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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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AUDIO SERVICES DIVISION

In re

Application of

The Church In Lafayette Inc.

For New Low Power FM Station
Lafayette, IN

To: Chief, Audio Division
Mass Media Bureau

File No. BNPL-20131101AHR

Facility ID 194758

Received & Inspected

MAR 14 2014

FCC Mail Room

INFORMAL OBJECTIONS

I. Introduction

Greater Lafayette Chinese Traditional Culture Association Inc. ["the Association"], a mutually exclusive applicant for a low power FM station on Channel 297 to serve West Lafayette, Indiana, hereby files informal objections to the application of The Church In Lafayette Inc. [The Church].¹

As detailed below, the application of The Church presents substantial unanswered and unanswerable questions as to its eligibility to hold a low power FM station license. The Church has failed to demonstrate (a) its educational objectives are consistent with the Commission Rules and policies and (b) even if the educational objectives are consistent, The Church as an eligible educational organization has not been local for two years prior to filing of its application. As such, the application of The Church should be dismissed; or, alternatively, The Church should not be awarded a point as a local two year entity in determining a tentative selectee.

¹ Under the Commission Rules, any person or entity may file Informal Objections to any broadcast applications. See *Astroline Communications Co. v. FCC*, 857 F.2d 1556 (D.C. Cir. 1988).

II. Factual Background of The Church

A. The Church is only a religious organization.

According to the Articles of Incorporation submitted as Attachment 10 to its application, The Church was organized in October 1989, twenty four years ago, to conduct a single mission: religious exhortation and proselytizing. While its articles of incorporation do not directly state a mission, but Article IV of the articles reflects suggests its mission and limits membership as follows, there providing an implicit mission:

“Anyone who believes in the name of our Lord, Jesus Christ, reborn of the Holy Spirit and resides within the City of Lafayette or other cities without the affiliated local church established.”

In essence, the mission is Christian evangelism and conversion. No educational mission is shown in the articles of incorporation.

B. The September 2013 Bylaws Amendment Is inadequate.

Implicitly acknowledging its lack of eligibility, on September 22, 2013, The Church amended its Bylaws to add at Article IX, provisions describing a commitment to comply with the Commission Rules as to LPFM applications. However, the only reference in the bylaw amendment to an educational objective is that The Church will provide for “...the production and dispersion of religious and educational media...” This single 9-word expression is insufficient to detail and demonstrate an educational objective. Further, The Association maintains that an entity’s internal bylaws as *rules of procedure* do not legally address the substantive charter mission of The Church.

C. The Church is not local but part and parcel of an international chain.

The Church is affiliated with and part of a national chain of “The Churches In.....”. This is reflected in the applications for new LPFM stations of The Church In Anaheim and The

Church In Atlanta.² These applications do not reflect pure local control, but show a pattern of common denominators with The Church as to educational objectives, contact representatives and consulting engineers as to a unified national organization. Indeed, the articles of incorporation and educational objectives of all three of the churches - in Lafayette, Anaheim and Atlanta - are pure copies and indistinguishable: a decades' old church with a proselytizing mission and bylaw amendments just weeks before filing the LPFM applications. The educational objectives detailed in all three applications do not show any local nexus. And, the online website of The Church in Atlanta states that The Church in Atlanta is part of "...over 2,000 local churches worldwide to express the one Body of Christ."³

III. Discussion

A. The Commission Should Be Weary As To The Church's Mission

Historically, there have been tensions between the secular and religious worlds in broadcasting as elsewhere across American life. Religious broadcasters have shared the spectrum reserved for noncommercial educational broadcasting at the low end of the dial and compete for frequencies for low power FM broadcasting across the spectrum.

Congress and the Commission have struggled to devise laws and regulations to arbitrate and define the spectrum rights of the two different kinds of broadcasters. Because many noncommercial broadcast stations receive some government support, there have been repeated constitutional disputes over their broadcasts of religious programming.

In 2000, in an effort to police disputes for licensing purposes, the Commission adopted a point system taking a neutral stance but one that favored applicants who don't control other stations and disfavoring the then expanding ownership and control of stations by religious

² See File 20131108ADF and 20131114ALV, respectively.

³ See, Online Website at <http://churchinatlanta.org/>

entities. In another proceeding, in 1999, the Commission attempted to favor educational broadcasters in guidelines but withdrew the guidelines following protests.

The First Amendment prohibits government support of an official church. Interpretations of the Amendment clauses have been in conflict in noncommercial radio, where a number of the stations are licensed to church-related colleges and carry some religious programs along with typical public radio programs.

B. The Church's Programming Does Not Promote Educational Objectives

1. Current Commission Test

Commission regulations and policies provide that religious entities are permitted to hold noncommercial licenses if their station is to be used “primarily” to serve the educational needs of the community” and for the advancement of educational programs.” See Section 73.503 of the Commission Rules.

2. Church Educational Objectives

In its application, The Church candidly acknowledges that its objectives and programming “...will encourage people to live their lives in right relationship with God. And, *the Bible will be the cornerstone* in the foundation of our teaching and programming focus.” Exhibit 2, page 2, paragraph 2 (Emphasis added.).

The Association maintains that the application of The Church does not detail “primarily” an educational objective. Instead, the application details primarily an objective to impart religious and spiritual components to listeners’ everyday activities.

In describing its objectives The Church *fundamentally* focuses on imparting to listeners’ “spiritual components” based on religious beliefs as living standards. The Association maintains that this is classic religious exhortation, proselytizing or statements of personally held religious views and beliefs which do not qualify as general educational objectives. The Association notes that the described spiritual objectives are simply copies of those of The Church from prior years and throughout The Church’s history.⁴ As such, The Church application simply stated is an effort for The Church to expand its notion of a way to expand a Christian community.

⁴ Compare with The Church In Atlanta, application number 20131114ALV.

3. Church Program Objectives

An examination of online dictionaries of the specific programs proposed by The Church also illustrate that the programs are not primarily of an educational nature but a religious nature.

The common meanings of “primarily” are: ‘for the most part’,⁵ and ‘mostly’⁶.

Ultimately, the meaning of these phrases can be determined quantitatively. Indeed, the Commission has specifically concluded that “primarily” means a “substantial majority.” See *Report and Order, MM Docket 98-203*, paragraph 15, released October 17, 2001.

Comparing The Church’s specific proposed programs that involve exhortation, proselytizing or statements of personally held religious views and beliefs programs to all other programs, it is readily apparent that the substantial majority of The Church’s proposed programs are not educational.

4. Church Programs

The Church has proposed on its Attachment 2, twenty-one specific programs to implement its objectives. Although it is required to demonstrate the educational nature of all of its programs, The Church has not provided *any descriptions of any of the specific programs*. As such, The Commission has no basis upon which to conclude that the programs satisfy Commission rules. Having failed to demonstrate compliance with the Commission rules, the application of The Church should be dismissed.

Although The Church has failed to describe its proposed programming, other information submitted by The Church and that is publicly available, demonstrate that overwhelming *substantially all* of the proposed programming is religious in nature. Seven of the 21 programs *facially* reflect a religious nature. They are:

Through the Bible with J. Vernon McGee
Revival Time with Tim Robson
Venture of Faith
Pastor’s Panel
Precepts with Kay Arthur
The Proverbs 31 Woman
Grace to You with John MacArthur

Additionally, a review of publicly available data describes eight others of the proposed programs as religious ministries, sermons and/or dissemination of personal religious commentary

⁵ See, <http://www.merriam-webster.com/dictionary/primarily?show=0&t=1393808043>

⁶ See, <http://dictionary.reference.com/browse/primarily?s=ts>

or religious beliefs. These programs, their descriptions and the source of information are as follows. In nearly all cases the source of the data is from the host's online website.

Program/Description/Data Source

Turning Point with David Jeremiah

A broadcast ministry

<http://www.davidjeremiah.org/site/television.aspx>

<http://www.oneplace.com/ministries/turning-point/listen/>

In Touch with Charles Stanley

A religious ministry

<http://www.intouch.org>

Haven with Ray Ortland

A global ministry primarily to pastors, missionaries and churches

<http://www.preachingtheword.com/RayOrtlund.asp>

Strength for Today with Randy Ray

Family Bible Hour from North Florida Baptist Church of Tallahassee, Florida

<http://www.truthcasting.com/North-Florida-Baptist-Church-Tallahassee-FL-Strength-For-Today-28537.sermon>

Lynda Hunter Show

Broadcasting Her Personal religious beliefs

<http://lyndabjorklund.com/meet-lynda.htm>

Take It to Heart with Christine Ditchfield

A daily devotional program challenging listeners to accept and apply Biblical truths

<http://www.takeittoheartradio.com/>

Break Point with Church Colson

A Christian worldview ministry seeking to build a movement of Christians committed to living and defending Christian worldview in all areas of life.

<http://www.breakpoint.org/breakpoint-mission/about-breakpoint>

Focus on the Family with James Dobson

"Family Talk" is committed to evangelism.

<http://www.drjamesdobson.org/About>

Three other programs, Military Highlights, Community Issues and News and Sports Spectrum⁷ may be the only programs that are not fundamentally non-educational in nature. Even assuming all three of these programs are educational, those programs do not satisfy the test of “primarily” or a “substantial majority.” There are these three educational programs, compared to fifteen religious programs. ‘For the most part’ and ‘mostly’ the religious programming *fundamentally* outweighs and is a ‘substantial majority’ of all programs. That result inverts the Commission standard.

The Association submits that The Church does not propose a program service that is primarily educational but one that is primarily religious. As such, The Church is not eligible to hold a LPFM license and its application should be dismissed.

C. The Church Does Not Have Two Years of Eligibility

In order to receive credit under the Point System used to determine a tentative selectee, The Church checked an affirmative answer to Question 1.a. in Part III of its application, thereby certifying that it has been a *local educational organization* in its community for at least the two years prior to the filing of its application. However, that is not the case. If it qualified at all, such qualification as an *educational organization* did not begin to occur until The Church amended its Bylaws to reflect an educational objective. As detailed above, that amendment was completed on September 22, 2013, just two months before the application was filed. Thus, The Church is not eligible to receive any points or otherwise compete with the Association.

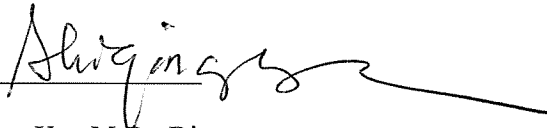
IV. Conclusion

The Church has not shown that its objections and programming are primarily of an educational nature. On that basis alone, the application of The Church should be dismissed. The Association has shown that The Church is predominantly a religious organization whose sole mission is proselytizing and that it is not a local organization but part of an international unitary chain of thousands of fellowship groups. The Association has shown that The Church lacks primarily educational objectives and its proposed programming primarily is not of an educational nature.

⁷ This program is infused with religion ministry. The online site for the program describes the program as follows: “Biblical themes are the hallmark of this weekly program as Sports Spectrum chaplains Bill Crowder and Bill Houston creatively present thought-provoking dialog on the convergence of faith and competition.” See <http://sport.org/about/>

Under the foregoing circumstances, the Association maintains that the Commission should dismiss the application of The Church or decline to award any points to The Church for a two-year local presence.

Respectfully submitted,

By: 

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February 28, 2014

A copy of these Informal Objections has been mailed to:

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