is a sudden change in control of the board, such as a controlling interest changes all at once (e.g., a majority of the board changes at the same time, or a majority resigns), does the organization need to obtain Commission approval on a long form application (FCC Form 315).⁵

7. Trinity and its related affiliates hold the following full-power television licenses, all of which have completed the current renewal cycle between June 1, 2012 and February 2, 2015:

Trinity Christian Center of Santa Ana, Inc.

<u>Call Sign</u>	<u>Community of License</u>	<u>Fac. ID No.</u>	<u>Renew. (BRC DT-)</u>	<u>Grant Date</u>
WTJP-TV	Gadsden, Alabama	1002	20121126ALP	9/20/2013
WMPV-TV	Mobile, Alabama	60827	20121126AOS	3/26/2013
WMCF-TV	Montgomery, Alabama	60829	20121126ANA	3/26/2013
KTBN-TV	Santa Ana, California	67884	20140801AFJ	12/12/2014
WHLV-TV	Cocoa, Florida	24582	20120926AED	1/31/2013
WELF-TV	Dalton, Georgia	60825	20121126AIC	3/22/2013
WHSB-TV	Monroe, Georgia	68058	20121126ARN	3/27/2013
KAHA-TV	Honolulu, Hawaii	3246	20140925AFH	4/1/2015
WWTO-TV	LaSalle, Illinois	998	20130726ACL	1/6/2014
WBUY-TV	Holly Springs, Mississippi	60830	20130129AMD	9/20/2013
KTAJ-TV	St. Joseph, Missouri	999	20130926AZQ	1/28/2014
WGTW-TV	Burlington, New Jersey	7623	20150130BFJ	6/17/2015
KNAT-TV	Albuquerque, New Mexico	993	20140523ACS	10/17/2014
WDLI-TV	Canton, Ohio	67893	20130529ALB	10/30/2013
KDOR-TV	Bartlesville, Oklahoma	1005	20140131ALJ	6/3/2014
WPGD-TV	Hendersonville, Tennessee	60820	20130327AKW	9/20/2013
WSFJ-TV	Newark, Ohio	11118	20130529ALR	11/6/2013

⁵ *Accord, NCE October 2007 Window MX Group*, FCC 16-10, fn. 18, noting the distinction between “a change in the majority of a governing board, which occur[s] over a period of less than one year, [which] would effectively break continuity in the board,” with “change [that does not] disrupt[] continuity of organizational operations because they occur[] incrementally over time.”

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KNMT-TV	Portland, Oregon	47707	20140925AFL	4/1/2015
WWRS-TV	Mayville, Wisconsin	68547	20130726ADU	1/6/2014
WMWC-TV	Galesburg, Illinois	81946	20130726ADE	1/6/2014
WTPC-TV	Virginia Beach, VA	82574	20120531AGQ	4/19/2013
WRBJ-TV	Magee, Mississippi	136749	20130201ACK	5/15/2013
KPJR-TV	Greeley, Colorado	166510	20131126BOE	3/19/2014

Trinity Broadcasting of Arizona, Inc.

KPAZ-TV	Phoenix, Arizona	67868	20140523ACU	9/17/2015
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Trinity Broadcasting of Florida, Inc.

WHFT-TV	Miami, Florida	67971	20120927AGF	01/31/2013
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Trinity Broadcasting of Indiana, Inc.

WKOI-TV	Richmond, Indiana	67869	20130327ACI	8/22/2013
WCLJ-TV	Bloomington, Indiana	68007	20130327AIV	8/16/2013

Trinity Broadcasting of New York, Inc.

WTBY-TV	Poughkeepsie, New York	67993	20150130BGM	7/21/2015
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Trinity Broadcasting of Oklahoma City, Inc.

KTBO-TV	Oklahoma City, OK	67999	20140131AIN	3/28/2014
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Trinity Broadcasting of Texas, Inc.

KDTX-TV	Dallas, Texas	67910	20140328AJG	7/30/2014
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Trinity Broadcasting of Washington

KTBW-TV	Tacoma, Washington	67950	20140925AFP	2/20/2015
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7. For the foregoing reasons, Trinity respectfully requests the Commission process and grant this *pro forma* involuntary and insubstantial transfer of control brought on by the death of Mrs. Janice W. Crouch and the election of her replacement, Mrs. Laurie Crouch.