

April 2010
KUCC(FM) Channel 201A
Clarkston, WA
Statement Regarding Superior Technical Parameters

Upper Columbia Media Association was awarded the original construction permit for KUCC (see BPED-19970910MC) under a “point system” decision, on the basis of superior technical parameters. Specifically, in the *NCE Omnibus MO&O*¹, UCMA was awarded two points for superior technical parameters, on the basis that its proposed 60 dBu contour encompassed at least 25% greater area and population than the second best proposal.

The table below reports the area and population of the original and proposed 60 dBu contours:

	Original CP 60 dBu	Proposed 60 dBu	Change
Area	767 sq km	1,016 sq km	+249 sq km
Population	52,256	55,099	+2,843

The proposed area and population both represent an increase over the values which secured the original construction permit under the point system. Therefore, the proposed operation entitles UCMA to the same 2 points originally awarded.

¹ See *Comparative Consideration of 76 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified NCE FM Stations*, 22 FCC Rcd 6101, 6120 (2007). Pages relevant to KUCC are attached, see paragraphs 133-134.

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	NCE MX Group Numbers 880611, 89101E,
	)	94116, 94123E, 950215, 95031E, 95062E,
Comparative Consideration of 76 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations	)	95072E, 95076E, 95083E, 95095E, 951129,
	)	960304, 960813, 96086E, 960908, 960911,
	)	961010, 961011, 961121, 970111, 970113,
	)	970209, 970310, 970312, 970514, 970520,
	)	970630, 970631, 970726, 970730, 970738,
	)	970815, 970823, 970928, 97091E, 971015,
	)	971019, 980111, 980301, 98033P, 9803HL,
	)	980401, 980404, 980415, 98043S, 980510,
	)	980605, 980609, 980616, 980619, 9806PP,
	)	980704, 980801, 980805, 980815, 980902,
	)	980910, 981003, 981005, 981010, 981106,
	)	981209, 981212, 990101, 990109, 9901XP,
	)	990306, 990307, 9903TP, 990403, 990408,
	)	990508, 990512, 990607, 990609

MEMORANDUM OPINION AND ORDER

Adopted: March 22, 2007

Released: March 27, 2007

By the Commission: Commissioners Copps, Adelstein, and McDowell issuing separate statements.

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APPENDIX – Noncommercial Educational Groups

130. SPR certified that it is eligible for three points as an established local applicant. AFA certified that it is not entitled to any points under this criterion. AFA claimed two points for local diversity of ownership. SPR certified that it is not entitled to any points under this criterion. No applicant claimed points as a statewide network. With respect to technical parameters, AFA's proposed 60 dBu contour would encompass 2,813 square kilometers with a population of 466,668. SPR's proposed 60 dBu contour would encompass 2,525 square kilometers with a population of 368,732. One technical point is awarded to the applicant that serves at least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. AFA qualifies for one point under this criterion. Accordingly, AFA and SPR are each credited with a total of 3 points. Both applications will proceed to a tie-breaker.

131. The first issue considered in a tie-breaker for NCE FM applicants is the number of radio authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. AFA certifies that it has attributable interests in 227 radio authorizations. SPR certifies that it has attributable interests in 9 radio authorizations. SPR prevails based on this first tie-breaker criterion and is the tentative selectee in Group 970823. The remaining tie-breaker criterion need not be considered.

132. **Group 970928.** This group consists of the mutually exclusive applications of American Family Association ("AFA") and Empire Broadcasting, Inc. ("Empire"). Both applicants propose to serve the community of Buras, Louisiana. AFA and Empire each certified that it is not entitled to any points as an established local applicant. Empire claimed two points for local diversity of ownership. AFA certified that it is not entitled to any points under this criterion. Neither applicant claimed points as a statewide network. With respect to technical parameters, AFA's proposed 60 dBu contour would encompass 670 square kilometers with a population of 7,850. Empire's proposed 60 dBu contour would encompass 862 square kilometers with a population of 9,099. One technical point is awarded to the applicant that serves at least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. Empire qualifies for one point under this criterion. Accordingly, Empire is credited with a total of 3 points and AFA is not credited with any points. Thus, Empire is the prevailing tentative selectee in Group 970928. A tie-breaker analysis is not necessary.

133. **Group 97091E.** This group consists of mutually exclusive applications of Upper Columbia Media Association ("UCMA") and Living Faith Fellowship Educational Ministries ("LFF"). UCMA proposes to serve Clarkston, Washington. LFF proposes to serve Asotin, Washington. When applicants propose different communities, the Commission must first determine whether one applicant is credited with a dispositive fair distribution preference. An applicant is eligible for a preference if it would provide a new first and/or second service to at least ten percent of the population, which must be at least 2,000 people, within its proposed service area. UCMA and LFF each certified that it would not qualify for a Section 307(b) preference because it would not provide a new first or second service to ten percent of the population within its respective service area. The applications, therefore, proceed to a point hearing.

134. UCMA certified that it qualifies for three points as an established local applicant based on the qualifications of a related company. As discussed *supra*, we have determined that UCMA does not meet the exact definition of established local applicant and, therefore, that it will receive no points under this criterion.¹⁹³ LFF certified that it is not entitled to any points under this criterion. UCMA and LFF claimed two points each for diversity of ownership. No applicant claimed points as a statewide network. With respect to technical parameters, UCMA's proposed 60 dBu contour would encompass 767 square kilometers with a population of 52,256. LFF's proposed 60 dBu contour would encompass 187 square kilometers with a population of 30,079. One technical point is awarded to the applicant that serves at

¹⁹³ See *supra* ¶¶ 38 -39.

least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. UCMA qualifies for two points under this criterion. Accordingly, UCMA is credited with a total of 4 points. LFF is credited with a total of 2 points. Thus, UCMA is the prevailing tentative selectee in Group 97091E. A tie-breaker analysis is not necessary.¹⁹⁴

135. **Group 971015.** This group consists of the mutually exclusive applications of American Family Association (“AFA”) and Marshalltown Education Plus, Inc. (“MEP”). Both applicants propose to serve the community of Marshalltown, Iowa. MEP certified that it is eligible for three points as an established local applicant. AFA certified that it is not entitled to any points under this criterion. AFA claimed two points for local diversity of ownership. MEP certified that it is not entitled to any points under this criterion. Neither applicant claims points as a statewide network. With respect to technical parameters, AFA’s proposed 60 dBu contour would encompass 415 square kilometers with a population of 30,232. MEP’s proposed 60 dBu contour would encompass 1,041 square kilometers with a population of 34,832. One technical point is awarded to the applicant that serves at least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. MEP qualifies for one point under this criterion. Accordingly, AFA is credited with a total of 2 points and MEP is credited with a total of 4 points. Thus, MEP is the prevailing tentative selectee in Group 971015. A tie-breaker analysis is not necessary.

136. **Group 971019.** This group consists of the mutually exclusive applications of American Family Association (“AFA”), Family Stations, Inc. (“FSI”), and Temple University of the Commonwealth of Pennsylvania (“Temple”). Each applicant propose to serve the community of Coatesville, Pennsylvania. Temple certified that it is eligible for three points as an established local applicant. AFA and FSI each certified that it is not entitled to any points under this criterion. FSI and Temple claimed two points each for local diversity of ownership. AFA certified that it is not entitled to any points under this criterion. No applicant claimed points as a statewide network. With respect to technical parameters, AFA’s proposed 60 dBu contour would encompass 334 square kilometers with a population of 90,040. FSI’s proposed 60 dBu contour would encompass 280 square kilometers with a population of 81,615. Temple’s proposed 60 dBu contour would encompass 596 square kilometers with a population of 131,789. One technical point is awarded to the applicant that serves at least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. Temple qualifies for two points and the other applicants do not qualify for any points under this criterion. Accordingly, Temple is credited with a total of 7 points. FSI is credited with a total of 2 points. AFA is not credited with any points. Thus, Temple is the prevailing tentative selectee in Group 971019. A tie-breaker analysis is not necessary.

137. **Group 980111.** This group consists of the mutually exclusive applications of American Family Association (“AFA”) and Minn-Iowa Christian Broadcasting Foundation (“MICB”). Both applicants propose to serve the community of New Ulm, Minnesota. AFA and MICB each certified that it is not entitled to any points as an established local applicant or as a statewide network. Both claimed two points for local diversity of ownership. With respect to technical parameters, AFA’s proposed 60 dBu contour would encompass 262 square kilometers with a population of 16,334. MICB’s proposed 60 dBu contour would encompass 369 square kilometers with a population of 16,905. One technical point is awarded to the applicant that serves at least 10 percent more area and population than the second best proposal. Two points are awarded under this criterion on the basis of a 25 percent differential. No applicant in this group qualifies for points under this criterion. Accordingly, AFA and MICB are credited with a total of 2 points each. Both applications will proceed to a tie-breaker.

¹⁹⁴ As discussed previously, UCM’s waiver request concerning tie-breakers thus need not be considered. *See supra* at note 32.