Approved by OMB (Office of Management and Budget) 3060-0027
September 2014

Federal Communications Commission

(REFERENCE COPY - Not for submission)
New NCE FM Construction Permit Application

File Number: **0000166865** | Submit Date: **11/08/2021** | Lead Call Sign: | FRN: **0004121000**
Service: **Full Power FM** | Purpose: **New NCE FM CP** | Status: **Granted** | Status Date: **12/20/2021** | Filing Status: **Inactive**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

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
Educational Media Foundation	James Travis 5700 WEST OAKS BLVD. Rocklin, CA 95765 United States	+1 (916) 251-1600	EFILE@EMFBROADCASTING.COM	NFP

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
Mary O'Connor *Legal Representative* WILKINSON BARKER KNAUER, LLP	Mary O'Connor 1800 M. STREET, N.W. SUITE 800N Washington, DC 20036 United States	+1 (202) 383-3351	EFILE@EMFBROADCASTING.COM	Legal Representative
James L Travis *FCC COMPLIANCE ENGINEER* Educational Media Foundation	James Travis 5700 WEST OAKS BLVD. Rocklin, CA 95765 United States	+1 (916) 251-1600	EFILE@EMFBROADCASTING.COM	Technical Representative

Eligibility Certifications

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational organization, other than as described above.

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

Parties to the Application (13)

Party Name	Address	Phone	Email	Positional Interest
Shaine Grieshaber Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Officer **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
Joseph Miller Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Officer **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
David Atkinson Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Officer **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
Janet Cherry Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Officer **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%

Alan Mason Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Walt Golembeski Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Larry Moody Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Michael Lewis Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Emil Kallina Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Mark Brannon Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%

Dean Stordahl Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Mark Voltman Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Director **Citizenship:** United States **Percentage of Votes:** 11.1% **Percentage of Total Assets:** 0%
Jon Reeves Educational Media Foundation	5700 West Oaks Blvd. Rocklin, CA 95765	+1 (916) 251-1600	efile@emfbroadcasting.com	**Positional Interest:** Officer **Citizenship:** United States **Percentage of Votes:** 11.1% **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.	N/A
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?	No
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?	No

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
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.	No
	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.	No
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.	No
	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?	No

	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.	No
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):	385.2
	Population served based on the most recent census block data from the United State:	50880
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.	719
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.	11
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.	2021-11-03 00:00:00.0
	Applicant certifies that it has remained local at all times since this date.	No

Channel and Facility Information

Section	Question	Response
Proposed Community of License	State	Hawaii
	City	HILO
	Channel	201
	Frequency	88.1
Facility Type	Facility Type	Noncommercial Educational
Station Class	Station Class	A

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1204409
Coordinates (NAD83)	Latitude	19° 42' 04.2" N+
	Longitude	155° 03' 41.0" W-
	Structure Type	LTOWER-Lattice Tower
	Overall Structure Height	25.0 meters
	Support Structure Height	24.4 meters
	Ground Elevation (AMSL)	20.7 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:18 meters Vertical:18 meters
	Height of Radiation Center Above Average Terrain	Horizontal:-135 meters Vertical:-135 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:39 meters Vertical:39 meters
	Effective Radiated Power	Horizontal:3 kW Vertical: 3 kW

Antenna Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value

Additional Azimuths

Degree	Value

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?	Yes
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
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.	**Jon William Reeves** *CEO* 11/08/2021

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
Comprehensive Engineering Exhibit Hilo HI.pdf	Applicant	Technical Certifications	Comprehensive Engineering Exhibit	Done with Virus Scan and/or Conversion
EMF Attributable Interest Exhibit.docx	Applicant	Attributable Interest	Attributable Interests Exhibit	Done with Virus Scan and/or Conversion
EMF Eligibility Certification Exhibit.pdf	Applicant	Eligibility Certifications	Eligibility Certification Exhibit	Done with Virus Scan and/or Conversion
EMF ESTABLISHED COMMUNITY PRESENCE.docx	Applicant	Point System Factor/Tie Breakers	Established Community Presence Exhibit	Done with Virus Scan and/or Conversion
EMF PENDING APPLICATIONS.pdf	Applicant	Point System Factor/Tie Breakers	Pending Applications Exhibit	Done with Virus Scan and/or Conversion
RA Contact Exhibit.pdf	Applicant	Technical Certifications	Reasonable Assurance Exhibit	Done with Virus Scan and/or Conversion