



# (REFERENCE COPY - Not for submission)

## Amendment to a New NCE FM Construction Permit Application

File Number: **0000167254** | Submit Date: **11/09/2021** | Lead Call Sign: | FRN: **0019584531**  
 Service: **Full Power FM** | Purpose: **New NCE FM CP Amendment** | Status: **Superceded** | Status Date: **12/17/2021** |  
 Filing Status: **Inactive**

### General Information

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

### Fees, Waivers, and Exemptions

Section	Question	Response
<b>Waivers</b>	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
<b>Divine Mercy Radio, Inc.</b>	Donetta Robben 108 E. 12th Street Suite 1 Hays, KS 67601 United States	+1 (785) 621-4110	donetta@dvmercy.com	NFP

### Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
<b>Robert J. Clinton</b> <i>ConsultingEngineer</i> Cavell, Mertz & Associates, Inc.	7724 Donegan Drive Manassas, VA 20109-2868 United States	+1 (703) 392-0016	BCClinton@cavellmertz.com	Technical Representative
<b>Dennis J. Kelly</b> <i>Attorney</i> Law Office of Dennis J. Kelly	Post Office Box 41177 Washington, DC 20018-0577 United States	+1 (202) 293-2300	dkellyfcclaw1@comcast.net	Legal Representative

### Eligibility Certifications

Section	Question	Response
<b>Eligibility Certifications</b>	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
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**Parties to the Application (11)**

Party Name	Address	Phone	Email	Positional Interest
<b>Lester J. Robben</b> <i>President and Director</i> Divine Mercy Radio, Inc.	1916 Eisenhower Road Hays, KS 67601	+1 (785) 625-9356	lester@dvmercy.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Dan Loftus</b> <i>Director</i> Divine Mercy Radio, Inc.	415 W. 43rd Street Hays, KS 67601	+1 (785) 621-2288	katieloftus85@yahoo.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Donetta Robben</b> <i>Secretary and Director</i> Divine Mercy Radio, Inc.	1916 Eisenhower Road Hays, KS 67601	+1 (785) 656-0150	donetta@dvmercy.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Alvin Lecount</b> <i>Director</i> Divine Mercy Radio, Inc.	2503 Sherman Avenue Hays, KS 67601	+1 (785) 625-3154	alecount@fivestarconsulting.net	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Allison Ochoa</b> <i>Director</i> Divine Mercy Radio, Inc.	1305 E. 13th Street Hays, KS 67601	+1 (785) 259-2911	allisonsochoa@yahoo.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%

<b>Cory Munsch</b> <i>Director</i> Divine Mercy Radio, Inc.	1411 Tallgrass Drive Hays, KS 67601	+1 (785) 623- 9460	smclean@ruraltel.net	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Christian Lutz</b> <i>Director</i> Divine Mercy Radio, Inc.	501 E. 8th Stree Hays, KS 67601	+1 (785) 628- 6802	clutz5@aol.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Troy Schippers</b> <i>Director</i> Divine Mercy Radio, Inc.	Post Office Box 153 Victoria, KS 67671	+1 (785) 735- 4625	t_schippers@hotmail.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Cody Marintzer</b> <i>Director</i> Divine Mercy Radio, Inc.	3403 Summer Lane Hays, KS 67601	+1 (785) 635- 8070	marintzer00@gmail.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Rev. Andrew Hammeke</b> <i>Director</i> Divine Mercy Radio, Inc.	506 W. 6th Street Hays, KS 67601	+1 (785) 656- 3747	comeauccc@yahoo.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%
<b>Karen Marsell</b> <i>Director</i> Divine Mercy Radio, Inc.	3415 178th Street Russell, KS 67620	+1 (785) 628- 2972	karenmarsell@icloud.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 9.1% <b>Percentage of Total Assets:</b> 0%

Attributable  
Interest

Section	Question	Response
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Legal  
Certifications

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

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
<b>Diversity of Ownership</b>	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
<b>State-wide Network</b>	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
<b>Technical Parameters</b>	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):	5922.3
	Population served based on the most recent census block data from the United State:	11603
<b>Existing Authorizations</b>	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.	4

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.	1
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.	2021-11-09 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	Kansas
	City	COLBY
	Channel	205
	Frequency	88.9
Facility Type	Facility Type	Noncommercial Educational
Station Class	Station Class	C2

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1043109
Coordinates (NAD83)	Latitude	39° 21' 04.0" N+
	Longitude	101° 03' 15.0" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	139.6 meters
	Support Structure Height	134.1 meters
	Ground Elevation (AMSL)	975.4 meters

Antenna  
Technical Data

Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:121.9 meters Vertical:121.9 meters
	Height of Radiation Center Above Average Terrain	Horizontal:131 meters Vertical:131 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:1097.3 meters Vertical:1097.3 meters
	Effective Radiated Power	Horizontal:25 kW Vertical: 25 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?	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.).	



	<p>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.</p>	
<b>Authorized Party to Sign</b>	<p><b>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</b></p> <p>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.</p> <p>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).</p>	
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	<p><b>Lester J. Robben</b> <i>President</i></p> <p>11/09/2021</p>

## Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Colby KS--Reasonable Assurance Exhibit.pdf</u>	Applicant	Technical Certifications	Reasonable Assurance	Done with Virus Scan and/or Conversion
<u>Divine Mercy Radio--Localism Exhibit 110821.pdf</u>	Applicant	All Purpose	Localism Exhibit	Done with Virus Scan and/or Conversion
<u>Divine Mercy Radio--NCE Station History 110821.pdf</u>	Applicant	Eligibility Certifications	Previously Granted NCE FM Applications	Done with Virus Scan and/or Conversion
<u>Divine Mercy Radio--Other Broadcast Stations Exhibit 110821.pdf</u>	Applicant	Attributable Interest	Other Broadcast Station Interests	Done with Virus Scan and/or Conversion
<u>Divine Mercy Radio--Purpose of Amendment.pdf</u>	Applicant	Amendment	Purpose of Amendment	Done with Virus Scan and/or Conversion
<u>Methodology NCE Pop Divine Mercy_withFigures 110921.pdf</u>	Applicant	Fair Distribution of Service	Amended Methodology Exhibit	Done with Virus Scan and/or Conversion
<u>New(FM) Ch205C2 Colby - Engineering Statement_withFigures.pdf</u>	Applicant	Technical Certifications	Comprehensive Engineering Statement	Done with Virus Scan and/or Conversion

