

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

File Number: **BNPED-20071022AEJ** | Submit Date: **10/22/2007** | Lead Call Sign: **KZCT** | Facility ID: **174017** |

FRN: **0016997785**

Service: **Full Power FM** | Purpose: **Construction Permit** | Status: **Superceded** | Status Date: **09/24/2008** | Filing Status: **Inactive**

General Information	Section	Question	Response
	Attachments	Are attachments (other than associated schedules) being filed with this application?	
Fees, Waivers, and Exemptions	Section	Question	Response
	Waivers	Does this filing request a waiver of the Commission's rule (s)? Total number of rule sections involved in this waiver request:	

Applicant Information	Applicant Name, Type, and Contact Information				
	Applicant	Address	Phone	Email	Applicant Type
	OZCAT ENTERTAINMENT	1104 GEORGIA STREET			
	Applicant	VALLEJO, CA 94590	+1 (707) 554-4133	OZCATRADIO@GMAIL.COM	OTH
	Doing Business As: OZCAT ENTERTAINMENT	United States			

Contact Representatives (2)	Contact Name	Address	Phone	Email	Contact Type
	COMMON FREQUENCY				
	TODD URICK	PO BOX 4301	+1 (530) 792-0763	CONSULTING@COMMONFREQUENCY.ORG	Technical Representative
	TECHNICAL CONSULTANT	DAVIS, CA 95617			
		United States			
	KATHLEEN E. MARTINELLI	United States	+1 (707) 554-4133	OZCATRADIO@GMAIL.COM	Legal Representative
	OZCAT ENTERTAINMENT				

Parties to the Application (3)	Party Name	Address	Phone	Email	Positional Interest
		1104 GEORGIA STREET			Positional Interest: SECRETARY-TREASURER Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: null%
	AMATULLAH CARTER	VALLEJO, CA 94590	+1 (707) 554-4133	OZCATRADIO@GMAIL.COM	
		United States			
		1104 GEORGIA STREET			Positional Interest: VICE PRESIDENT Citizenship: United States

KATHLEEN E. MARTINELLI

VALLEJO, CA 94590

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OZCATRADIO@GMAIL.COM

United States

Percentage of Votes: 0%

Percentage of Total Assets: null%

1104 GEORGIA STREET

Positional Interest: PRESIDENT

Citizenship: United States

DAVID S. MARTIN

VALLEJO, CA 94590

+1 (707) 554-4133

OZCATRADIO@GMAIL.COM

United States

Percentage of Votes: 0%

Percentage of Total Assets: null%

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).	
Broadcast Incubator Program	Is the proposed facility the subject of an incubation proposal or a ‘reward’ waiver request under the Commission’s Broadcast Incubator Program?	
	Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio time brokerage agreement in the same market as the station subject to this application?	
	Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules.	
Multiple Ownership	Applicant certifies that the proposed facility: (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's policies relating to future ownership interests; and (c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.	
	Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121.201), and holds: (a) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (b) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (c) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?	

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?	
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	
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))	
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))

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?

7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act.

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?

Legal
Certifications

Section	Question	Response
Eligibility	The applicant certifies that it is a:	Nonprofit educational organization, other than described in a. or b.
	The applicant certifies that 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.	Yes
	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.	No
	FCC File Number	-
	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
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 any 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 governmental 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 Model EEO Program Report.	
	Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary	

Operational Compliance	station being rebroadcast? See 47 C.F.R. Section 74.1232 (d). Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	
Support Compliance	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	
Rebroadcast Certification	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.	
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
Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)	Applicant certifies that the proposed station will provide a first rural (reception) service. 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 Applicant certifies that the proposed station will provide a first 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.	
Auction Authorization	Applicant certifies that the proposed station will provide a second noncommercial educational 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 (1 mV/m) service contour and (b) to a minimum of 2,000 people. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.	Yes
Tribal Priority – Threshold Qualifications	Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?	
Petition for Rulemaking /Counterproposal to Add New FM Channel	This application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment. The petitioner /counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-	

to FM Table of Allotments

proponent will apply to participate in the auction of the channel allotment requested and specified in this application.

Point System Factors

New station and major change LPFM applicants must complete the following questions. Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded one point for each of the following:

Section	Question	Response
Preliminary Matter	Does this application provide fill-in service only?	
Local Program Origination	<p>The applicant pledges to originate locally at least eight hours of programming per day.</p> <p>The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.</p>	
Main Studio	<p>An applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.</p> <p>Address Line 1: Address Line 1: City: State: Zip Code: Phone:</p>	
Established Community Presence	The applicant certifies that it is a:	
Local Program Origination and Main Studio	The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	
Established Local Applicant	<p>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 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.</p> <p>Applicant certifies 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, other than those identified in (b) below, in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity be maintained, and that it has placed documentation of its diversity qualifications in a local public inspection file and has submitted to the Commission copies of the documentation</p>	Yes (3 points)
Diversity of Ownership	<p>The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.</p> <p>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.</p>	Yes (2 points)
State-wide Network	Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its	No (0 points)

Technical Parameters	proposal would serve with a 60 dBu (FM) or Grade B (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM), 73.683(TV) and 73.622(e) 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):	101
	Population served based on the most recent census block data from the United States:	119441
	By placing a number below, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations. (Fill-in Applicants Only.) By placing a number below, the applicant certifies that, in addition to the station identified in (a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.	1
Existing Authorizations	By placing a number below, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, pending applications for new or major changes to the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations. (Fill-in Applicants Only.) By placing a number below, the applicant certifies that, in addition to the station identified in (a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, pending authorizations for the following number of FM translators.	1
Pending Applications	The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	
Tribes or Tribal Organizations		

Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for the new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point system analysis. See 47 C.F.R. Section 73.872

Section	Question	Response
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 C.F.R. Section 73.853(b).	
	Applicant certifies that it has remained local at all times since this date.	
Section	Question	Response
Proposed Community of License	State	California
	City	VALLEJO
	Channel	208
	Frequency	89.5
Facility Type	Facility Type	Noncommercial Educational

Channel and Facility Information

Antenna Location Data	Station Class		Station Class	A				
	Section	Question		Response				
	Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?		Yes				
		ASR Number		1023097				
		Latitude		38° 07' 01.7" N+				
	Coordinates (NAD83)	Longitude		122° 15' 23.9" W-				
		Structure Type						
		Overall Structure Height		70.4 meters				
		Support Structure Height						
	Antenna Data	Ground Elevation (AMSL)						
Height of Radiation Center Above Ground Level		Horizontal: Vertical:50 meters						
Height of Radiation Center Above Average Terrain		Horizontal: Vertical:8 meters						
Height of Radiation Center Above Mean Sea Level		Horizontal: Vertical:54 meters						
Antenna Technical Data	Effective Radiated Power		Horizontal: Vertical: 0.15 kW					
	Section	Question	Response					
	Antenna Type	Antenna Type	Directional					
	Directional Antenna Relative Field Value							
	Degree	Value	Degree	Value	Degree	Value	Degree	Value
	Additional Azimuths							
	Degree	Value						
	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)		Yes				
	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, 73.515, 73.525, and 73.1125?						
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?		Yes					
Community of License Change - Section 307 (b)	Is the application being submitted to change the facility’s community of license? If ‘Yes’, an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))							
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.							
	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.							
	Name of the person contacted							
	Phone number of the person contacted							
	Person contacted is							
Certification	Section	Question		Response				
	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						

General Certification Statements	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.	
	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.	KATHLEEN E. MARTINELLI
Authorized Party to Sign		

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
1210653_3463685.pdf	Applicant	All Purpose	307B Showing	Done with Virus Scan and/or Conversion
1210653_3463717.pdf	Applicant	All Purpose	Consolidated Engineering Exhibit	Done with Virus Scan and/or Conversion
1210653_3463733.pdf	Applicant	All Purpose	Consolidated Engineering Exhibit	Done with Virus Scan and/or Conversion
1210653_3463744.pdf	Applicant	All Purpose	Consolidated Engineering Exhibit	Done with Virus Scan and/or Conversion
1210653_3463755.pdf	Applicant	All Purpose	Channel 6 Interference	Done with Virus Scan and/or Conversion
1210653_3468312.pdf	Applicant	All Purpose	EXHIBIT 2A - EDUCATIONAL OBJECTIVE, EDUCATIONAL PROGRAM & ESTABLISHED LOCAL APPLICANT	Done with Virus Scan and/or Conversion
1210653_3468313.pdf	Applicant	All Purpose	EXHIBIT 2B (page 1 of 2) - ESTABLISHED LOCAL APPLICANT & DIVERSITY OF OWNERSHIP SHOWING	Done with Virus Scan and/or Conversion
1210653_3468315.pdf	Applicant	All Purpose	EXHIBIT 2B (page 2 of 2) - ESTABLISHED LOCAL APPLICANT & DIVERSITY OF OWNERSHIP SHOWING	Done with Virus Scan and/or Conversion
1210653_3468322.pdf	Applicant	All Purpose	EXHIBIT 2C - AMENDED BYLAWS MAINTAINING LOCAL SERVICE CRITERIA AND DIVERSITY OF OWNERSHIP	Done with Virus Scan and/or Conversion
1210653_3469704.pdf	Applicant	All Purpose	KVIE Waiver	Done with Virus Scan and/or Conversion

<u>1210653_572363.txt</u>	Applicant	All Purpose	EXHIBIT 2: QUALIFICATIONS	Done with Virus Scan and/or Conversion
<u>1210653_572364.txt</u>	Applicant	All Purpose	307B SHOWING	Done with Virus Scan and/or Conversion
<u>1210653_572365.txt</u>	Applicant	All Purpose	SEE CONSOLIDATED ENGINEERING EXHIBIT AS ATTACHMENT 14	Done with Virus Scan and/or Conversion
<u>1210653_572366.txt</u>	Applicant	All Purpose	COMMUNITY COVERAGE	Done with Virus Scan and/or Conversion
<u>1210653_572367.txt</u>	Applicant	All Purpose	CONTOUR OVERLAP REQUIREMENTS	Done with Virus Scan and/or Conversion
<u>1210653_572368.txt</u>	Applicant	All Purpose	CHANNEL SIX STUDY	Done with Virus Scan and/or Conversion
<u>1210653_572369.txt</u>	Applicant	All Purpose	ENVIRONMENTAL PROTECTION ACT	Done with Virus Scan and/or Conversion