

**FCC Form 340**  
**Section II**

**NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See Instructions, paragraph L for additional information regarding completion of explanatory exhibits.**

## Section II - Legal and Financial

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. ☒ Yes ☐ No
2. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.

The applicant certifies that it is:

- a. a nonprofit educational institution; or ☐ Yes ☒ No
- b. a governmental entity other than a school; or ☐ Yes ☒ No
- c. a nonprofit educational organization, other than described in a. or b. ☒ Yes ☐ No
3. For applicants checking "Yes" to question 2(c) and applying for a new noncommercial educational television station only, the applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served. ☐ Yes ☐ No ☒ N/A
4. a. The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application. ☒ Yes BRED-20031231AAD  
FCC File Number ☐ No
- b. Applicants who answered "No" to Question 4(a), must include an exhibit that describes the applicant's educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503 (for radio applicants) or 47 C.F.R. Section 73.621 (for television applicants).
5. The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended. ☒ Yes ☐ No

Exhibit No. <u>1</u>
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6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es)  (a)	Citizenship  (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.  (c)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock(VS) or Membership (M) (c)	% of: of Total Assets (equity plus debt) (f)
			Ycs	No		
			(d)			
See Exhibit 2						

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

☒ Yes ☐ No

See Explanation  
in Exhibit No.

7. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest pursuant to the notes to 47 C.F.R. Section 73.3555.

Exhibit No.  
3

☐ N/A

8. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with:

☒ Yes ☐ No

See Explanation  
in Exhibit No.

- a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
- b. any pending broadcast application in which character issues have been raised.

9. **Adverse Findings.** Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

☒ Yes ☐ No

See Explanation  
in Exhibit No.

If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

10. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

☒ Yes ☐ No

See Explanation  
in Exhibit No.

11. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

☒ Yes ☐ No

12. **Local Public Notice.** Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.

☒ Yes ☐ No

13. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

☒ Yes ☐ No

14. **Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.

☐ Yes ☐ No ☒ N/A

**QUESTIONS 15, 16 AND 17 APPLY ONLY TO APPLICATIONS FOR NEW STATIONS. OTHER APPLICANTS CAN PROCEED TO QUESTION 18.**

15. **Financial.** The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.

☒ Yes ☐ No

See Explanation  
in Exhibit No.

If "No" to 15., answer questions 16. and 17.

16. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☐ Yes ☒ No
17. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☒ No

**NOTE:** If Yes to 16. or 17., the application cannot be granted unconditionally until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on the applicant's part is required. If the applicant relies on funds from a source specified in Question 17., the applicant must advise the Commission when the funds are committed or appropriated. This should be accomplished by letter amendment to the application. Applicants should take note that the Commission's construction period is not considered "tolled" by funding difficulties and that any permit granted conditionally on funding will expire if the station is not constructed for any reason, including lack of funding.

**QUESTIONS 18 AND 19 DO NOT APPLY TO APPLICATIONS FOR NEW STATIONS. APPLICANTS FOR NEW FM STATIONS CAN PROCEED TO SECTION III. APPLICANTS FOR NEW TV STATIONS CAN PROCEED TO SECTION IV.**

**Holding Period.**

18. Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b). ☐ Yes ☐ No

If "No," answer a. and b. below. If applicant answers "No" to 18. above and cannot answer "Yes" to either a. or b. below, the application is unacceptable.

- a. Applicant certifies that the proposed modification will not downgrade service to the area on which the Section 307(b) preference was based. ☐ Yes ☐ No
- b. Applicant certifies that although it proposes to downgrade service to the area on which the Section 307(b) preference was based, applicant has provided full service to that area for a period of four years of on-air operations. ☐ Yes ☐ No

19. Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003. ☐ Yes ☐ No

If "No," applicant must be able to answer "Yes" to a. below or provide an exhibit that makes a compelling showing that the downgrade would be in the public interest.

- a. Applicant certifies that the population and area within the proposed service contour (60 dBu (FM) or Grade B (TV)) are greater than or equivalent to those authorized. ☐ Yes ☐ No

Exhibit No.

**Section III**

**Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b) (New and Major Changes to FM Radio Only)** (Other applicants can proceed to Section IV.

1. Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit. ☐ Yes ☐ No  
Exhibit No.
2. Applicant certifies that the proposed station will provide a second noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit. ☐ Yes ☐ No  
Exhibit No.

## **Exhibit 1**



Federal Communications Commission  
Washington, D.C. 20554

November 7, 2003

Family Worship Center Church, Inc.  
Bob Cornell  
8919 World Ministry Ave.  
Baton Rouge, LA 70810

Re: FWCC stations

Dear Mr. Cornell:

This letter is to confirm that Family Worship Center Church, Inc. and its affiliated stations have been classified as a nonprofit entity under Section 501 of the Internal Revenue Code. As such, in accordance with Section 1.1162(c) of the Federal Communications Commission's Rules, Family Worship Center Church, Inc. and its affiliated stations are exempt from payment of annual regulatory fees.

Should the status of Family Worship Center Church, Inc. change from a nonprofit to a for-profit entity, you are reminded that Section 1.1162(c)(1)(i) of the Commission's rules requires that you notify the Commission of the reassignment or sale within 60 days of the assignment or purchase.

Please retain this letter with your records for future reference.

If you have any questions, you may contact Claudette E. Pride, Chief, Revenue and Receivables Group (202) 418-1996.

Sincerely,

Claudette E. Pride  
Revenue & Receivables Operations Group

RECEIVED  
11-18-03

Internal Revenue Service

District Director

Date: March 5, 1996

Family Worship Center Church Inc  
8919 World Ministry Ave  
Baton Rouge, LA 70821

Department of the Treasury

Returns Program Management  
Staff - Taxpayer Assistance  
401 West Peachtree St. NW  
Room 1109 - Stop 520-D  
Atlanta, GA 30365

Date of Inquiry:

Person to Contact:  
Bob Mitchell  
Telephone Number:  
404 331-3025

EIN: 72-1222084

Dear Taxpayer:

This is in response to your request for confirmation of your exemption from Federal income tax.

You were recognized as an organization exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code by our letter of December 1991. You were further determined not to be a private foundation within the meaning of section 509(a) of the Code because you are an organization described in section 170(b)(1)(A)(i).

Contributions to you are deductible as provided in section 170 of the Code.

The tax exempt status recognized by our letter referred to above is currently in effect and will remain in effect until terminated, modified or revoked by the Internal Revenue Service. Any change in your purposes, character, or method of operation must be reported to us so we may consider the effect of the change on your exempt status. You must also report any change in your name and address.

Thank you for your cooperation.

Sincerely,

Bob Mitchell

Exempt Organizations  
Coordinator

TPA1001tr



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554  
MAR 17 2003

IN REPLY REFER TO:  
1800B3-EB

Harold S. Vogt  
Senior Technical Engineer  
Family Worship Center Church, Inc.  
P.O. Box 262550  
Baton Rouge, LA 70826-2550

In Re: WAYB-FM, Graysville, Tennessee  
Family Worship Center Church, Inc.  
Facility ID No. 71148

Request for Waiver of 47 C.F.R. §  
73.1125 (Main Studio Rule)

Dear Mr. Vogt:

The staff has under consideration the referenced August, 25, 2002 request for a waiver of the Commission's main studio requirement, 47 C.F. R. Section 73.1125, filed by Family Worship Center Church, Inc. ("FWCC"). In this request, FWCC seeks a waiver of Section 73.1125 of the Commission's Rules in order to operate WAYB(FM) as a "satellite" station of its noncommercial educational station WJFM(FM), Baton Rouge, Louisiana.<sup>1</sup> For the reasons set forth below, we will waive Section 73.1125.

Pursuant to Section 73.1125(a), a main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any other broadcast station licensed to its community, or (3) within 25 miles of the center of its community of license.<sup>2</sup> However, under Section 73.1125(b)(2), the Commission will waive these requirements where good cause exists to do so and where the proposed studio location would be consistent with the operation of the station in the public interest. Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operation for NCE stations, given their limited funding, and thus found good cause exists to waive the main studio location requirement where satellite operations are proposed.<sup>3</sup> A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 public interest standard.<sup>4</sup>

<sup>1</sup> A "satellite" station meets all of the Commission's technical rules. However, it originates no programming and instead rebroadcasts the parent station's programming. See *Amendment of Multiple Ownership Rules, Memorandum Opinion and Order*, 3 RR2d 1554, 1562 (1964).

<sup>2</sup> See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), *recon. granted in part*, 14 FCC Rcd 11113 (1999) ("Reconsideration Order").

<sup>3</sup> *Id.*

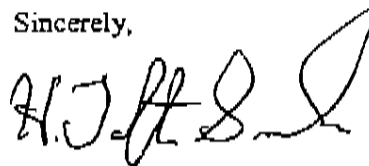
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3-27-03

FWCC's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is good cause to waive 47 C.F.R. Section 73.1125(a) under these circumstances. FWCC proposes to operate WAYB-FM, Graysville, Tennessee, as a satellite station of WJFM(FM), Baton Rouge, Louisiana, approximately 493 miles from Graysville. Where there is considerable distance between the parent and the satellite station, and where the parent and satellite station are in different states, as here, we are particularly concerned that the licensee takes adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, FWCC has pledged to meet its local service obligations by: (1) developing a "volunteer listener program" which will have one to three local listeners committed to being available to check on the transmitter and to provide a local presence for listeners to contact with comments and issues; (2) hiring for the volunteer program will be advertised in the local newspaper once per quarter encouraging local parties to contact FWCC by either an 800 telephone number, mail or e-mail; (3) engaging in local surveys in Graysville to determine the concerns and needs of the community which will then be addressed in the programming from the network as part its normal broadcast; (4) working to develop a list of questions to be placed in Graysville newspaper ads which would inquire about the local concerns and how the programming can be improved; (5) integrating an on-air question and answer session with local listeners once per week into the programming; and (6) maintaining its public inspection file within the community of license.

In these circumstances, we are persuaded that FWCC will meet its local service obligation and, thus, that grant of the requested waiver is consistent with the public interest. We remind FWCC, however, of the requirement that it maintain a public file for WAYB-FM at the main studio of the "parent" station, WJFM(FM), Baton Rouge, Louisiana. It must also make reasonable accommodation for listeners wishing to examine the file's contents.<sup>5</sup> We further remind FWCC that, notwithstanding the grant of waiver requested here, the public file for WJFM(FM) must contain the quarterly issues and programs list for Graysville, Tennessee as required by C.F.R. Section 73.3527(e)(8).

Accordingly, the request made by Family Worship Center Church, Inc., for waiver of 47 C.F.R. Section 73.1125, IS GRANTED.

Sincerely,



H. Taft Snowdon  
Supervisory Attorney  
Audio Division  
Media Bureau

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<sup>4</sup> *Id.*

<sup>5</sup> See *Reconsideration Order*, 14 FCC Rcd at 11129.

## **Exhibit 2**

## **Ownership of Family Worship Center Church, Inc.**

1. Jimmy Swaggart  
17575 Highland Rd.  
Baton Rouge, LA 70810

US Citizen  
President/Director  
8.33% Vote

2. Frances Swaggart  
17575 Highland Rd.  
Baton Rouge, LA 70810

US Citizen  
Secretary/ Treasurer/Director  
8.33% Vote

3. Donnie Swaggart  
17565 Highland Rd.  
Baton Rouge, LA 70810

US Citizen  
Vice President/Director  
8.33% Vote

4. Harold Lee  
4013 Pintail Circle  
Rocky Face, GA 30740

US Citizen  
Director  
8.33% Vote

5. Peggy Lee  
4013 Pintail Circle  
Rocky Face, GA 30740

US Citizen  
Director  
8.33% Vote

6. Clyde Fuller  
7823 Stoneridge  
Chattanooga, TN 37421

US Citizen  
Director  
8.33% Vote

7. Elizabeth Fuller  
7823 Stoneridge  
Chattanooga, TN 37421

US Citizen  
Director  
8.33% Vote

8. Roy Chacon  
P.O. Box 822  
Bishop, CA 93515

US Citizen  
Director  
8.33% Vote

9. Beulah Chacon  
P.O. Box 822  
Bishop, CA 93515

US Citizen  
Director  
8.33% Vote

10. Jack Daugherty  
1920 Weile  
Spokane, WA 99208

US Citizen  
Director  
8.33% Vote

11. Barbara Studley  
1201 24<sup>th</sup> St. NW  
Suite 730  
Washington, DC 20037

US Citizen  
Director  
8.33% Vote

12. Debbie Swaggart  
17565 Highland Rd.  
Baton Rouge, LA 70810

US Citizen  
Director  
8.33% Vote

### **Exhibit 3**

## **Other Broadcast Stations**

1. WYMJ (AM), Bowling Green, OH
2. WJFM (FM), Baton Rouge, LA
3. KNRB (FM), Atlanta, TX
4. KNDH (AM), Camdem, AR
5. WAYB (FM), Chattanooga, TN
6. KUUZ (FM), Greenville, MS
7. WSTN (AM), Somersville, TN
8. WTGY (FM), Grenada, MS
9. KMFS (AM), Guthrie, OK
10. KABK (FM), Searcy, AR
11. KTOC (FM), Jonesboro, AR
12. KPSH (FM), Coachella, CA