

FAITH BROADCASTING NETWORK, INC.
FCC FORM 316
SECTION II, QUESTION 6A

EXHIBIT 5

***PRO FORMA* VOLUNTARY ASSIGNMENT OF LICENSES**

1. Faith Broadcasting Network, Inc. (“Faith”) is seeking approval for a *pro forma* voluntary assignment of its WNYB, Jamestown, New York broadcast license to its affiliated ministry organization Radiant Life Ministries, Inc. (“Radiant Life”). Faith is a New York non-profit church corporation and Radiant Life is an Ohio non-profit church corporation and they share the same officers and directors:¹

Garth W. Coonce, President/Director
Christian M. Coonce, Vice President/Director
Charles Payne, Treasurer/Director
Julie A. Nolan, Ass’t Secretary/Director
Victoria M. Clark, Director
Thomas C. Nolan, Director
Michael J. Daly, Secretary

2. Commission Rule 73.3540(f)(5), 47 C.F.R. §73.3540(f)(5), Application for Voluntary Assignment or Transfer of Control, provides that assignment or transfer applications between organizations with the same ownership are *pro forma* and may be filed on FCC “Short Form” 316.² The rule reads:

§73.3540(f) - The following assignment or transfer applications may be filed on FCC “Short Form” 316:

(5) Assignment or transfer from a corporation to a wholly owned subsidiary thereof or vice versa, or where there is an assignment from a corporation to a corporation owned or controlled by the assignor stockholders without substantial change in their interests.³

¹ See, e.g., 1) Faith’s Ownership Report (Form 323) File Number: 0000046423 (3-2-2018), and Radiant Life Ownership Report (Form 323) File Number: 0000046463 (3-2-2018). The broadcast authorizations for Faith and Radiant Life are listed in paragraph 4, *infra.*, and a list of attributable broadcast interests for all directors is appended as Attachment 1.

² Short form applications are routinely processed by the Commission and are not subject to the thirty-day waiting period of section 309(b) of the Act, 47 USC §309(b).

³ See also, Instructions for FCC Form 316, Section A.5. (Form 316 used when “There is an assignment or transfer: (a) from a corporation to a wholly owned subsidiary thereof; (b) from a wholly owned subsidiary to the corporate parent; (c) from one wholly owned subsidiary to another; or (d) from one corporation to another corporation owned or controlled by the assignor's/ transferor's stockholders in substantially similar proportions.”)

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Control of a non-profit organization with a self-perpetuating board, which is the case for Faith and Radiant Life, is determined based on the voting directors.⁴ Faith and Radiant Life share the same officers and directors, meaning other than a change in the corporate entity and name, no ultimate change in control will occur by allowing Faith to assign its broadcast license to Radiant Life. Both organizations are recognized by the IRS as tax-exempt church organizations pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. §501(c)(3).⁵ As such, there is no equity or “ownership” interest in either Faith or Radiant Life, and control is determined based on the organizations voting directors.

4. Faith holds the following full- power license, which it seeks to *pro forma* assign to Radiant Life:

<u>Call Sign</u>	<u>Community of License</u>	<u>Fac. ID No.</u>
WNYB	Jamestown, New York	30303

Radiant Life is currently the licensee of:

<u>Call Sign</u>	<u>Community of License</u>	<u>Fac. ID No.</u>
WLXI	Greensboro, North Carolina	27407
WRLM	Canton, Ohio	43870
WRAY-TV	Wake Forest, North Carolina	10133
KDMI	Des Moines, Iowa	78915
WJFB-LP	Lebanon, Tennessee	31394

No change to Radiant Life’s licenses is proposed.

5. For the foregoing reasons, the applicants respectfully request that the Commission approve the *pro forma* voluntary assignment of the WNYB(TV) full-power television license from Faith to Radiant Life.⁶

⁴ *Transfer of Control of Certain Licensed Non-Stock Entities*, 4 FCC Rcd 3403, FCC 89-90 (released April 11, 1989); *Foundation for the Annunciation Monastery of Clear Creek*, FCC DA 11-735 (released April 25, 2011).

⁵ Confirmation of Faith’s and Radiant Life’s tax-exempt standing with the IRS and a copy of their current listings in Publication 78 (the *Cumulative Listing of Organizations Described in Internal Revenue Code of 1986, Section 170(c), Entitled to Receive Tax Deductible Contributions*) are provided in Attachment 2.

⁶ *Pro forma* assignments will also be filed with the Commission in the near future for Tri-State Christian TV, Inc. to assign its WTCT, Marion, Illinois license, and TCT of Michigan to assign its WAQP, Saginaw and WTLJ, Muskegon, Michigan, licenses to Radiant Life.

ATTACHMENT 1

OTHER BROADCAST INTERESTS

RADIANT LIFE MINISTRIES, INC.

OTHER BROADCAST INTERESTS

The officers and directors of Radiant Life Ministries, Inc. are officers and directors in the following organizations:

I.	<u>Radiant Life Ministries, Inc.</u>		
1.	WLXI	Greensboro, North Carolina	54452
2.	WRLM	Canton, Ohio	43870
3.	WRAY-TV	Wake Forest, North Carolina	10133
4.	KDMI	Des Moines, Iowa	78915
5.	WJFB-LP	Lebanon, Tennessee	31394
II.	<u>TCT of Michigan, Inc.</u>		
1.	WAQP	Saginaw, Michigan	67792
2.	WTLJ	Muskegon, Michigan	67781
3.	WJGP-LD	Kalamazoo, Michigan	67780
III.	<u>Tri-State Christian TV, Inc.</u>		
1.	WTCT	Marion, Illinois	67786
2.	WINM	Angola, Indiana	67787
3.	KXTF	Twin Falls, Idaho	1255
4.	WEIJ-LD	Fort Wayne, Indiana	67788
5.	WLNK-LD	Lansing, Michigan	67779
6.	WNIB-LD	Rochester, New York	67785
7.	WIGL-LD	Athens, Georgia	181474
IV.	<u>Faith Broadcasting Network, Inc.</u>		
1.	WNYB	Jamestown, New York	30303

ATTACHMENT 2

IRS PUBLICATION 78



Results for Tax Exempt Organization Search

Select Database

Search All

**Search By**

Employer Identification Number (EIN)

**Search Term**

061531224

City

Enter City

State

All States

**Country**

United States

**Search****Reset**[Search Tips](#)Showing **1-1** results of **1****Sort by:**

Name A-Z

**Faith Broadcasting Network Inc.**

EIN: 06-1531224 | Marion, IL, United States

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Results for Tax Exempt Organization Search

Select Database

Search All

**Search By**

Employer Identification Number (EIN)

**Search Term**

311127916

City

Enter City

State

All States

**Country**

United States

**Search****Reset**[Search Tips](#)Showing **1-1** results of **1****Sort by:**

Name A-Z

**Radiant Life Ministries**

EIN: 31-1127916 | Marion, IL, United States

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