



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

File Number: **0000231751** | Submit Date: **12/06/2023** | Lead Call Sign: **NEW** | Facility ID: **778001**

FRN: **0003005030**

Service: **Low Power FM** | Purpose: **Construction Permit** | Status: **Pending** | Status Date: **12/06/2023** | 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:	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
Marietta College	Marilee Morrow 215 Fifth Street Marietta, OH 45750 United States	+1 (740) 376-4828	Morrowa@Marietta.edu	PNE

Contact Information (1)

Contact Name	Address	Phone	Email	Contact Type
Thomas Taggart Attorney	733 Fourth Street Marietta, OH 45750 United States	+1 (740) 568-8170	tpt@Eurekanet.com	Legal Representative

Parties to the Application (27)

Party Name	Address	Phone	Email	Positional Interest
Matthew Weekley Retired	412 Hickory Lane Westerville, OH 53081 United States	+1 (614) 766-0735	Mattweekley05@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%

Marc Ponchione Attorney	C/O Debevoise & Plimpton 803 Pennsylvania Ave. NW Washington, DC 20004 United States	+1 (202) 383- 8290	Debevoise- media@debevoise.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
James Wilson SLOFT Group (management consultants)	C/O SLOFT Group 1103 Kensington Rd. McLean, VA 22101 United States	+1 (571) 286- 9491	jaswilson@SLOFLT.Com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
James Fryfogle Plains All American Pipeline	C/O Plains All American Pipeline LLC 333 Clay, Suite 1600 Houston, TX 77002 United States	+1 (713) 646- 4100	jfryfogle@comcast.net	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Fred Bentley Dexko Global	C/O Dexko Global 39555 Orchard Hill Place, Suite 255 Novi, MI 48375 United States	+1 (248) 533- 0249	fbentley@dexko.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Kathryn Moriarty Bailey Peoples Bank Corp.	C/O Peoples Bank 138 Putnam Street Marietta, OH 45750 United States	+1 (740) 373- 3155	Kathryn.Bailey@pebo.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%

Doug Ankrom <i>Controller</i> Marietta College	215 Fifth Street Marietta, OH 45750 United States	+1 (740) 376- 4928	ankromd@marietta.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Mark Miller <i>Board Secretary, associate Provost</i> Marietta College	512 Cutler Street Marietta, OH 45750 United States	+1 (740) 376- 4811	millerr@marietta.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Kathleen Dougherty <i>Provost</i> Marietta College	215 Fifth Street Marietta, OH 45750 United States	+1 (740) 376- 4741	kad007@marietta.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Michael Bruce <i>CFO</i> Marietta College	215 fifth Street Marietta, OH 45750 United States	+1 (740) 376- 4720	jmb031@marietta.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%
Margaret L. Drugovich <i>President</i> Marietta College	215 Fifth Street Marietta, OH 45750 United States	+1 (740) 376- 4701	president@marietta.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

Clyde Wootton Retired	11116 Brass Kettle Rd. Raleigh, NC 27614 United States	+1 (918) 645- 1024	clydenmt@outlook.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Leslie Straub Ritter Square Knot, LLC (management consulting)	3517 Pinehurst Circle Dallas, TX 75234 United States	+1 (214) 632- 0287	lcritter@aol.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Stephanie Esparza Pelouin Finance Manager, American Styrenics	C/O America's Styrenics 24 Waterway Ave., Suite 1200 The Woodlands, TX 77380 United States	+1 (832) 616- 7800	Stephanie.k.e. pelouin@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Rochelle Schrecongost Goodwin West Virginia University	1548 Hampton Road Charleston, WV 25314 United States	+1 (304) 400- 4963	rochelle.goodwin@mail. wvu.edu	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Andrew Ferguson UBS Financial Group	C/O UBS Peninsula Financial Group 750 University Ave., Suite 250 Los Gatos, CA 95032 United States	+1 (408) 282- 8418	Ferguson24Andrew@gmail. com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%

George Fenton Fenton Art Glass	C/O Fenton Art Glass 2242 Williams Hwy., Suite 108 Williamstown, WV 26187 United States	+1 (304) 375- 7772	askfenton@fentonartglass. com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Janice Downey Donoghue Retired	2 South Drive Plandome, NY 11030 United States	+1 (516) 627- 5285	Jad1231456@aol.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Kevin O'Neill Accertitude, (executive search firm)	High Street South Kingstown, RI 02879 United States	+1 (401) 749- 1000	koneill@acertitude.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Michael Moffitt Law Professor, U. of Oregon law school	75 Constantine Place Eugene, OR 97405 United States	+1 (541) 346- 0506	mmoffitt@uoregon.edu	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Diann Krivchenia Retired educator	1496 Glendale Road Marietta, OH 45750 United States	+1 (740) 373- 0944	dkrivchenia@yahoo.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%

Mary Studders Korn <i>Board chair</i> Private equity /consultant	1199 Britton Ave. San Jose, CA 95125 United States	+1 (408) 497- 5006	Mary.Korn@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Jack Hopkins Jack Hopkins Consulting	8628 Plover Drive Kalamazoo, MI 49009 United States	+1 (269) 375- 8452	Jhopkins.consulting@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
David Hill Retired oil and gas executive	13620 Gulf Blvd, Unit 400B Madeira Beach, FL 33708 United States	+1 (303) 810- 7666	Dghill50@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Danielle Cisler Insight2Profit (financial advisor)	C/O Insight2Profit 3333Richmond Road, Suite 200 Beachwood, OH 44122 United States	+1 (215) 538- 6390	dlcisler@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
Brian Brucken Botprise (software development)	4679 Paxton Road Akron, OH 44321 United States	+1 (330) 620- 2960	Brian.brucken@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%

Robert Brucken Retired attorney	2181 Ambleside Drive Cleveland, OH 44106 United States	+1 (216) 314-4635 rnbrucken@gmail.com	Positional Interest: Director Citizenship: United States Percentage of Votes: 4.5% Percentage of Total Assets: 0%
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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

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?	
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?	No

Legal Certifications

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational institution

	If the answer is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	
Community-Based Criteria	Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:	
	It is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	Yes
	It is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	No
	It is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	No
	It proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	No
Ownership	The applicant certifies that:	
	no party to this application has an attributable interest in any low power FM broadcast station	Yes
	No party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	No
	No party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;	Yes
	The applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	Yes
	The applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	Yes
Character Issues	Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with: <ul style="list-style-type: none"> (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
Unlicensed Operation	The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	Yes

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
Established Community Presence	The applicant certifies that it is a:	Nonprofit Educational Institutions and Organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational institution or organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.
Local Program Origination	The applicant pledges to originate locally at least eight hours of programming per day.	Yes
Main Studio	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.	Yes
	An applicant claiming a point under the main studio criterion must provide the proposed address and telephone number for the main studio.	508 Putnam Street
	Address Line 1:	
	Address Line 1:	
	City:	Marietta
	State:	OH

	Zip Code:	45750
	Phone:	7403764802
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.	Yes
Diversity of Ownership	The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	No
Tribes or Tribal Organizations	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.	No

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).	02/14/1835
	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	Ohio
	City	Marietta
	Channel	248
	Frequency	97.5

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1222994
Coordinates (NAD83)	Latitude	39° 25' 08.3" N+
	Longitude	081° 26' 33.4" W-
	Structure Type	GTOWER-Guyed Structure Used for Communication Purposes
	Overall Structure Height	74.8 meters
	Support Structure Height	73.9 meters
	Ground Elevation (AMSL)	237.7 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:24 meters Vertical:24 meters

Height of Radiation Center Above Mean Sea Level	Horizontal:261.7 meters Vertical:261.7 meters
Minimum Effective Radiated Power	Horizontal: 50.0 W Vertical: 50.0 W
Maximum Effective Radiated Power	Horizontal: 100.0 W Vertical: 100.0 W

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
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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
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), and 73.825?	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.	N/A
	Name of the person contacted	
	Phone number of the person contacted	
	Person contacted is	

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>	
Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</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>Margaret L. Drugovich <i>President</i></p> <p>12/06/2023</p>

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Marietta College Cross Ownership Exhibit.pdf</u>	Applicant	Attributable Interest	Exempt Attributable Interest	Done with Virus Scan and /or Conversion
<u>Marietta College LPFM eligibility.pdf</u>	Applicant	Legal Certifications	Eligibility	Done with Virus Scan and /or Conversion
<u>Marietta College Technical Exhibit.pdf</u>	Applicant	Technical Certifications	Comprehensive Technical Exhibit	Done with Virus Scan and /or Conversion
<u>Marietta College Trustees Interests.pdf</u>	Applicant	Attributable Interest	Interests of trustees, officers	Done with Virus Scan and /or Conversion
<u>Marietta LPFM Comparative.pdf</u>	Applicant	Point System Factor /Tie Breakers	Point System Factors	Done with Virus Scan and /or Conversion

Marietta College
Attributable Interests: Cross Ownership

Proposed: Low Power FM station on Ch. 248, 97.5 MHZ., at Marietta, Ohio.

Cross-Ownership. The Cross Ownership Rule, 47 CFR Section 73.860 (a), does not permit a low power applicant to hold an attributable interest in any other broadcast station.

Marietta College is presently licensed for WCMO, a Class D station, and WMRT, a Class B-1 reserved band station.

47 CFR Section 73.860 (d) provides that “a party with an attributable interest in a broadcast radio station must divest such interest prior to the commencement of operations of an LPFM station in which the party also holds an interest.” This proposed low power station will replace Class D WCMO, then the license for that Class D station will be either divested, or returned. This leaves the College with an attributable interest in the Class B-1 Reserved Band station, WMRT.

However, subsection (d) continues to state that “a party need not divest such an attributable interest if the party is a college or university that can certify that the existing broadcast radio station is not student run. This exception applies only to parties that:

- (1) Are accredited educational institutions;
- (2) Own an attributable interest in non-student run broadcast stations; and
- (3) Apply for an authorization for an LPFM station that will be managed and operated on a day-to-day basis by students of the accredited educational institution. “

As we note in our exhibit on eligibility, Marietta College, chartered in 1835, is a four-year private non-profit college accredited by the North Central Association of Colleges. Hence Marietta College meets the first requirement of this subsection.

WCMO. WCMO was first licensed in 1960. The Class D WCMO signal is interference limited to 4 watts ERP at 30 meters AHAAT on its present frequency of 98.5. Since its

inception, this station has been managed and run by students of the college. The proposed LPFM station is intended to replace this Class D station, and will continue to be student programmed and operated. This meets the requirements of paragraph (3) of Subsection (d).

WMRT. That leaves the Class B-1 reserved band station, WMRT. On the surface, the cross ownership rule would appear to require divestiture of this station as well. However, Marietta College need not divest itself of this station if it can certify that the attributable broadcast interest is in a *non-student run broadcast station*. (Emphasis added).

This Class B-1 station was built by the College in 1975, and programs jazz and classical music. It is an affiliate of the WFMT radio network, and the Metropolitan Opera Radio Network. While students prepare some of the local programming for the station, the station is managed and programmed by the Communications Department faculty at the College.

Further, day-to-day operational support for the station is provided under contract with a local commercial radio group owner, Seven Ranges Radio Co. The staff at Seven Ranges station WVVV, Williamstown, WV, generate and load the daily music programming logs for WMRT. They download long form programs from the WFMT network and PRX, inserting them into the WMRT automation system for later airing on the station. Seven Ranges also provides engineering services for this station, the current WMRT studios were installed by Seven Ranges.

Hence the College can certify that it meets the three conditions of Subsection (d), allowing it to retain this attributable interest in WMRT. It is an accredited educational institution. The attributable interest in WMRT is in a station that is professionally managed and run, not student run. Finally, the LPFM station will be managed and operated on a day-to-day basis by students at the College, as is now the case with station WCMO that the LPFM will replace.

Marietta College, Marietta, Ohio

Proposed: Ch. 248-LP, 97.5 MHZ, New Low Power FM station at Marietta, Ohio

Eligibility. See 47 CFR Section 73.853 (a)(1). The applicant, Marietta College, is a nonprofit educational organization.

Marietta College is located in Marietta, Ohio. Marietta College was chartered in 1835 by the Ohio General Assembly as an “institution for the education of youth.” A private, four year college, it is accredited by the Higher Learning Commission and the North Central Association of Colleges.

Educational Purpose. The proposed low power station will be used for the advancement of an educational program.

The low-power station will be used in conjunction with the College’s communication studies major, which includes instruction in broadcast, journalism, advertising and speech. Presently the College operates Class D WCMO as a student programmed and operated radio station as part of this communication major.

WCMO was first licensed as a Class D “ten watt” station in 1960. WCMO cannot be increased in power beyond the present 4 watts at 30 meters AHAAT because of interference limitations on its present frequency of 98.5 MHZ. The proposed LPFM station on 97.5 MHZ would replace this 98.5 signal. Upon the grant of the LPFM construction permit, the Class D station license would either be divested, or that license cancelled.

Local Organization. See 47 CFR 95.3 (b) (1). An applicant is classified as “local” if the applicant “has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets.”

The Marietta College campus is located in downtown Marietta, Ohio. Marietta, Ohio-Parkersburg, West Virginia form Nielsen market #242. The studios for WCMO are located in McKinney Media Center, on the college campus at 508 Putnam Street, Marietta; these studios will be used for the proposed low power station. The College has an existing tower, ASR# 1222994, located on a hill some 600 meters (1,980 feet) from these studios, and this tower will be used for the transmitting antenna for the low power station.

Antenna Site Assurance: As noted above, the proposed antenna will be mounted on a tower owned by the College. This tower, on a hill overlooking campus, is about 600 meters from the proposed studios.

Ownership: As noted above, Marietta College operates Class D station WCMO. Upon the grant of a construction permit for the low power station, this license will either be divested or returned.

Marietta College also operates full power reserved band station WMRT. See 47 CFR Section 73.860 (d); which permits institutional educational applicants to operate both a low power student run station and a full power station that is not student operated, where parties:

- “(1) Are accredited educational institutions;
- (2) Own an attributable interest in non-student run broadcast stations; and
- (3) Apply for an authorization for an LPFM station that will be managed and operated on a day-to-day basis by students of the accredited educational institution.”

See more complete description of the WCMO and WMRT operations under the exhibit entitled “Cross Ownership.”

Marietta College
Marietta, Ohio
Comprehensive Engineering Exhibit

Proposed: Ch. 248-LP, 97.5 MHZ., at Marietta, Ohio

Existing Tower, ASR #1222994, 39° 25' 8.3", 81° 26' 33.4", 2023-AGL-8891-OE

This is an existing tower owned by the College. It is presently used for the College's reserved band station WMRT, and Class D/ten watt station WCMO. Upon the grant of a construction permit, the license for WCMO will either be divested or returned, and the antenna for the low power station installed in place of the WCMO antenna.

A.T. & T Mobility operates a cellular installation at the top of this 245' tower, the aeronautical study was filed at their request. Plans are to install 5G equipment later this year.

Allocation Study

Freq.	Channel	Call	City of License	Distance	Brng.	Required
WVVV*	Ch. 245A	96.9 MHZ	Williamstown, WV	10.19 KM	208°	29 KM*
WBNS	Ch. 246B	97.1 MHZ	Columbus, Ohio	149.14 KM	296°	67 KM
WDBS	Ch. 246B-1	97.1 MHZ	Sutton, WV	137.32 KM	141°	46 KM
WKWK	Ch. 247B	97.3 MHZ	Wheeling, WV	98.50 KM	40°	97 KM
WQBE	Ch. 248B	97.5 MHZ	Charleston, WV	115.40 KM	192°	112 KM
WCJO	Ch. 249A	97.7 MHZ	Jackson, Ohio	108.70 KM	247°	56 KM
WILE	Ch. 249A	97.7 MHZ	Byesville, Ohio	71.08 KM	346°	56 KM
WNCI	Ch. 250B	97.9 MHZ	Columbus, Ohio	147.12 KM	295°	67 KM
WKKW	Ch. 250B	97.9 MHZ	Fairmont, WV	118.89 KM	90°	67 KM
WMGA	Ch. 250A	97.9 MHZ	Kenova, WV	145.54 KM	221°	29 KM
W251CP*	Ch. 251D	98.1 MHZ	Parkersburg, WV	10.19 KM	208°	21 KM*

As the above table indicates, this site meets all of the minimum separation requirements of 47 CFR Section 73.807. The two third adjacent signals, WVVV* and W251CP*, do not

carry radio reading services, and need not be protected by the low power station unless there is actual interference. See Section 73.810. WMOA, a Class C non-directional AM station on 1490 KHZ, is 2.9 kilometers, 1.8 miles to the west of this site. The nearest airport, Mid Ohio Valley Regional, is 8.2 KM, 5.2 miles, southeast of this site. The station licenses and antenna structure registration have been amended recently to reflect minor coordinate and elevation errors discovered during the recent aeronautical study (2023-AGL-8891-OE).

Environmental. Construction of the low power station will only require very minor changes to the tower, namely, an exchange of one antenna bay for an identical model antenna bay tuned to the new frequency for the LPFM station. The site is used for two FM stations, reserved band WMRT, and Class D/ten watt WCMO. The construction required will be the removal of the current WCMO single bay antenna tuned to 98.5 MHZ, to be replaced with another single bay antenna of the same type (SWR FM 1/1), but tuned to the new frequency of 97.5 MHZ.

RF Exposure. As noted, this is the site of reserved band station WMRT, operating with a center of radiation 55 meters above ground, and a combined ERP (H + V) of 18.4 KW. At ground level, the field from the WMRT signal is 22% of the maximum allowed for public exposure. Adding the 200 watt signal (H + V) from the proposed low power antenna at 24 meters AG only adds about 1.4%., or a total of 23.4% of the maximum allowed public exposure levels.

However, this site, on the top of a hill owned by the college, is not open to the general public. The area around the base of the tower, approximately 37' X 70', is completely enclosed by a six foot high chain link fence. Inside this enclosure are the equipment shelters for the FM stations, and for the cellular equipment, and an emergency generator for the radio station.

A local contract engineer is on-call to shut down the transmission equipment whenever climbers are working on the tower.

Marietta College
Marietta, Ohio

Attributable Interests

The Applicant, Marietta College, currently operates two radio stations:

1. Class D/10 watt WCMO, a student programmed and managed station;
2. Class B-1 reserved band station WMRT, which is programmed by the communications department faculty, and managed by contracted professional broadcasters.

The proposed low power station will replace WCMO, and the Class D license either divested, or returned. The separate “Cross Ownership” exhibit explains how, under Section 73.860 (d), WMRT is exempt from the rule requiring divestiture of other broadcast stations by licensees of low power stations.

Organizational Structure

Marietta was chartered by the Ohio General Assembly in 1835. It is presently regulated as a not-for-profit corporation organized under Chapter 1702 of the Ohio Revised Code.

The College is governed by a 22 member Board of Trustees, who select the officers of the Corporation.

Attributable Interests of Trustees, Officers

Under Ohio law, the two radio stations are property of the corporation, not the trustees. None of the trustees or officers of Marietta College have an attributable interest in any other radio or television station.

Rochelle Goodwin, trustee, is the Senior Associate Vice President for Academic and Public Strategy at West Virginia University, based in Charleston, West Virginia. Her responsibilities do not include either the radio or television broadcast operations of WVU.

Michael Moffitt is dean of the University of Oregon Law School. He is neither an officer nor a director of the University of Oregon, and has no responsibilities regarding the broadcast operations of the University.

Marietta College
Marietta, Ohio

Proposed: Ch. 248 LP, 97.5 MHZ, Marietta, Ohio.

Comparative Factors
47 CFR 73.872

Three points are claimed for the following comparative factors:

1. **Established Community Presence:** Section, 73.872 (b)(1).

Marietta College has been in existence for over 188 years;

2. **Local Program Origination:** Section 73.872 (b)(2).

Marietta College proposes to originate local programming for at least 8 hours during the school schedule on this low power station. The College presently programs Class D station WCMO from a studio on the campus, this studio is less than a mile from the site proposed for the low power station's antenna.

3. **Main Studio:** Section 73.872 (b)(3).

The present WCMO studios on campus in the McKinney Media Center, 508 Putnam Street, Marietta, are accessible to the public and, as noted, within a mile of the proposed LPFM transmitting site. These studios will be used for the LPFM programming.

Discussion

1. **Established Community Presence.** In 1797, Brigadier General Rufus Putnam, later Surveyor General of the United States, established the Muskingum Academy at Marietta, Ohio.

In 1835, this institution was chartered as Marietta College by the General Assembly of Ohio.

See (following pages) Exhibit 1, a copy of the original 1835 Ohio General Assembly resolution chartering Marietta College, as well as Exhibit 2, the Certificate of Continuing Existence (of Marietta College), from the Ohio Secretary of State, dated September 24, 2020.

The campus was established in downtown Marietta. Erwin Hall, located on Fifth Street and built in 1845, is still in use by the College. The present day campus occupies several blocks

in the City of Marietta, the main campus is between Putnam Street to the northwest and Greene Street to the southwest, and between Fourth and Seventh streets. On a hill northeast of Seventh Street the College owns a radio tower that will be used for the antenna site for the proposed low power station. This tower is 600 meters, or 1,980 feet, from the McKinney Media Center at 508 Putnam Street, which will be the location of the studio for the low power station.

2. Local Program Origination. Marietta College operates student run and programmed WCMO, a Class D-ten watt station, which began operations in 1960. This station operates 24 hours a day with programming originating from a studio in the McKinney Media Center on campus. Upon the grant of a construction permit and construction of the low power station, WCMO will either be divested, or that license returned. The existing WCMO programming will then transfer to the low power station, continuing the present 24 hour programming schedule of WCMO. While the College is in session, at least 8 hours of programming per day during the week will be produced by students.

3. Main Studio. The present studio for WCMO will be used for the low power station. This studio is located in the McKinney Media Center, 508 Putnam Street, on the Marietta College Campus. The current telephone number in the studio is (740) 376-4802.

Plans were drawn up earlier this year for a new, larger studio for WCMO, and this new studio is expected to be fully operational by the end of the year. The present studio will then be re-purposed as a production and podcast studio. During the school year, these studios are accessible to the public, and staffed at least 20 hours a week. As noted above, McKinney Media Center is only 600 meters from the College-owned tower that will be used as the antenna site for the low power station.

Exhibit 1

Marietta College Charter, 1835: Copy of the records of the Ohio General Assembly from February 14, 1835, showing the incorporation of “an institution for the education of youth in the various branches of useful knowledge, by the name of Marietta College.”

Exhibit 2

Certificate of Continuing Existence from the Secretary of State of Ohio dated September 24, 2020. The status of not-for-profit corporations in Ohio is reviewed every five years.

Both documents can be downloaded from the Secretary of State of Ohio’s website.
(<https://businesssearch.ohiosos.gov/>)

Sec. 3. That the said Congregation, by the name aforesaid, shall be capable in law and equity, of having, receiving, acquiring, and holding, either by gift, grant, devise, or purchase, any estate, real, personal, or mixed; and may lease, mortgage, sell, and convey the same: *Provided*, That the annual income of all such property shall not exceed two thousand dollars.

Sec. 4. That the property and financial concerns of the corporation shall be under the management and control of the Trustees, who shall have power to appoint a Clerk, Collector, or Collectors, and Treasurer, and to fill vacancies happening in their own body, until the next annual election succeeding such appointment; and said corporation shall have power to make such by-laws, rules, and regulations, as may be necessary for the prudent and efficient management of its pecuniary affairs: *Provided*, That said by-laws, rules, and regulations, be not inconsistent with the laws of the United States, or of this State.

Sec. 5. That the said corporation shall meet annually, at such time and place, as they, by their rules and regulations may appoint, for the transaction of business, and the election of officers; which election shall be by ballot, and by a majority of the votes given; and all the officers of said corporation, shall hold their respective offices until their successors shall have been duly elected; and a failure to hold a regular meeting for the election of officers, under the provisions of this act, shall not be a forfeiture of the rights and privileges herein granted.

Sec. 6. That all meetings of the corporation, in their corporate capacity, either for the election of officers, or for other purposes, shall be called by the Trustees, or a majority of them, who shall cause public notice of the time and place of such meeting to be given, in the manner they shall deem most suitable, at least eight days previous to any such meeting.

Sec. 7. That all process against the corporation shall be by summons, which shall be served by leaving an attested copy thereof with the Treasurer of the corporation, five days before the return day mentioned therein.

Sec. 8. That John Patterson, William Chambers, and William Templeton, be, and they hereby appointed Trustees of said corporation, until the first annual election, and until others are elected in their places.

JOHN M. CREED,

Speaker of the House of Representatives.

PETER HITCHCOCK,

Speaker of the Senate.

February 14, 1835.

AN ACT

To incorporate the Marietta College.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That there shall be, and is hereby established, in the county of Washington, an institution for the education of youth in the various branches of useful knowledge, by the name of the Marietta College, and that Luther G. Bingham, John Cotton, Caleb Emerson, John Mills, John Crawford, Arius Nye, Douglas Putnam, Jonas Moore, Anselm T. Nye, and their

successors, be and they are hereby appointed Trustees of said institution, and constituted a body corporate and politic, with perpetual succession, with all the powers and privileges incident to a corporation, to be known and distinguished by the name and style of "The Trustees of Marietta College."

Sec. 2. That said Trustees, by the corporate name aforesaid, shall be competent to sue and be sued, plead and be impleaded, in all courts of law or equity; may have a common seal, and alter the same at pleasure; and shall fill all vacancies in their own body, occasioned by death, resignation, or neglect for more than one year, to attend to the duties of the trust.

Sec. 3. That the said Trustees, or a majority of them, when met, shall constitute a board; shall have power to appoint a President, Secretary and Treasurer, and such other officers and agents as they may deem necessary, and to prescribe their duties; and to make, ordain and establish such by-laws, rules and regulations for conducting the affairs of said corporation, as they may deem proper: *Provided*, That the same be not repugnant to the Constitution and laws of the United States, or of this State.

Sec. 4. That the said Trustees, in their corporate capacity, shall be capable of receiving and acquiring, by purchase, devise, gift, bequest, or otherwise, property, real, personal, or mixed, to be used, improved, expended, or conveyed, for the purposes of the trust: *Provided*, That the annual income of the real property of said corporation shall not exceed five thousand dollars; and that the funds of said institution shall never be used for purposes of banking.

Sec. 5. That the said Trustees shall have power to appoint such officers, professors and teachers, as may be necessary for the instruction and government of the institution, and prescribe their duties; and the presiding officer of the institution shall, *ex officio*, be a member of the board of Trustees.

Sec. 6. That the said corporation shall have power to confer on those whom they may deem worthy, such honors and degrees as are usually conferred in similar institutions.

Sec. 7. That said Trustees shall have power to elect honorary members, who shall have seats in the Board of Trustees, and be admitted to take part in the discussions therein, but not to vote.

Sec. 8. That any future Legislature shall have power to alter or amend this act, so far as may be necessary to restrict the corporation to the powers hereby intended to be conferred: *Provided*, That the property, or the funds of the corporation, or the management thereof, shall not thereby be diverted or changed from the purposes and direction indicated by the donors.

Sec. 9. That the act, entitled "an act to incorporate the Marietta Collegiate Institute and Western Teachers' Seminary," passed December 17, 1832, be, and the same is hereby repealed: *Provided*, That the repeal of said act shall not affect any rights acquired, or obligations incurred, under any of its provisions.

JOHN M. CREED,
Speaker of the House of Representatives.
PETER HITCHCOCK,
Speaker of the Senate.

February 14th, 1835.



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
09/24/2020	202026802520	NONPROFIT - CERTIFICATE OF CONTINUED EXISTENCE (CCE)	25.00				0

Receipt

This is not a bill. Please do not remit payment.

**THEISEN BROCK
424 SECOND STREET
MARIETTA, OH, 45750**

**STATE OF OHIO
CERTIFICATE**

**Ohio Secretary of State, Frank LaRose
259128**

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

MARIETTA COLLEGE

and, that said business records show the filing and recording of:

Document(s)

NONPROFIT - CERTIFICATE OF CONTINUED EXISTENCE

Effective Date: 09/24/2020

Document No(s):

202026802520



United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 24th day of September, A.D.
2020.

Ohio Secretary of State