



(REFERENCE COPY - Not for submission)

New NCE FM Construction Permit Application

File Number: **0000166310** | Submit Date: **11/04/2021** | Lead Call Sign: | FRN: **0005042304**
Service: **Full Power FM** | Purpose: **New NCE FM CP** | Status: **Granted** | Status Date: **02/24/2023** | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	N/A

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
University of Utah	Lewis Downey 101 South Wasatch Drive Room 240 Salt Lake City, UT 84112 United States	+1 (801) 581-5010	ldowney@kuer.org	PNE

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
Matthew S. DelNero Covington & Burling LLP	One CityCenter 850 Tenth Street, N.W. Washington, DC 20001 United States	+1 (202) 662-5543	mdelnero@cov.com	Legal Representative
Gray Frierson Haertig Engineering Counsel Gray Frierson Haertig & Assoc.	Gray Frierson Haertig 4646 S.W. Council Crest Drive Portland, OR 97239 United States	+1 (503) 282-2989	gfh@haertig.com	Technical Representative

Eligibility Certifications

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational institution
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	Yes

	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	Yes
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Parties to the Application (19)

Party Name	Address	Phone	Email	Positional Interest
Maria J Garciaz University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Kim Brunisholz University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Jessica Wojciechowski University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board, Student Representative Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Jim Sorenson University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Randy Shumway University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

Bassam T Salem University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
J. Steven Price University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
David Parkin University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Katie Eccles University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board, Vice Chair Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Christian Gardner University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Member of Governing Board, Chair Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Phyllis Vetter University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Cathy Anderson University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

William J Warren University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Daniel Reed University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Heidi Woodbury University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Mary Ann Villarreal University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Jason Perry University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Taylor R Randall University of Utah	201 President's Circle Salt Lake City, UT 84112	+1 (801) 581-7777	ptitus@media. utah.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
<i>Parent Entity</i> Utah Board of Higher Education	The Gateway 60 South 400 West Salt Lake City, UT 84101	+1 (801) 321-7200	ptitus@media. utah.edu	Positional Interest: Parent Entity Citizenship: Percentage of Votes: 100% Percentage of Total Assets: 0%

Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not listed in the Parties to the Application section are non-attributable pursuant to the notes to 47 C.F.R. Section 73.3555.	Yes
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	Yes

Legal Certifications

Section	Question	Response
Character Issues	Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or (b) any pending broadcast application in which character issues have been raised.	Yes
Adverse Findings	Applicant certifies that, with respect to the applicant and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following; any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	Yes
Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Broadcast EEO Model Program Report.	Yes
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.	Yes
	The applicant certifies that this application is contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political supervision.	N/A

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	No
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No

4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	No
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number or the FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	

Fair Distribution
of Service

Section	Question	Response
Fair Distribution of Service	Applicant certifies that it provides a first aural (reception) service.	No
	Applicant certifies that: (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license.	No
	Applicant certifies that the proposed station will provide a first noncommercial aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.	No
	Applicant certifies that the proposed station will provide a second noncommercial aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.	No

Point System
Factors
/Tiebreakers

Section	Question	Response
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Established Local Applicant	Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 CFR Section 73.7000, and that it is has placed documentation of its qualifications as an established local applicant in the applicant's public inspection file and has submitted to the Commission copies of the documentation.	Yes
	If the applicant certifies above that it qualifies for points as an "established local applicant," applicant pledges to maintain localism characteristics during the period from the grant of the construction permit until the station has achieved at least four years of on-air operations.	Yes
Diversity of Ownership	Applicant certifies (1) that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in translator stations) in which any party to the application has an attributable interest as defined in 47 CFR Section 73.3555, and (2) that it has placed documentation of its diversity qualifications in the applicant's public inspection file and has submitted to the Commission copies of the documentation.	Yes
	Is the applicant's certification to the question above based on a pledge to divest an attributable broadcast interest or resign from an attributable positional interest?	Yes
	If the applicant certifies above that it qualifies for points for "diversity of ownership," applicant and any party to the application pledge to comply with the restrictions on station modifications and acquisitions, as defined in 47 CFR Section 73.7005, during the period from grant of the construction permit until the station has achieved at least four years of on-air operations.	Yes
State-wide Network	Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	No
Technical Parameters	Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F. R. Section 73.313(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)	Yes
	New area served in square kilometers (excluding areas of water):	4995
	Population served based on the most recent census block data from the United State:	9850

Existing Authorizations	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest /resign from an attributable positional interest) under Diversity of Ownership above.	38
Pending Applications	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest/resign from an attributable positional interest) under Diversity of Ownership above.	10
Prior NCE applications	Applicant certifies that it applied for an NCE construction permit in a prior filing window and had its application accepted for filing and processed, but subsequently dismissed in favor of an applicant with superior points, or based on a tie-breaker preference.	No
	Applicant certifies that (1) it has been in continuous existence from the date of the previous filing window until the present, and (2) it does not hold any NCE construction permit or license.	N/A
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 CFR Section 73.7000.	2007-10-19 00:00:00.0
	Applicant certifies that it has remained local at all times since this date.	Yes

Channel and Facility Information

Section	Question	Response
Proposed Community of License	State	Utah
	City	MOAB
	Channel	215
	Frequency	90.9
Facility Type	Facility Type	Noncommercial Educational
Station Class	Station Class	C3

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	No
	ASR Number	
Coordinates (NAD83)	Latitude	38° 31' 38.3" N+

Antenna
Technical Data

	Longitude	109° 18' 18.3" W-
	Structure Type	GTOWER-Guyed Structure Used for Communication Purposes
	Overall Structure Height	43 meters
	Support Structure Height	0 meters
	Ground Elevation (AMSL)	2751 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:21 meters Vertical:21 meters
	Height of Radiation Center Above Average Terrain	Horizontal:406 meters Vertical:406 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:2772 meters Vertical:2772 meters
	Effective Radiated Power	Horizontal:1 kW Vertical: 1 kW

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
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Additional Azimuths

Degree	Value
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Technical
Certifications

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, and 73.515?	Yes
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	No
Reasonable Site Assurance	Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant's intended purpose.	Yes
	If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.	Yes

Certification

Section	Question	Response
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General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	Maria O'Mara <i>Executive Director</i> 11/04/2021

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
Area & Pop.pdf	Applicant	Technical Certifications	Tabulation of Population and Computation of Area Method	Done with Virus Scan and/or Conversion
FCC 23-5.docx	Internal	All Purpose	FCC 23-5	Done with Virus Scan and/or Conversion
KUER-Moab 60 dBu.pdf	Applicant	Point System Factor/Tie Breakers	Proposed 60 dBu	Done with Virus Scan and/or Conversion
KUER-Moab Alloc Exh.pdf	Applicant	Technical Certifications	Allocation Considerations	Done with Virus Scan and/or Conversion

<u>KUER-Moab Divestiture Pledge.pdf</u>	Applicant	Point System Factor/Tie Breakers	Diversity Analysis and Divestiture Pledge	Done with Virus Scan and/or Conversion
<u>KUER-Moab RFR Exh.pdf</u>	Applicant	Technical Certifications	Radiofrequency Fields	Done with Virus Scan and/or Conversion
<u>University of Utah Established Local Applicant Attachment A.pdf</u>	Applicant	Point System Factor/Tie Breakers	University of Utah Established Local Applicant Attachment A	Done with Virus Scan and/or Conversion
<u>University of Utah Form 396-A Model EEO Report (Moab).pdf</u>	Applicant	Legal Certifications	University of Utah Form 396-A Model EEO Report (Moab)	Done with Virus Scan and/or Conversion
<u>University of Utah New NCE CP (Eligibility Certification).pdf</u>	Applicant	Eligibility Certifications	University of Utah New NCE CP (Eligibility Certification)	Done with Virus Scan and/or Conversion
<u>University of Utah New NCE CP (Established Local Applicant Showing).pdf</u>	Applicant	Point System Factor/Tie Breakers	University of Utah New NCE CP (Established Local Applicant Showing)	Done with Virus Scan and/or Conversion
<u>University of Utah New NCE CP (Moab Reasonable Site Assurance Contact).pdf</u>	Applicant	Technical Certifications	University of Utah New NCE CP (Moab Reasonable Site Assurance Contact)	Done with Virus Scan and/or Conversion
<u>University of Utah New NCE CP (Other Authorizations).pdf</u>	Applicant	Attributable Interest	University of Utah New NCE CP (Other Authorizations)	Done with Virus Scan and/or Conversion