

Catholic Kolping Society New York
FORM 318 APPLICATION FOR PERMIT TO CONSTRUCT LPFM STATION
EXHIBIT 2 - Nonprofit and Educational Nature of Applicant

Applicant is a religiously-oriented educational organization that will operate the proposed Low Power FM broadcast facility pursuant to Part 73, subpart G, of the Commission's Rules.¹ With respect to the licensing requirements governing all noncommercial educational ("NCE") facilities,² the Commission has stated that religiously-oriented applicants can meet its NCE eligibility standards where the applicant (1) proposes an overall educational program and (2) its proposed programming furthers its educational objectives.³

We hereby demonstrate eligibility for a LPFM authorization inasmuch as the Applicant:

- is recognized by a state government as a nonprofit entity;⁴
- proposes an overall educational program; and
- proposes broadcast programming to advance its educational purposes.

Nonprofit Recognition. The nonprofit nature of the Applicant is set forth in Articles of Incorporation and Bylaws (the "Governing Documents"). In addition, in a letter issued by the Internal Revenue Service, the federal government has recognized the Applicant as exempt from federal income taxation due to its nonprofit nature pursuant to Section 501(c)(3) of the Internal Revenue Code. *Enclosed herewith are copies of these documents, or applicable excerpts thereof.*

Educational Nature. The Applicant's Governing Documents further describe the overall educational nature of its activities. The Articles read, in part, as follows: "for the purposes of mutual improvement in religious knowledge and for the furtherance of religious opinion . . . moral and mental or intellectual improvement . . . for the cultivation of a religious, moral, and truly manly character and life . . . by means of public lectures, instruction."⁵ Moreover, the federal government has recognized the Applicant as exempt

¹ 47 C.F.R. §73.801 - §73.881

² See 47 C.F.R. §73.853(a) and 47 C.F.R. §73.503(d)

³ *Columbia Bible College Broadcasting Co.*, 6 FCC Rcd 516, ¶¶ 9-10 (1991)

⁴ See *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, MEMORANDUM OPINION AND ORDER, FCC 13-116, ¶14 (rel. August 23, 2013).

⁵ Certificate of Incorporation of the Katholischer Gesellen-Verein, New York (March 13, 1894). As translated, the Catholic Mechanics' Union of New York, which changed its name to the current name of the Applicant as of November 14, 1968, albeit the Applicant's bylaws state that its organization pre-dated incorporation. "The present title was adopted on January 25, 1963." Bylaws of Catholic Kolping Society New York, at 1 (as revised and adopted October 28, 1983, incorporating previous revisions of 1955, 1963,

from federal income taxation due to its nonprofit nature as an educational public charity pursuant to Section 501(c)(3) of the Internal Revenue Code. *Additional evidence of the Applicant's educational mission and activities is set forth at its Internet site.*⁶

Advancement of Educational Purpose. The Applicant will provide a noncommercial broadcast service for the advancement of its educational program. Applicant's educational objectives include the following:

- Re-broadcast religious programs produced by organizations with the Catholic Church and delivered via satellite or magnetic media;
- Originate local Catholic religious, educational and cultural programs on local Catholic events of interest to the population within the broadcast area; and
- Distribute religious, educational and cultural material available and furnished by the clergy and laity of the Catholic Church, including materials produced by various organizations and apostolates faithful to the Catholic Church.

In order to advance these and other educational purposes, Applicant plans to broadcast in a "Catholic Talk" format. A schedule of current programming offered by Eternal Word Television Network ("EWTN") -- the most significant supplier of programming for stations with a Catholic Talk format -- is provided herewith.⁷

Applicant intends, of course, to honor the commitments set forth in its Form 318 application, including those with respect to the local origination of programming. Such local origination programming may include broadcast of a local Mass, or the broadcast of homilies by local clergy, interviews with the Bishop of the Diocese, or spiritual music introduced by a local on-air personality.⁸ Applicant will work with local Roman Catholic

1972 and 1976. The organization's latest newsletter states that its mission is to advance a program of spiritual, educational, charitable and social activities." See www.kolpingny.org/bulletins/Bulletin1013.pdf.

⁶ See www.kolpingny.org.

⁷ See "EWTN Radio Schedule", also available at <http://www.ewtn.com/radio/schedule.htm>. We note that the Applicant is not herein committing to affiliate with any single network programming provider, but rather that the programming schedules cited herein are intended to illustrate the type of programming that is currently unavailable in the proposed Community of License and that Applicant wishes to offer. Applicant may offer programming from any number of Catholic radio programming producers. See, e.g., "WAOB Radio Schedule" available at <http://www.waob.org/#!/program-schedule/czpx>; "Catholic Answers", available at <http://www.catholic.com>; Relevant Radio, available at <http://www.relevantradio1.com/page.aspx?pid=1399>; and Ave Maria Radio, available at <http://avemariaradio.net/on-air/radio-schedule/>.

⁸ Regardless of the applicability of agency preferences for local origination of programming, important Church documents urge the faithful to take up broadcasting and other social media to engage in the New Evangelism. This same body of documents favors "subsidiarity" (an emphasis on local responsiveness) within an obligation of wise "stewardship". Accordingly, all Catholic broadcasters share a goal to introduce

parishes and other community organizations to assist and complement existing efforts to administer to the spiritual, intellectual, and physical needs of the listening audience. In any event, the EWTN schedule supplied herewith may be viewed as representative of the type of educational programming that the Applicant anticipates airing.

Moreover, Applicant will not air commercials. The EWTN network feed includes no paid programming. Rather, the EWTN radio service includes news and current affairs programming; interactive call-in discussion shows; live interviews with authors on spiritual matters and social issues; recorded instructive talks by eminent theologians, scholars, and homilists; and live airings of devotional prayers and the daily Mass.

Applicant will work with local Roman Catholic parishes and other community organizations to assist and complement existing efforts to administer to the spiritual, intellectual, and physical needs of the listening audience.

In view of the foregoing, Applicant is an educational organization and has evidenced its intention to operate the new noncommercial education station consistent with an overall educational program. Accordingly, the nature and educational purposes of the Applicant make it eligible to obtain the broadcast authorization sought in the instant application.

such programming. *See, e.g.,* each of the documents specified (along with the Internet address where it may be obtained) as follows:

- *Rerum Novarum* (1891), an encyclical re subsidiarity by Pope Leo XIII
http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html)
- *Inter Mirifica* (1963), the *Vatican II* decree on social media, promulgated by Pope Paul VI
http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_decree_19631204_inter-mirifica_en.html
- *Laborum Exercens* (1981), an encyclical re stewardship by Pope John Paul the Great
http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_14091981_laborem-exercens_en.html
- *Redemptoris Missio* (1990), an encyclical re evangelism by Pope John Paul the Great
http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_07121990_redemptoris-missio_en.html)