

Exhibit 11

Request for Waiver of Section 74.15(f) of the Commission's Rules

RE: Nineteen Stations Off Air For More Than A Year

Call Sign	Facility ID No.	City of License	State	Off Air Date
K15DB	67978	Santa Barbara	CA	11/14/2008
K41FQ	67916	Springfield	MO	6/23/2009
W49CQ	67990	Cookeville	TN	6/24/2009
W26CD	47689	Scranton	PA	6/26/2009
W40AZ	47692	Wilmington	DE	7/1/2009
W17CS	129451	Marquette	MI	7/1/2009
W34CN	14335	Medway	ME	7/6/2009
W20BA	47720	Massena	NY	7/9/2009
W51BI	67934	Kirtland	OH	7/13/2009
K41JJ	67891	Ogden	UT	7/20/2009
K36HL	67992	Grants Pass	OR	7/27/2009
K34EM	54348	Wenatchee	WA	7/29/2009
W20BZ	129382	Escanaba	MI	7/31/2009
K34FH	47690	Little Rock	AR	8/24/2009
K25GI	47706	Amarillo	TX	8/27/2009
K56AU	67915	Columbia	MO	8/31/2009
W20BT	47704	Ithaca	NY	9/4/2009
W35CC	67940	Lumberton	NC	9/10/2009
W25DR	1012	Jasper	AL	9/14/2009

**12 Stations That Will Have Been Off Air For
More Than A Year by December 31, 2010**

Call Sign	Facility ID No.	City of License	State	Off Air Date
K30IX	1014	Tahlequah	OK	10/26/2009
K07YX	67961	Tucson	AZ	10/27/2009
K41OI	60823	Jefferson City	MO	10/31/2009
W33BX	67931	Tifton	GA	11/2/2009
W38BK	68070	Evanston	IN	11/3/2009
W22CH	68049	Hopkinsville	KY	11/5/2009
W38CO	68028	Ft. Myers	FL	11/10/2009
K35FJ	67964	Aberdeen	SD	12/2/2009
K42DA	68081	Paris	TX	12/6/2009
K14MJ	130818	Farmington	NM	12/19/2009
W40BM	67890	Lynchburg	VA	12/28/2009
W44CF	130133	Clarksburg	WV	12/28/2009

Trinity Christian Center of Santa Ana ("Trinity" or "Assignor") and the Minority Media and Telecommunications Council, Inc. ("MMTC" or "Assignee") respectfully request that the Commission grant the assignment applications for the above-referenced LPTV stations

notwithstanding the fact that these stations have not transmitted broadcast signals for over twelve months. Additionally, it is requested that the Commission authorize a one-year period after the licenses are assigned to enable the stations to return to the air.¹ This relief is requested in order to enable MMTC to use these stations to help train minorities and women in broadcast entrepreneurship, as described below.

The MMTC Entrepreneurship Incubator

MMTC is creating the **MMTC Entrepreneurship Incubator**, through which these stations will be used to provide minorities and women with the experience and leverage necessary to gain access to capital and to learn the unique skills required of managers seeking to become successful entrepreneurs and owners.

The most typical route to broadcast ownership is through broadcast management. Yet while quite a number of minorities and women have succeeded in their careers as broadcast station managers, two barriers to entry have prevented them from becoming broadcast station owners. First, as the Commission has recognized, minorities and women have a dearth of access to capital. Second, minorities and women do not have a hands-on vehicle for experiencing ownership and thereby acquiring the skill sets required for entrepreneurship in addition to those required for management.²

The MMTC Entrepreneurship Incubator will address both of those entry barriers:

- To facilitate access to capital, MMTC will partner with experienced broadcasters wishing to become owners and, in some cases, to help other entrepreneurs become owners. MMTC plans to assign the stations to eight of its nine partners immediately, while one of its partners will operate the stations in an LMA with an option to purchase it from MMTC. All partners will receive a substantial discount that reflects the value of the training the broadcasters will provide. The revenue MMTC will receive from assigning the stations to its partners will enable MMTC to operate the Entrepreneurship Incubator.

¹ We request that this condition run with the licenses, inasmuch as MMTC's plans to use the stations for training will be effectuated by broadcasters in partnership with MMTC - either through immediate further assignments of the licenses, or through LMAs with options to purchase the stations from MMTC. See p. 2-3 infra.

² The National Association of Broadcasters Education Foundation operates the NAB Broadcast Leadership Training (BLT) Program. The BLT Program is a 10-month Executive MBA-style program that enables talented senior level broadcast executives who aspire to advance as group executives or station owners -- particularly women and people of color --to be exposed to the fundamentals of purchasing, owning, and the successful operation of radio and television stations. Two graduates of that program, Orlando and Mayela Rosales, own Media Vista Group LLC, which is acquiring W16CJ, in Naples, Florida from MMTC as a result of the Trinity LPTV station donations. The BLT Program provides extensive classroom training for managers seeking to transition into ownership. MMTC plans to enable graduates of the BLT program, or those with similar training, to complete the final leg of their journeys into ownership by applying skill sets in the real-time stewardship of a broadcasting business that they would own.

- To facilitate the transition from management to ownership, MMTC will establish a national one-on-one broadcast ownership mentoring program to be operated by radio business operations/sales veteran and former Clear Channel senior corporate executive, Diane Warren. Through this program, minorities and women who are or who aspire to become new broadcast owners will be paired with senior and retired C-level broadcast executives and owners who will serve as mentors. Further, MMTC and one of its partners, Digital-Networks LLC, will establish a program (in which other MMTC partners can participate) under which minorities and women will establish their own local broadcast sales agencies (“representative” firms) in medium and small, undeserved markets where dozens of the stations are located. MMTC’s minority and women entrepreneur owners and LMA partners will become the client customers of these agencies. The new agencies will work with local merchants and local businesses to prospect, pitch, sell, produce and air their local ads on the MMTC partner stations. In this way, new entrepreneurs can learn about business ownership and the advertising business by owning and operating one of these businesses.

MMTC is ideally suited to operate the Entrepreneurship Incubator. Founded in 1986 and highly respected for the quality of its advocacy and training work, MMTC is the leading minority organization in the media, telecom and broadband policy spaces. MMTC is also an experienced broadcaster – the licensee of WLCC(AM), Brandon (Tampa), FL, which it has owned since January, 2009 and at which two of its employees (both Hispanic women) are undergoing training. On September 1, 2010, MMTC also closed on its acquisition of WNRR(AM), North Augusta, South Carolina, which was donated to MMTC by Clear Channel Communications, Inc. and which MMTC is using to train two employees as well as incubate Augusta’s first woman owned broadcaster, Shannon De Medicis, through an LMA with an option to purchase the station in one year at a substantial discount.

In addition, since 1997 MMTC has owned and operated MMTC Media Brokers, the nation’s only minority-owned and only nonprofit media brokerage, and the 15th largest brokerage in the nation, having participated in nearly \$1.7 billion in radio and television transactions. Further, MMTC has access to the 74 national organizations that its policy arm represents at the FCC in a variety of rulemaking proceedings, including the NAACP, National Urban League, LULAC, National Council of La Raza, Rainbow PUSH Coalition, National Association of Black Journalists, National Association of Hispanic Journalists, National Association of Black Owned Broadcasters, International Black Broadcasters Association, and the Black College Communication Association. Thus, MMTC is ideally suited to operate a national minority broadcast ownership incubation program.

With a staff of eight, MMTC lacks the infrastructure and the immediate access to capital to build out the stations, program them, convert them to digital, and operate them on its own. Therefore, MMTC has arranged for the stations to be operated by nine experienced broadcasters, who will be MMTC’s partners in the training program. Six of these nine broadcasters are minority controlled. Eight of the nine broadcasters will acquire their stations immediately, and one of the broadcasters will operate its station for MMTC in an LMA with an option to buy it. All sales of stations by MMTC to its partners will be at discounts of at least 50% of their current fair market value. The discounts are being given by MMTC as a means to help MMTC’s partners secure

access to capital – a procedure the Commission itself adopted in 1978 and reaffirmed in 2007 as the premise for its Distress Sale Policy.³

The Commission May Rely on Established Precedent in Granting The Requested Relief

Under most circumstances, licenses for stations that have been off the air for over a year are deemed to have expired and are forfeited to the Commission. Section 74.15(f) of the Commission's rules, the "One Year Rule," states:

The license of an . . . TV translator . . . or low power TV station will expire as a matter of law upon failure to transmit broadcast signals for any consecutive 12-month period notwithstanding any provision, term, or condition of the license to the contrary.⁴

However, 47 U.S.C. §312(g) grants the Commission broad discretionary authority not to apply Section 74.15(f) (or its full-power counterpart in Sec. 73.1020(c)) in all instances, and to reinstate these licenses if:

[T]he holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, *or for any other reason to promote equity and fairness.*⁵

The Commission and its staff will "determine on a case-by-case basis whether any purported equities associated with the individual circumstances warrant reinstatement of a license forfeited pursuant to Section 312(g)."⁶ Traditionally, the Commission generally waives the one-year rule only where the licensee experienced events beyond its control,⁷ but in two contexts closely

³ See Statement of Policy on Minority Ownership of Broadcasting Facilities, 68 FCC2d 979, 983 (1978) ("Moreover, in order to further encourage broadcasters to seek out minority purchasers, we will permit licensees . . . to transfer or assign their licenses at a 'distress sale' price to applicants with a significant minority ownership interest."... This policy affords a 25% discount from fair market value for the purchase of stations by minorities."); see also Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further NPRM, 23 FCC Rcd 5922, 5937-38 ¶35 (2008) ("Broadcast Diversity Order") (The Commission's distress sale policy permits "a licensee whose license has been designated for revocation hearing, or whose renewal application has been designated for hearing on basic qualifications issues, to assign its license prior to commencement of the hearing to a minority controlled entity" at a price that is substantially below its fair market value.)

⁴ See 47 C.F.R. §§74.15(f) and §73.1020(c); see also 47 C.F.R. §74.763(c).

⁵ See Consolidated Appropriations Act, 2005, Pub. L. No. 108-447, 118 Stat. 2809, Title IX, §213(3) (2004); see also 47 U.S.C. §312(g) (emphasis added).

⁶ See A-O Broadcasting Corp., Memorandum Opinion and Order, 23 FCC Rcd 603, 617 ¶26 (2008); Eagle Broadcasting, Memorandum Opinion and Order, 23 FCC Rcd 588, 600 ¶25 (2008).

⁷ See, e.g. John L. White, Notice of Apparent Liability for Forfeiture and Order, 24 FCC Rcd 12541, 12541 ¶2, 12543 ¶7 (2009).

analogous to this one, the Commission has recognized that promoting diversity of ownership should take precedence over the One Year Rule. In the Broadcast Diversity Order,⁸ at the request of minority broadcasters, civil rights organizations and with the endorsement of the Advisory Committee on Diversity for Communications in the Digital Age,⁹ the Commission granted eligible entities the greater of an 18-month extension, or the remainder of the original construction period, to build out facilities upon acquiring an expiring construction permit.¹⁰ The Commission declared that “[t]his revision [was] intended to foster diversity of ownership by providing eligible entities with additional market entry opportunities.”¹¹

The proposal was advanced for four purposes: (1) to promote diversity by reducing the start-up costs and inherent risk in obtaining a construction permit; (2) to equitably grant some financial relief to the original permittee, who attempted but failed to build out the permit; (3) to expedite service to the public; and (4) to promote Commission efficiency by “reliev[ing] the Commission of the time and expense of putting the allotment out for bids again.”¹²

The Commission also made exceptions to its AM expanded band license return policy¹³ to further the public interest.¹⁴ Four citizen groups and eleven broadcasters joined together to seek

⁸ See Broadcast Diversity Order, 23 FCC Rcd at 5928 ¶10.

⁹ The construction permit extension proposal was originally offered by Entravision Holdings, LLC, gained the support of the Advisory Committee on Diversity for Communications in the Digital Age (“Diversity Committee”), and was modified by the Diversity and Competition Supporters in 2007. See Initial Comments of the Diversity and Competition Supporters In Response to the Second Further Notice of Proposed Rulemaking, 2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, MB Docket No. 06-121 et al. (Oct. 1, 2007), pp. 9-11 (“2007 DCS Initial Comments”); see also Broadcast Diversity Order, 23 FCC Rcd at 5929-30 ¶14 (discussing the Diversity Committee’s endorsement of the proposal).

¹⁰ See Broadcast Diversity Order, 23 FCC Rcd at 5928 ¶10. Previously, the rule required automatic forfeiture, with limited waiver provisions, if construction was not complete by the end of the construction period and filed a license application. See id. at 5928-29 ¶11-12. The Commission adopted this rule “to minimize instances when those who do not have the intent or foresight to ensure the prompt initiation and conclusion of construction “tie up” the spectrum indefinitely.” Id. at 5929 ¶13. At the same time, the Commission recognized that the rule and Section 319 “were intended to strike a balance between or fundamental interests in expediting new service to the public and preventing the warehousing of scarce spectrum, and our recognition that permit holders sometimes encounter unforeseen obstacles....” Id.

¹¹ Id. at 5928 ¶10.

¹² 2007 DCS Initial Comments at 10-11.

¹³ See 47 C.F.R. §73.3555, Note 10; see also Request for Waiver of Rules Requiring Return of AM Licenses, Implementation of the AM Expanded Band Allotment Plan, MM Docket No. 87-267 (March 27, 2006), p. 4 (“Waiver Request for AM Expanded Band”) (quoting one of the license restrictions: “Pursuant to MM Docket 87-267, after the 5 year period starting from the date the facility specified herein is initially licensed, licensee will surrender either the expanded band license or its existing band license.”)

waivers of the rules and a stay of the effective date for the anticipated return of Expanded Band stations.¹⁵ The petitioners urged the Commission, *inter alia*, to extend the time for the return of the license if the licensee assigned the station to a small business.¹⁶ The petitioners also requested that the Commission reinstate the licenses that were previously returned.¹⁷ These modifications would further the public interest by (1) protecting against a loss of service,¹⁸ and (2) increasing ownership diversity by encouraging transfers to small and minority businesses, which so desperately needed a boost given the low levels of minority participation caused by a disappearance of minority ownership initiatives and lack of access to capital.¹⁹

To further the goals of diversity and to advance the public interest, the Commission should exercise its discretion to extend the licenses of the above-referenced stations. As described above, these stations will be used to provide training for minority and women broadcasters. MMTC's objectives are consistent with the Commission's goals of diversity in media ownership.²⁰ By enabling MMTC to fulfill this objective, it must have access to licenses of stations that are operating or that can be restored to the air, given the high startup costs and inherent risks in obtaining construction permits and the enormous expense associated with purchasing or leasing stations from other broadcasters in the general marketplace. This donation from Trinity enables MMTC to immediately serve the public by restoring the stations to their broadcasting status and using them for a much needed public purpose.

No circumstances militate against a grant of the requested relief. The stations have not been silent for very long: 18 of the 19 stations that are off the air now have been silent for 12-15 months, and one for 21 months; another twelve will reach their one-year silent anniversary before December 31, 2010. Trinity has been an exemplary licensee,²¹ having kept the

¹⁴ See e.g., Letter from Peter H. Doyle, Chief of the Audio Division of the Media Bureau, to Brian M. Madden, Esq., Re: KKHK(AM) (Aug. 29, 2006), Letter from Peter H. Doyle, Chief of the Audio Division of the Media Bureau, to Brian M. Madden, Esq., Re: KXTR(AM) (Aug. 29, 2006) (each letter granted the licensee Special Temporary Authority ("STA") to continue operating the expanded band station and the original station beyond the fifth year "[i]n order to provide for continued service to the public...").

¹⁵ See Waiver Request for AM Expanded Band. See also Petition for Stay of Effective Dates, Implementation of the AM Expanded Band Allotment Plan, MM Docket No. 87-267 (March 27, 2006) ("Petition for Stay for AM Expanded Band").

¹⁶ See Waiver Request for AM Expanded Band at 5-6 (original small business licensees would be subject to similar requirements to transfer to other small businesses); see also Petition for Stay at 2.

¹⁷ See Waiver Request for AM Expanded Band at 7.

¹⁸ See *id.* at 7-8; Petition for Stay of AM Expanded Band at 2.

¹⁹ See Waiver Request for AM Expanded Band at 9-10. These benefits far outweighed earlier concerns about congestion or interference. *Id.* at 10-12.

²⁰ See, e.g., Broadcast Diversity Order, 23 FCC Rcd at 5922 ¶2 (acknowledging the importance of source diversity to the public welfare).

²¹ Trinity is the world's largest Christian broadcaster and America's most watched faith channel. Its goal is to produce Christian programming, and its donation of 153 LPTV stations to MMTC

Commission informed about the stations' status and there are no allegations of rule violations at these or other Trinity stations. There is no suggestion that Trinity has taken the above-referenced stations dark for any improper purpose.

The requested relief is especially appropriate in the case of LPTV stations, which face hardships not faced by full power stations such as certain types of converter boxes that cannot pick up analog stations, the general unavailability of must carry and, of course, lower power. LPTV stations were created in 1982 with the hope of advancing minority ownership.²² While current figures are unavailable, in 1995 approximately 13% of LPTV stations were minority owned,²³ a figure that, in MMTC's experience, is still approximately accurate. Enabling these LPTV stations to help jump-start minority and women participation in television ownership would be especially consistent with the Commission's original purpose in creating the LPTV service.

The current state of broadcast television ownership for minorities and women is abysmal,²⁴ leading in turn to diminished service to minority audiences²⁵ and the general public.²⁶ Extension

(the 152 stations covered by this application, plus W16CJ-LP (see BALTT-20100804ABH (filed August 6, 2010)) is "the largest gift of spectrum in the history of spectrum." See Trinity Broadcasting Network Astounds MMTC with a 155 Station Donation, MMTC (August 22, 2010), available at <http://mmtconline.org/lp-pdf/MMTC-Trinity%20082210.pdf> (last visited September 3, 2010). Trinity's mission is to promote positive Christian programming. In making this extraordinary gift, Trinity is following the example of Christ: "For I was an hungred, and ye gave me meat: I was thirsty, and ye gave me drink: I was a stranger, and ye took me in: Naked, and ye clothed me: I was sick, and ye visited me: I was in prison, and ye came unto me.... And the King shall answer and say unto them, Verily I say unto you, Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." Matt. 25:35-36, 40 (KJV).

²² See An Inquiry Into the Future Role of Low Power Television Broadcasting and Television Translators in the National Telecommunications System, 47 Fed. Reg. 21468, 21526 (1982) (Statement of Chairman Mark S. Fowler).

²³ See Eli M. Noam, Media Ownership And Concentration In America, Oxford Univ. Press, at 69 (2009).

²⁴ See Out of the Picture 2007: Minority & Female TV Station Ownership in the United States, Free Press, at 2 (2007), available at <http://www.freepress.net/files/otp2007.pdf> (finding that while minorities and women comprise 34% and 51% of the population respectively, only 3.15% of full-power television stations are minority owned, and only 5.87% are owned by women).

²⁵ See Comments of the Diversity and Competition Supporters, 2010 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 (July 12, 2010) (describing the low levels of minority ownership, the link between minority ownership and minority programming, and the importance of minority programming to minority audiences); see also Minority Commercial Radio Ownership in 2009: FCC Licensing and Consolidation Policies, Entry Windows, and the Nexus Between Ownership, Diversity and Service in the Public Interest, Catherine Sandoval et al. (Nov. 2, 2009), 19-21 (nearly 75 percent of minority owned commercial radio stations broadcast minority oriented programming in 2009).

of these licenses, with a year for the stations to be restored to the air, would provide a long overdue opportunity for historically under-developed and underserved communities to advance the public interest in a new and vital way, and help fulfill the continuing aspiration and goal for greater ownership diversity, which manifestly serves the public interest.²⁷

Therefore, Trinity and MMTC respectfully request the Commission to extend or reinstate the aforementioned licenses, and allow the stations one year to be restored to the air. This relief would send a much-needed signal to the marketplace that the Commission encourages, and will facilitate, private and voluntary initiatives to promote media ownership diversity.²⁸

²⁶ See Waters Broadcasting Company, Inc., 91 FCC2d 1260 (1982), aff'd sub nom. West Michigan Broadcasting Co. v. FCC, 735 F.2d 601, 604 (D.C. Cir. 1982) (“... our society benefits from exposure to a broad diversity of ideas and perspectives...”).

²⁷ As expressed in the Donation Agreement, Trinity and MMTC “want[] to help advance opportunities for minorities, women, and underrepresented communities . . . to become broadcast licensees, and learn the skills and gain the experience of operating broadcast television facilities.”

²⁸ MMTC and Trinity recognize the assistance of MMTC’s Cathy Hughes Fellow, Joycelyn James, Esq., John W. Jones Fellow, Jacqueline Clary, and Law Clerk Dorriisa Griffin (Florida A&M University School of Law (2011)) in the preparation of this Exhibit.