

**SAMPLE INITIAL APPLICATION**

**AND**

**SAMPLE AMENDED APPLICATION TO SHARE POINTS**

**Sample Initial Application p. 1**

Federal Communications Commission  
Washington, D. C. 20554

Approved by OMB  
3060-0920

FOR  
FCC  
USE  
ONLY

**FCC 318**

**APPLICATION FOR CONSTRUCTION PERMIT  
FOR A LOW POWER FM BROADCAST STATION**

FOR COMMISSION USE ONLY  
FILE NO.

**Section I - General Information**

1. Legal Name of the Applicant		
The Colorful Theatrical Arts Corporation, Inc.		
Mailing Address		
1600 Pennsylvania Ave., NW		
City	State or Country (if foreign address)	ZIP Code
Washington	DC	20007
Telephone Number (include area code)	E-Mail Address (if available)	
202-555-1000	jppaul@colorful.org	
	Call Sign	Facility ID Number
	NEW STATION	N/A
2. Contact Representative (if other than applicant)		Firm or Company Name
Telephone Number (include area code)		E-Mail Address (if available)

**3. Application Purpose.**

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> New station            | <input type="checkbox"/> Major modification of construction permit |
| <input type="checkbox"/> Major change in licensed facility | <input type="checkbox"/> Minor modification of construction permit |
| <input type="checkbox"/> Minor change in licensed facility | <input type="checkbox"/> Amendment to pending application          |

a. File number of original construction permit: \_\_\_\_\_

N/A

b. Station location:

City Washington	State DC
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If an amendment, submit as an Exhibit a listing by section and question number of the portions of the pending application that are being revised.

Exhibit No.

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**NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See General Instructions, Paragraph I for additional information regarding the completion of explanatory exhibits.**

**Section II - Legal**

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions, and worksheets.  Yes  No
2. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should **not** submit an explanatory exhibit in connection with these Question 2 "No" responses.

The applicant certifies that:

- a. it is a nonprofit educational institution; or  Yes  No
- b. it is a nonprofit educational organization; or  Yes  No
- c. it proposes a noncommercial public safety radio service to protect the safety of life, health or property.  Yes  No

Note: Applicants that answer "Yes" to 2a. or 2b. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. The exhibit should include the state and date of applicant's incorporation.

Exhibit No. A
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3. **Parties to the Application.**

a. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- |                                |   |
|--------------------------------|---|
| (1) Name and address of party. | (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard. |
| (2) Citizenship.               | (4) Percentage of votes.  |
|                                | (5) Percentage of total assets (equity plus debt).  |

(1)	(2)	(3)	(4)	(5)
John Paul 1600 Pennsylvania Ave., NW Washington, DC 20007	U.S.A.	President	1/5	N/A
Sam Jones 555 North St., NW Washington, DC 20010	U.S.A.	Secretary	1/5	N/A
George Schutzer 2550 M St., NW Washington, DC 20037	U.S.A.	Treasurer	1/5	N/A

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The Colorful Theatrical Arts Corporation, Inc.  
Washington, DC  
continuation of Section II, Question 3(a)

Maria Rivera 1200 Pennsylvania Ave., NW Washington, DC 20000	U.S.A.	Director	N/A
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Janet King 1785 F St., NW Washington, DC 20000	U.S.A.	Director	N/A
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Greg Romano 1200 13th St., NE Washington, DC 20002	U.S.A.	Executive Dir.	N/A
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b. Applicant certifies that equity and financial interests not set forth above are non-attributable.

Yes  No  
 N/A

See Explanation  
in Exhibit No.

**4. Community-Based Criteria.** The applicant certifies that:

a. it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles) of the proposed transmitting antenna site set forth in this application;

Yes  No

b. it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles) of the proposed transmitting antenna site set forth in this application; or

Yes  No

c. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.

Yes  No

Note: An applicant should **not** submit an explanatory exhibit in connection with these Question 4 "No" responses.

**5. Ownership.** The applicant certifies, based on its completion of Worksheet 1 and its review of the instructions to this application, that:

a. no party to this application has an attributable interest in any other low power FM broadcast station;

Yes  No

b. 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;

Yes  No

See Explanation  
in Exhibit No.  
B

c. the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and

Yes  No

d. 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  No

**6. Character Issues.** The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with:

Yes  No

See Explanation  
in Exhibit No.

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.

**7. Adverse Findings.** The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

Yes  No

Exhibit No.

If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

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8. **Unlicensed Operation.**

a. 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  No

b. For applicants responding "No" to Question 8a. only, the applicant certifies, under penalty of perjury, that to the extent the applicant or 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 a station in violation of Section 301 of the Communications Act, as amended, 47 U.S.C. Section 301, all such engagement:

i. ceased voluntarily no later than February 26, 1999, without direction from the Commission to do so; or  Yes  No

ii. ceased within 24 hours of being directed by the Commission to terminate unlicensed operation of any station.  Yes  No

9. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.  Yes  No

**Section III - Point System Factors**

New station and major change 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:

1. **Established community presence.**

a. **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 an 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 10 miles of the coordinates of the proposed transmitting antenna.  Yes  No

An applicant claiming a point under factor 1a. must submit an exhibit documenting its established community presence. See instructions.

Exhibit No.  
C

b. **Public Safety Radio Service.** The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.  Yes  No

2. **Proposed operating hours.** The applicant pledges to operate the proposed station for at least 12 hours per day.  Yes  No

3. **Local program origination.** The applicant pledges to originate locally at least eight hours of programming per day.  Yes  No

Note: For purposes of this factor, local origination is the production of programming within 10 miles of the coordinates of the proposed transmitting antenna.

**Section IV - Certification**

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by licensee or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing John Paul	Typed or Printed Title of Person Signing President
Signature [signature]	Date May 1, 2000

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit A, page 1

Section II, Question 2(b)

As stated in its Articles of Incorporation, The Colorful Theatrical Arts Corporation, Inc. ("CTAC") was founded as a non-profit entity in Washington, DC on October 15, 1987.

The purpose of the CTAC, according to its Articles of Incorporation, is as follows:

(A) Present and produce plays about the diverse aspects of the life and culture of Washington, DC.;

(B) Educate audiences about issues pertaining to African-American, Caribbean, Latino, and Asian cultures;

(C) To use theater as a means for exploring societal issues of race, gender, class, and sexual orientation;

(D) To provide resources to other non-profit theaters that have similar missions; and

(E) To create newsletters, videos, seminars, and host discussion groups about theater.

The educational program of the CTAC will be furthered by operation of a low power radio station because, primarily, it will provide another outlet for CTAC to educate its audiences about the issues pertaining to African Americans, Caribbean, Latino, and Asian cultures. In addition, the CTAC will perform audio plays on the station, thus educating participants and listeners about a new form of theater and will facilitate discussion of theater and diverse cultures through programming that will take telephone calls from the audience.

Specifically, the CTAC will produce early evening shows that include approximately an hour-long play followed by two hours of call-in discussion.

Afternoon programming will be produced by our Children's Theater Project. Children will write and perform their own works. Local artists and members of CTAC will produce shows aimed at children in the neighborhood. CTAC already has a successful afternoon story hour at its headquarters that draws many of the Caribbean and African-American children in the neighborhood. CTAC will expand this with programming directed

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit A, page 2

toward both Asian and Latino children who have not been as comfortable attending sessions which are primarily Black. Hopefully increased attention will increase in-person attendance among these other groups. Children's programming will be expanded over the weekend.

Many of the CTAC's members are performing artists with little opportunity to reach an audience. The morning hours on CTAC's station will allow for more experimental artistic programming in show such as Sound and Poetry Innovations and Drum Sounds and Percussion Traditions.

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit B, page 1

Section II, Question 5(a)

Exception under 73.858(a)

Maria Rivera, a member of CTAC's Board of Directors, also sits on the Board of WXYZ, a local television station. Ms. Rivera meets each of the three criteria under the exception set forth under Section 73.858(a) of the FCC's rules:

First, CTAC is a multi-faceted organization. CTAC primarily runs a quasi-professional theater company, but also runs programs for children and experimental arts and performs outreach to other theaters. Although the other programs are an outgrowth of the presentation of plays, they are separate programs with separate volunteers and separate staff.

Second, Ms. Rivera's duties are wholly unrelated to the low power radio station. Because of her extensive experience in theatrical production, Ms. Rivera's role on the Board of Directors has been to act as Production Manager for CTAC's dramatic works.

Her duties include overseeing the selection of plays and directors, casting, management of the performance space and volunteer crew. Not only does the extensive responsibility given to Ms. Rivera in this role leave her unable to take on tasks with respect to the low power radio station, but as described in Exhibit A, the primary function of the low power radio station will be for audio-only dramatic works, children's programming, and innovative audio performance art. These programs are related to programs which Ms. Rivera currently has no connection.

The President of the Board and the Executive Director have been assigned primary responsibility for the low power radio station and any decision to air audio versions of the dramatic works will rest solely with them.

Third, as demonstrated in this exhibit, Ms. Rivera has recused herself from all decision-making with respect to the low power radio station.

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit B, page 2

RESOLUTION OF THE BOARD OF DIRECTORS  
THE COLORFUL THEATRICAL ARTS CORPORATION, INC.

April 15, 2000

It is hereby resolved that, as of April 15, 2000, to comply with FCC rules Ms. Maria Rivera is recused from all votes and discussion with respect to the low power radio station that CTAC intends to apply for and operate.

Ms. Rivera will continue to perform her functions as Production Manager and supervisor of CTAC's dramatic productions.

John Paul, President, and Greg Romano, Executive Director, are assigned authority and responsibility to direct the operations of the low power radio station application process and operations.

It is hereby so resolved.

Signed

/s/

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Sam Jones  
Secretary

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit B, page 3

Section II, Question 5(b)

Exception under 73.585(b)

CTAC is a member of a national umbrella organization, Colorful Arts, USA. CTAC is unaware of whether any other member of Colorful Arts, USA is applying for or has received a low power radio license. CTAC, nonetheless, meets the exception under 73.585(b), and therefore is a distinct local chapter of a national organization.

CTAC meets this exception because it is incorporated separately in its local jurisdiction, Washington DC, and has a local purpose, as described in its Articles of Incorporation, to "present and produce plays about the diverse aspects of the life and culture of Washington, DC.

Colorful Theatrical Arts Corporation, Inc.  
FCC Form 318, Exhibit C , page 1

## **ARTICLES OF INCORPORATION OF THE COLORFUL THEATRICAL ARTS CORPORATION, INC.**

**THE UNDERSIGNED**, all of whom are natural persons of the age of eighteen years or more, acting as incorporators of a corporation pursuant to the District of Columbia Nonprofit Corporation Act, hereby adopt the following Articles of Incorporation:

**FIRST:** The name of the corporation is: The Colorful Theatrical Arts Corporation, Inc.

**SECOND:** The period of duration of the Corporation is perpetual.

**THIRD:** The Corporation is organized exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986, as now in effect or as may hereafter be amended ("the Code"). The purposes for which the Corporation is formed are to:

(A) Present and produce plays about diverse aspects of the life and culture of Washington, D.C.;

(B) Educate audiences about issues pertaining to African American, Caribbean, Latino and Asian cultures;

(C) To use theater as a means for exploring societal issues of race, gender, class and sexual orientation;

(D) To provide resources to other non-profit theaters that have similar missions;  
and

(E) To create newsletters, videos, seminars and host discussion groups about theater.

In furtherance thereof, the Corporation may receive property by gift, devise or bequest, invest and reinvest the same, and apply the income and principal thereof, as the Board of Directors may from time to time determine, either directly or through contributions to any charitable organization or organizations, exclusively for charitable or educational purposes, and engage in any lawful act or activity for which the corporation may be organized under the District of Columbia Nonprofit Act within the meaning of section 501(c)(3) of the Internal Revenue Code or any successor provision.

In furtherance of its exclusively charitable and educational corporate purposes, the Corporation shall have all the general powers enumerated in Section 29-505 of the District of Columbia Nonprofit Corporation Act as now in effect or as may hereafter be amended together

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with the power to solicit grants and contributions for such purposes.  
Colorful Theatrical Arts Corporation, Inc.  
FCC Form 318, Exhibit C , page 2

**FOURTH:** The Corporation shall have no members.

**FIFTH:** There shall be at least three directors who shall be elected or appointed as provided by the Bylaws.

**SIXTH:** Provisions for the regulation of the internal affairs of the Corporation, including provisions for distribution of assets on dissolution or final liquidation are as follows:

A. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to any director or officer of the Corporation, or any other private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered to or for the Corporation and to make payments and distributions in furtherance of the purposes set forth in Article THIRD hereof.

B. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation (except as otherwise permitted by §501(h) of the Code, and in any corresponding laws of the District of Columbia), and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements concerning) any political campaign on behalf of (or in opposition to) any candidate for public office.

C. During such period, or periods, of time as the Corporation is treated as a private foundation pursuant to § 509 of the Code, the directors must distribute the Corporation's income at such time and in such manner so as not to subject the Corporation to tax under § 4942 of the Code, and the Corporation is prohibited from engaging in any act of self-dealing (as defined in § 4941(d) of the Code), from retaining any excess business holdings (as defined in § 4943(c) of the Code) which would subject the Co 4943 of the Code, from making any investments or otherwise acquiring assets in such manner so as to subject the Corporation to tax under § 4944 of the Code, from retaining any assets which would subject the corporation to tax under § 4944 of the Code if the directors have acquired such assets, and from making any taxable expenditures (as defined in § 4945(d) of the Code).

D. Notwithstanding any other provisions of these Articles of Incorporation, the Corporation shall not directly or indirectly carry on any activity which would prevent it from obtaining exemption from Federal income taxation as a corporation described in §501(c)(3) of the Code, or cause it to lose such exempt status, or carry on any activity not permitted to be carried on by a corporation, contributions to which are deductible under §170(c)(2) of the Code (or the corresponding section of any future tax code). In the event

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of dissolution or final liquidation of the Corporation, all remaining assets and property shall be distributed to the shareholders.

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Colorful Theatrical Arts Corporation, Inc.  
FCC Form 318, Exhibit C , page 4

**IN WITNESS WHEREOF**, the undersigned subscribe these Articles of Incorporation this 15<sup>th</sup> day of October, 1987.

/s/  
John Paul

/s/  
Sam Jones

/s/  
George Schutzer

Date: 10/15/87  
DISTRICT OF COLUMBIA

I, John Jackson a notary public, hereby certify that on the 15<sup>th</sup> day of October, 1987, personally appeared before me John Paul, Sam Jones, and George Schutzer who being first duly sworn, declared that [s]he signed the foregoing document as incorporator, and that the statements therein contained are true.

/s/  
John Jackson  
NOTARY PUBLIC

Notary Seal

Date: 10/15/87

DISTRICT OF COLUMBIA

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Colorful Theatrical Arts Corporation, Inc.,  
FCC Form 318, Exhibit C, page 5

Section III, Question 1(cont.)

I certify, based on my personal knowledge, tS.5š0.5š

*Sample Amended Application to Share Points p. 1*

Federal Communications Commission  
Washington, D. C. 20554

Approved by OMB  
3060-0920


FOR  
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**FCC 318**

**APPLICATION FOR CONSTRUCTION PERMIT  
FOR A LOW POWER FM BROADCAST STATION**

FOR COMMISSION USE ONLY  
FILE NO.

**Section I - General Information**

1. Legal Name of the Applicant		
The Colorful Theatrical Arts Corporation, Inc.		
Mailing Address		
1600 Pennsylvania Ave., NW		
City	State or Country (if foreign address)	ZIP Code
Washington	DC	20007
Telephone Number (include area code)	E-Mail Address (if available)	
202-555-1000	jppaul@colorful.org	
	Call Sign	Facility ID Number
	NEW STATION	N/A

2. Contact Representative (if other than applicant)	Firm or Company Name
Telephone Number (include area code)	E-Mail Address (if available)

3. **Application Purpose.**

- |  |  |
|--|--|
| <input type="checkbox"/> New station                       | <input type="checkbox"/> Major modification of construction permit   |
| <input type="checkbox"/> Major change in licensed facility | <input type="checkbox"/> Minor modification of construction permit   |
| <input type="checkbox"/> Minor change in licensed facility | <input checked="" type="checkbox"/> Amendment to pending application |

a. File number of original construction permit: \_\_\_\_\_

N/A

b. Station location:

City Washington	State DC
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If an amendment, submit as an Exhibit a listing by section and question number of the portions of the pending application that are being revised.

Exhibit No.  
A

*Sample Amended Application to Share Points p. 2*

Colorful Theatrical Arts Corporation, Inc.,  
Amendment to FCC Form 318, Exhibit A

New station proposed at 92.1 in Washington, DC.  
Application originally filed May 10, 2000

This amendment alters Section II of the application.

This amendment joins the application of CTAC, Church X, and  
Elementary School Z.

Our programming agreement is as follows:

- Church X will broadcast for 12 hours every Sunday from 6 am until 6 pm.
- Community Group Y will broadcast every weekday from 6 am until 3 pm and on Saturday from 6 pm until 12 midnight.
- Elementary School Z will broadcast every day from 3 pm until 6 pm and on Saturday between 9 am and 6 pm.
- The cooperating groups promise to broadcast 12 hours of programming per day.
- The cooperating groups promise to broadcast 8 hours of local programming per day.

These three organizations, therefore, are entitled to 6 points under the FCC's rules.

CTAC certifies under penalty of perjury that it has agreed to the above schedule.

Signed

\_\_\_\_\_  
John Paul