



Yellowstone Public Radio

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COPY

Access & Excellence  
FEB 6 1998

FCC MAIL ROOM

February 2, 1998

Office of the Secretary  
Federal Communications Commission  
1919 M Street, NW  
Washington, DC 20054

**RE: FCC Form 340  
Application for New Noncommercial  
Education FM Station at  
Sheridan, WY**

Dear Secretary:

Please find attached FCC Form 340, application for construction permit for a new noncommercial educational Class A FM broadcast station at Sheridan, WY. Montana State University-Billings, applicant, submits the original and two copies of the application.

The proposed noncommercial educational station will be located at 88.1 Mhz, within the reserved FM broadcast spectrum as allocated by the Commission for that purpose.

Montana State University-Billings certifies that the proposed broadcast facility will operate as a noncommercial educational station in accordance with Section 73.503 of the Commission's rules.

Montana State University-Billings hereby claims exemption from any applicable fees under Section 1.1112(d) of the Commission's rules.

Respectfully Submitted,

Handwritten signature of Ronald P. Sexton in black ink.

Ronald P. Sexton, Chancellor  
Montana State University-Billings

#89885

# FCC 340

DHT

## APPLICATION FOR CONSTRUCTION PERMIT FOR NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

(Carefully read instructions before filing form) Return only form to FCC

### Section I - GENERAL INFORMATION

**FOR COMMISSION USE ONLY**  
FILE NO. *BPED-980206mB*

1. Name of Applicant  MONTANA STATE UNIVERSITY-BILLINGS		
Street Address or P.O. Box 1500 North 30th Street		
City Billings	State MT	ZIP Code 59101
Telephone Number (include Area Code) 406-657-2941		

Send notices and communications to the following person at the address below:		
Name	Mr. Marvin Granger MSU-B/KEMC Radio	
Street Address or P.O. Box 1500 North 30th Street		
City Billings	State MT	ZIP Code 59101
Telephone Number (include Area Code) 406-657-2941		

2. This application is for:

- AM       FM       TV

(a) Channel No. or Frequency 201      88.1 Mhz
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(b) Principal Community	City	State
	Sheridan	WY

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: \_\_\_\_\_
- MINOR change in licensed facilities; call sign: \_\_\_\_\_
- MAJOR modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit; call sign: \_\_\_\_\_
- MINOR modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit; call sign: \_\_\_\_\_
- AMENDMENT to pending application: Application File Number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?  Yes  No

If Yes, state:

Call letters	Community of License	
	City	State

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant

MONTANA STATE UNIVERSITY-BILLINGS

1. Applicant is: (check one box below)

- (a) governmental or public educational agency, board or institution
- (b) private nonprofit educational institution
- (c) nonprofit educational corporation
- (d) other (specify)

2. For applicants 1(c) or (d), describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.  
DNA

3. For applicants 1(c) or 1(d) applying for a new noncommercial educational television station only, describe in an Exhibit how 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.

Exhibit No.  
DNA

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.  
1

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

Yes  No

If Yes, provide particulars in an Exhibit.

Exhibit No.  
DNA

**CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS**

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

Yes  No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes  No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.  
DNA

7. Has an adverse finding been made or an adverse final action been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, 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

If the answer is Yes, 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.

Exhibit No.  
DNA

## EXHIBIT 1

FORM 340 SECTION II-4 ADVANCEMENT OF EDUCATION PROGRAM

AS A PUBLIC SERVICE AGENCY OF MONTANA STATE UNIVERSITY-BILLINGS, A UNIT OF THE MONTANA UNIVERSITY SYSTEM, THE PROPOSED STATION WILL SERVE THE INFORMATIONAL AND CULTURAL NEEDS AND EXPRESSED DESIRES OF THE GENERAL PUBLIC.

THE PUBLIC SERVICE ACTIVITIES OF MONTANA STATE UNIVERSITY-BILLINGS, INCLUDING THIS STATION, SERVE NO SECTARIAN OR PARTISAN IDEOLOGY OR AGENDA.

ALTHOUGH THE PROGRAMMING FOR THE PROPOSED STATION ORIGINATES FROM BILLINGS, MONTANA, 127 MILES AWAY, A TOLL-FREE 800 NUMBER IS AVAILABLE TO LISTENERS AND OTHER CITIZENS OF SHERIDAN COUNTY TO MAKE SUGGESTIONS AND TO OFFER COMMENTS ON PROGRAMMING AND ON THE QUALITY OF RECEPTION.

PROGRAM GUIDES ARE MADE AVAILABLE TO CITIZENS ON A REGULAR BASIS AT THE SHERIDAN FULMER PUBLIC LIBRARY AT NO CHARGE.

TWICE EACH WEEK, KEMC, THE ORIGINATING STATION IN BILLINGS CONDUCTS A "LIVE" LISTENER CALL-IN DURING WHICH ALL LISTENERS ARE INVITED TO COMMENT ON EXISTING PROGRAMMING AND TO SUGGEST ADDITIONAL PROGRAM SERVICES WHICH MAY SERVE THE PUBLIC INTEREST. EACH MONTH, MORE THAN 100 LISTENERS TAKE ADVANTAGE OF THIS OPPORTUNITY TO SPEAK DIRECTLY TO THE STATION'S STAFF AND MANAGEMENT.

### EXHIBIT 3 SECTION IV PROGRAM SERVICE STATEMENT

BECAUSE MONTANA STATE UNIVERSITY-BILLINGS SERVES A LARGE AREA OF MONTANA AND WYOMING THROUGH BROADCAST STATIONS AND TRANSLATORS, NEWS AND PUBLIC AFFAIRS PROGRAMS ARE PRIMARILY REGIONAL IN NATURE - PURSUING PUBLIC POLICY QUESTIONS AND ISSUES WHICH AFFECT MOST OR ALL OF THE REGION, AND LOCAL MATTERS WHICH WOULD BE OF INTEREST TO THE LARGER REGION. .

THE PRIMARY ISSUES OF CONCERN TO THE CITIZENS OF SHERIDAN AND SHERIDAN COUNTY, WYOMING ARE COMMON TO MOST OF THE REGION: ISSUES RELATING TO THE POPULATION GROWTH AND ECONOMIC DEVELOPMENT OF THE NORTHERN ROCKY MOUNTAIN/ YELLOWSTONE TERRITORY OF MONTANA AND WYOMING, AND HOW THIS GROWTH AND DEVELOPMENT EFFECT THE VAST NATURAL BEAUTY AND WILDLIFE FOUND IN THE REGION'S MOUNTAINS, RIVERS AND FORESTS. MANY CITIZENS BELIEVE THAT THE UNIQUENESS OF OUR NATURAL ENVIRONMENT MUST BE PRESERVED WHILE OTHERS SEE THIS SAME ENVIRONMENT AS A SOURCE OF LIVELIHOOD THROUGH MINING, LOGGING, OIL DRILLING AS WELL AS THE CHANGING LAND AND WATER USE ASSOCIATED WITH POPULATION GROWTH. ALMOST DAILY, THE PROGRAMMING ON OUR STATIONS AND TRANSLATORS RELATE TO THE VARIETY OF SPECIFIC ISSUES WHICH FOLLOW FROM THESE DIFFERING AND SEEMINGLY IRRECONCILABLE VALUES. OUR PROGRAMMING ON THESE ISSUES IS CONSTRUCTIVE AND ENCOURAGES CONSENSUS WHERE POSSIBLE.

CONTINUED

ANOTHER AREA OF COMMON INTEREST AND CONCERN TO OUR REGION IS THE RELATIONSHIP BETWEEN THE MEMBERS OF THE EIGHT NATIVE AMERICAN TRIBES INCLUDED WITHIN MONTANA AND WYOMING, AND THE MUCH LARGER POPULATION OF NON-INDIANS. MANY NATIVE AMERICANS RESIDE IN THE CITIES AND TOWNS OF THE REGION WHILE MANY OTHERS LIVE ON RESERVATIONS. UNEASY, DIFFICULT RELATIONS WITH LOCAL, STATE AND FEDERAL GOVERNMENTS IS A NORMAL WAY OF LIFE FOR NATIVE AMERICANS. OUR PROGRAMMING REGULARLY RELATES TO JURISDICTIONAL DISPUTES (INDIAN SOVEREIGNTY ON RESERVATIONS) AND THE LONG HISTORY OF MISUNDERSTANDING AND PREJUDICE BETWEEN INDIANS AND NON-INDIANS IN OUR COMMUNITIES. OUR PROGRAMMING EFFORTS REFLECT HISTORICAL, CULTURAL, SOCIAL, ECONOMIC AND POLITICAL ISSUES, ALL OF WHICH REVEAL ONGOING HUMAN RELATIONS PROBLEMS IN THIS REGION.

OUR DAILY NEWSCASTS REPORT STORIES ON FARMING, RANCHING, PUBLIC RESOURCE MANAGEMENT AND TOURISM--THE MAJOR MEANS OF LIVELIHOOD IN THIS REGION.

IN ADDITION TO REGIONAL COVERAGE, WE PROVIDE SIX HOURS ON WEEKDAYS AND THREE HOURS ON WEEKEND DAYS OF WORLD AND NATIONAL NEWS AND INFORMATION BY WAY OF NATIONAL PUBLIC RADIO (NPR) AND PUBLIC RADIO INTERNATIONAL (PRI) PROGRAMS.

CONTINUED

WE ARE THE REGION'S EXCLUSIVE DAYTIME SOURCE OF CLASSICAL MUSIC AND JAZZ PROGRAMMING, AND THE REGION'S EXCLUSIVE SOURCE OF OVERNIGHT CLASSICAL MUSIC. WE ALSO OFFER PROGRAMS OF BLUES AND FOLK MUSIC ON THE WEEKENDS.

WE OFFER WEEKLY PROGRAMS IN SPOKEN ARTS AND HUMANITIES: SHORT STORIES, POETRY AND CULTURAL INFORMATION REFLECTING OUR REGION, THE NATION AND THE WORLD.

AS THE COMMISSION HAS ACKNOWLEDGED IN 98 FCC 2D 746, PUBLIC RADIO STATIONS RELY IN LARGE PART OF THEIR LISTENERS FOR OPERATING REVENUE. IN THIS SPARSELY POPULATED REGION OF MONTANA AND WYOMING, A PUBLIC RADIO SERVICE OF HIGH QUALITY IS POSSIBLE ONLY IF A SUFFICIENT NUMBER OF SUPPORTIVE LISTENERS CAN BE REACHED BY WAY OF REPEATER STATIONS AND TRANSLATORS. THE STATION PROPOSED IN THIS APPLICATION WILL BROADCAST THE PROGRAM SERVICE ORIGINATING AT PUBLIC STATION KEMC AT MONTANA STATE UNIVERSITY-BILLINGS. BILLINGS IS A COMMUNITY OF LESS THAN 100,000 POPULATION. KEMC-FM SERVES APPROXIMATELY 150,000 IN ITS PRIMARY AND SECONDARY COVERAGE AREAS. BY ADDING THE POPULATION TO BE SERVED BY THIS PROPOSED STATION AND OTHER REPEATER STATIONS AND TRANSLATORS IN OUR REGION, WE ARE ABLE TO REACH A POPULATION BASE OF NEARLY 300,000 CITIZENS. FROM THIS POPULATION WE ARE ABLE TO ATTRACT ENOUGH LISTENERS-SUPPORTERS TO FUND 54% OF OUR CURRENT ANNUAL BUDGET OF \$650,000.

STATEMENT PREPARED BY  
MARVIN F. GRANGER,  
GENERAL MANAGER/PROGRAM DIRECTOR  
KEMC-FM, BILLINGS, MONTANA