



(REFERENCE COPY - Not for submission)

New NCE FM Construction Permit Application

File Number: **0000167425** | Submit Date: **11/09/2021** | Lead Call Sign: | FRN: **0023092034**
Service: **Full Power FM** | Purpose: **New NCE FM CP** | Status: **Pending** | Status Date: **11/09/2021** | 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:	N/A

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
The Preservation Association of Beaver Island	Kevin Boyle 26215 Main Street Beaver Island, MI 49782 United States	+1 (231) 715-1089	kevin.boyle@wvbi.net	Company

Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
William Jeffrey Reynolds <i>Consulting Engineer</i> du Treil, Lundin & Rackley, Inc.	5212 Station Way Sarasota, FL 34233 United States	+1 (941) 329-6013	jeff@dlr.com	Technical Representative

Eligibility Certifications

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational organization, other than as described above.
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	Yes

	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	Yes
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Parties to the Application (11)

Party Name	Address	Phone	Email	Positional Interest
Raymond Stanhope <i>Mr.</i> The Preservation Association of Beaver Island	38076 Limestone Ridge Trail Beaver Island, MI 49782	+1 (231) 448-2617	ray. stanhope@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Steven Scott <i>Mr.</i> The Preservation Association of Beaver Island	2607 Hagadorn Road Mason, MI 48854	+1 (231) 448-2022	steven. scott@biccenter.org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Lita Popke <i>Ms.</i> The Preservation Association of Beaver Island	PO Box 494 Beaver Island, MI 49782	+1 (231) 448-2022	lita.popke@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Ken McDona <i>Mr.</i> The Preservation Association of Beaver Island	31570 East Side Drive Beaver Island, MI 49782	+1 (231) 448-2981	ken. mcdonald@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%

Eric Hodgson <i>Mr.</i> The Preservation Association of Beaver Island	26235 Main St Beaver Island, MI 49782	+1 (231) 448-2022	eric. hodgson@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Judith Gallagher <i>Dr.</i> The Preservation Association of Beaver Island	38125 Indian Point Road Beaver Island, MI 49782	+1 (231) 448-2441	judith. gallagher@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Donald Fix <i>Dr.</i> The Preservation Association of Beaver Island	36417 McCauleys Point Road Beaver Island, MI 49782	+1 (231) 448-2942	don.fix@biccenter.org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Vincent W. Ebersoldt <i>Mr.</i> The Preservation Association of Beaver Island	28668 Little Fawn Road Beaver Island, MI 49782	+1 (231) 448-2022	vincent. ebersoldt@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Paul Cole <i>Mr.</i> The Preservation Association of Beaver Island	PO Box 92 Beaver Island, MI 49782	+1 (231) 448-2022	paul.cole@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%
Kevin C. Boyle <i>Mr.</i> The Preservation Association of Beaver Island	PO Box 245 Beaver Island, MI 49782	+1 (231) 715-1089	kevin.boyle@wvbi.net	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% Percentage of Total Assets: 0%

Robert Anderson <i>Mr.</i> The Preservation Association of Beaver Island	PO Box 262 Beaver Island, MI 49782	+1 (231) 448-2022	robert. anderson@biccenter. org	Positional Interest: Director Citizenship: United States Percentage of Votes: 9.1% 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
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	Yes

Legal
Certifications

Section	Question	Response
Character Issues	<p>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(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</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	Yes
Adverse Findings	Applicant certifies that, with respect to the applicant and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following; any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	Yes
Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Broadcast EEO Model Program Report.	Yes
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.	Yes
	The applicant certifies that this application is contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political supervision.	N/A

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	No
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	No
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	No
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number or the FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	No

Fair Distribution of Service

Section	Question	Response
Fair Distribution of Service	Applicant certifies that it provides a first aural (reception) service.	No
	Applicant certifies that: (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license.	No
	Applicant certifies that the proposed station will provide a first noncommercial aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.	No

**Point System
Factors
/Tiebreakers**

	<p>Applicant certifies that the proposed station will provide a second noncommercial aural service, or an aggregated first and second noncommercial educational aural service, to</p> <p>(a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and</p> <p>(b) to a minimum of 2,000 people.</p>	No
Section	Question	Response
Established Local Applicant	Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 CFR Section 73.7000, and that it is has placed documentation of its qualifications as an established local applicant in the applicant's public inspection file and has submitted to the Commission copies of the documentation.	Yes
	If the applicant certifies above that it qualifies for points as an "established local applicant," applicant pledges to maintain localism characteristics during the period from the grant of the construction permit until the station has achieved at least four years of on-air operations.	Yes
Diversity of Ownership	<p>Applicant certifies</p> <p>(1) that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in translator stations) in which any party to the application has an attributable interest as defined in 47 CFR Section 73.3555, and</p> <p>(2) that it has placed documentation of its diversity qualifications in the applicant's public inspection file and has submitted to the Commission copies of the documentation.</p>	Yes
	Is the applicant's certification to the question above based on a pledge to divest an attributable broadcast interest or resign from an attributable positional interest?	Yes
	If the applicant certifies above that it qualifies for points for "diversity of ownership," applicant and any party to the application pledge to comply with the restrictions on station modifications and acquisitions, as defined in 47 CFR Section 73.7005, during the period from grant of the construction permit until the station has achieved at least four years of on-air operations.	Yes
State-wide Network	<p>Applicant certifies that</p> <p>(a) it has NOT claimed a credit for diversity of ownership above;</p> <p>(b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and</p> <p>(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>	No

Technical Parameters	Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F. R. Section 73.313(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)	Yes
	New area served in square kilometers (excluding areas of water):	203
	Population served based on the most recent census block data from the United State:	657
Existing Authorizations	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest /resign from an attributable positional interest) under Diversity of Ownership above.	0
Pending Applications	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest/resign from an attributable positional interest) under Diversity of Ownership above.	0
Prior NCE applications	Applicant certifies that it applied for an NCE construction permit in a prior filing window and had its application accepted for filing and processed, but subsequently dismissed in favor of an applicant with superior points, or based on a tie-breaker preference.	No
	Applicant certifies that (1) it has been in continuous existence from the date of the previous filing window until the present, and (2) it does not hold any NCE construction permit or license.	N/A
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 CFR Section 73.7000.	1994-08-09 00:00:00.0
	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	Michigan
	City	ST. JAMES
	Channel	220
	Frequency	91.9

Antenna
Location Data

Facility Type	Facility Type	Noncommercial Educational
Station Class	Station Class	A

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1021172
Coordinates (NAD83)	Latitude	45° 41' 11.4" N+
	Longitude	085° 31' 38.6" W-
	Structure Type	LTOWER-Lattice Tower
	Overall Structure Height	37.8 meters
	Support Structure Height	30.5 meters
	Ground Elevation (AMSL)	202.4 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:25 meters Vertical:25 meters
	Height of Radiation Center Above Average Terrain	Horizontal:46 meters Vertical:46 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:227.4 meters Vertical:227.4 meters
	Effective Radiated Power	Horizontal:3.0 Vertical: 3.0

Antenna
Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Directional

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	1.0	90	0.617	180	1.0	270	1.0
10	1.0	100	0.497	190	1.0	280	1.0
20	1.0	110	0.442	200	1.0	290	1.0
30	1.0	120	0.423	210	1.0	300	1.0
40	1.0	130	0.435	220	1.0	310	1.0
50	1.0	140	0.486	230	1.0	320	1.0
60	1.0	150	0.602	240	1.0	330	1.0
70	0.971	160	0.755	250	1.0	340	1.0
80	0.774	170	0.948	260	1.0	350	1.0

Additional Azimuths

Degree	Value
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Technical
Certifications

Section	Question	Response
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Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, and 73.515?	Yes
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	No
Reasonable Site Assurance	Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant's intended purpose.	Yes
	If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.	Yes

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).	

I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.

Kevin Charles Boyle
Vice President

11/09/2021

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>ATTACHMENT A - ELIGIBILITY CERTIFICATION - EXISTING EDUCATIONAL STATION.pdf</u>	Applicant	Eligibility Certifications	Information concerning FCC's prior determination that application is qualified as an NCE applicant	Done with Virus Scan and/or Conversion
<u>ATTACHMENT B - ATTRIBUTABLE INTEREST - OTHER AUTHORIZATIONS.pdf</u>	Applicant	Attributable Interest	Disclosure and divestiture commitment for existing interests	Done with Virus Scan and/or Conversion
<u>ATTACHMENT C - DIVERSITY OF OWNERSHIP- DIVESTITURE COMMITMENT.pdf</u>	Applicant	Point System Factor/Tie Breakers	Commitment to divest WVBI prior to operation of station authorized pursuant to this application	Done with Virus Scan and/or Conversion
<u>ATTACHMENT D - AFFIDAVIT OF JUDITH GALLAGHER.pdf</u>	Applicant	Point System Factor/Tie Breakers	Affidavit confirming local presence	Done with Virus Scan and/or Conversion
<u>ATTACHMENT E - TECHNICAL CERTIFICATIONS - REASONABLE SITE ASSURANCE.pdf</u>	Applicant	Technical Certifications	Information concerning reasonable assurance of availability of transmitter site	Done with Virus Scan and/or Conversion
<u>Ch 220A St James Diversity of Ownership Showing.pdf</u>	Applicant	Point System Factor/Tie Breakers	POINT SYSTEM FACTORS /DIVERSITY OF OWNERSHIP	Done with Virus Scan and/or Conversion
<u>Ch 220A St James Technical Summary.pdf</u>	Applicant	Technical Certifications	TECHNICAL SUMMARY	Done with Virus Scan and/or Conversion

Application of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND
for a Construction Permit

ATTACHMENT A - ELIGIBILITY CERTIFICATION – EXISTING EDUCATIONAL STATION

The Preservation Association of Beaver Island, the applicant here, was approved by the FCC as a Non-Commercial Educational licensee in 2014 with the grant of a construction permit for WVBI-LP, Beaver Island, MI. See FCC File No. BNPL-20131113BPS (the “WVBI Application”). The WVBI Application included information about the applicant’s qualifications as a Non-Commercial Educational licensee and proposed programming for WVBI-LP. The applicant’s qualifications remain substantially unchanged and are confirmed by Affidavit in Attachment D to this application. Although WVBI-LP’s program plans have evolved with experience, its plans for programming the station applied for here are to continue with the overall goals and content described in its original application for WVBI. The FCC also recently renewed the license for the station. See FCC File No. 0000115408 (granted September 16, 2020).

A copy of Exhibit 2 to the WVBI Application is attached for reference.

EXHIBIT 2
APPLICATION OF
PRESERVATION ASSOCIATION OF BEAVER ISLAND
(SECTION II-LEGAL, QUESTION 2-ELIGIBILITY)

The Preservation Association of Beaver Island (“PABI”) is a Michigan non-profit corporation, incorporated on August 9, 1994, that has been granted 501(c)(3) status by the Internal Revenue Service.¹ It conducts substantially all of its operations on Beaver Island in Lake Michigan, the most remote inhabited island in the Great Lakes. Located more than thirty (30) miles out from its primary point of contact on the mainland (which is Charlevoix, Michigan), the Island is home to approximately 700 permanent residents (over 600 adults voted in the last election and about 80 students are enrolled in the island’s schools). This number swells to thousands during the summer and peak travel times in the spring and fall. The 15-mile long island is 3 to 5 miles wide, and is accessible only by boat or plane. Depending on the winds, a flight to the island takes about 15 minutes, while the ferry ride typically takes 2 to 2 ½ hours. The island is twinned with the community of Árainn Mhóire, an island in Ireland from which many of the original settlers of Beaver Island immigrated (some with descendants still living on the island).

PABI’s overarching mission is to preserve the historical landmarks, architectural character, natural environment and cultural traditions that distinguish Beaver Island from the mainland—retaining the unique community qualities and values for those making the Island home for part or all of the year. Inherent in this mission is a purpose to educate island residents and visitors about the history, traditions, and unique ecological features of the island.

PABI now serves this goal through a regular calendar of events at the Beaver Island Community Center, which is owned and operated by PABI. The Community Center includes a 150 seat theatre including a stage, lighting and sound systems and projection capability. It also includes a community gathering room, a full kitchen and space for dining. The theatre facilities are used to present community theatre events (including those organized by the island’s primary and alternative schools), musical events (that range from traditional Irish music to performances by international dance and music groups), presentations by island and off-island experts on topics of current and historical interest and screening of films of the same nature. The community center is also used for community education classes such as computer training, cooking, fitness and other topics. It serves as a youth “hangout” after school (where students socialize, play games and, occasionally, do homework). It also serves as the island’s Senior Center for Charlevoix County’s Commission on Aging.

PABI envisions that the proposed station would extend these efforts and allow it to add programs for the community that would further its overall mission. One of these is to provide a reliable, real time source for community news and information.

The current communications infrastructure on the island is sparse. Although radio and limited television service from mainland stations is available, there is very little coverage of

¹ See Attachment A (Articles of Incorporation) and Attachment B (IRS Determination Letter of Exempt Status).

island news and events. The only current island originated sources of local news are a monthly newspaper, a monthly magazine and two island websites. Mobile phone service is spotty and available on about one-third of the island. Internet service is available, but many residents do not subscribe because they live on the island part time or find the cost prohibitive. None of these existing modes of communication provide universal, cost free access to community information. A license granted to PABI would provide a first local service to the community that can be used both to deliver critical community safety information during weather and other public safety events as well as for current news and information.

In addition to providing these critical information services to the community, PABI envisions providing program that would enhance its existing educational efforts. In addition to providing live and recorded broadcasts of educational events staged in the Community Center's theatre and other meetings and presentations of interest conducted at the Community Center, PABI plans to partner with other community groups and the two township governments on the island to provide live and recorded coverage of other community events. These include:

- **Beaver Island Historical Society.** A valued island resource, the Beaver Island Historical Society's mission is to document and preserve the history of Beaver Island. One of its many community initiatives has been to record and preserve oral histories of Beaver Islanders going back many decades. Each recorded memory, teamed with appropriate music, can make an interesting and powerful series of community radio programs. The BIHS also produces its own events concerning island history that include talks and panel discussions, historical music and tours of historic locations on the island all of which we envision as potential sources of programming for the station.
- **Beaver Island Cultural Arts Association.** The Cultural Arts Association produces Baroque on Beaver, an annual festival of classical music held on Beaver Island during the summer. Baroque on Beaver has grown from a single concert in 2001 to a week of performances by the Festival Orchestra and Chorus with internationally known soloists. Since many of the participating musicians and singers are either residents of Michigan, summer island residents or regular visitors to the Island, we have a unique opportunity to work with them to create programs that would air on the station.
- **Beaver Island Music Festival.** This annual, outdoor, home-grown music festival, nestled in a clearing of hardwoods on Beaver Island's west side, brings together musicians, artists, families and music-lovers to enjoy an eclectic mix of musical performances with the focus on roots music. The Music Festival Board and participants in the festival will be approached to provide ongoing programs, information on upcoming festivals, and share music recordings from previous festivals.
- **Beaver Island Community School.** The island's primary school provides pre-school through Grade 12 instruction to the island community. The school produces plays and concerts and fields soccer, volleyball and basketball teams that compete with schools in the Northern Lights League. BICS is governed by a local school

board that conducts monthly public meetings. We have approached BICS to arrange broadcast of school board meetings, school plays and concerts and both home and away sporting events and have received the letter of support included as Attachment C (BICS Letter of Support). We also plan to work with the school to establish a radio production class or after school activity that will present an opportunity for the broadcast of student produced audio programs as well as an opportunity for students to program their own music, act as on-air hosts for school events and be involved in the coverage of their sporting events.

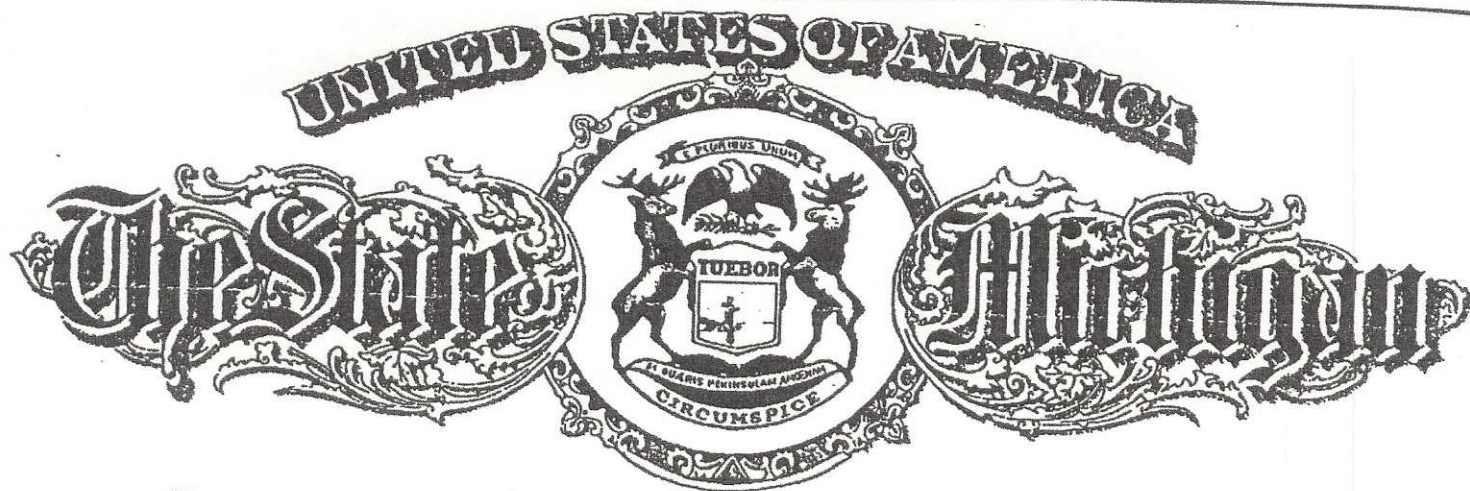
- **Beaver Island Township Government Entities.** The island wholly encompasses two Michigan townships. St. James and Peaine Townships both have elected boards and officers that conduct monthly meetings. In addition, there are several island wide boards established to administer island resources including an airport board and health center board. Historically there has been great interest in board meetings, especially in the winter, so where appropriate PABI plans to work with the boards to provide live coverage of meetings.
- **Beaver Island Lighthouse School.** Located on the south end of the island (at least a 35 minute drive on mostly dirt roads), the Lighthouse School uses facilities originally built to support the Beaver Head Lighthouse together with other facilities to operate a co-educational, residential high school for students ages 16-21 in northern Michigan who need an alternative school environment. PABI envisions working with the Lighthouse School to include its students in the opportunities described for students at BICS.
- **Beaver Island Association.** Formed to represents the interests of seasonal visitor, property owners and others concerned with the fundamental character of Beaver Island. The association is especially active in organizing island-wide clean-up efforts, managing invasive plant, insect and animal species, island development planning and other activities. PABI envisions working with the association to cover its activities and encourage participation in events it organizes. The Association has access to experts on the Island's unique ecology and environment who could either participate in or help produce programming of interest to the island.

Although it will take time to develop, if granted authority by the Commission, PABI envisions developing a full time program service that will provide coverage of community news, governance events, school sporting events, school and community arts events and special topic programming combined with recorded music programs that will both highlight the island's rich heritage and provide an opportunity for all islanders, young and old, to hear "their" kind of music on a local radio station with their friends and neighbors as program hosts. PABI envisions that's its full time schedule will eventually appear as presented in *Table 1*. The schedule will evolve and build overtime, but the highlighted portions are envisioned to be part of PABI's initial programming effort.

Beaver Island Radio - Proposed Programming Schedule				
	<u>Monday-Thursday</u>	<u>Friday</u>	<u>Saturday</u>	<u>Sunday</u>
7am-8am	"Good Morning Beaver Island"-Mix of music & the latest island news	"Good Morning Beaver Island"-Mix of music & the latest island news	"Saturday Morning Report"-Mix of music & the latest weekend news and events schedule	"Music of the Church" Sunday morning hymns selected and hosted by local minister or priest
8am-12noon	Mid-morning music	Mid-morning music	Mid-morning music	8am-10am Church Services (Live or recorded)
12noon-1pm	"Noon Update"- Updated news, fishing report, school news	"Friday Noon Update"- Updated news, fishing report, school news (presented by teacher and/or students)	"Saturday Noon Update"- Updated news, fishing report, school news (presented by teacher and/or students)	11am-2pm "Sunday Island Jazz"
1pm-5pm	Afternoon Music and Talk Including round table discussions moderated by station staff and local community members	Afternoon Music and Talk Including round table discussions moderated by station staff and local community members	Afternoon Music Break Hosted by guest DJs	2pm-5pm-Sunday Afternoon Music-Hosted by guest DJs
5pm-6pm	"Afternoon Report" Comprehensive coverage of the day's news, plus rotating interviews with island community leaders (Including school, church, historical society, library, etc.)	"Weekend Preview" Comprehensive coverage of the day's news, plus a look at weekend events scheduled on the island hosted by staff with local and visiting guests	"Weekend Preview" Repeat of Friday show	"Community Forum" Repeat of township board meeting, school board meeting, etc., from previous week
6pm-8pm	"Beaver Island Live" Coverage of community events, township board meetings, local sports, seminars, etc.	"Beaver Island Friday Night" Live broadcast of different local music or theater events from the school and/or from the stage of the Community Center	"Live from the Community Center"- Local and guest musicians in a live music performance live from the stage of the Community Center	Best of "Live" Repeat of Friday or Saturday show
8pm-11pm (Or beginning at conclusion of live event.)	Nighttime Music Music selected and hosted by residents- spotlighting different music genres from the islands musical roots	Nighttime Music Music selected and hosted by residents- spotlighting different music genres from the islands musical roots	Nighttime Music Music selected and hosted by residents- spotlighting different music genres from the islands musical roots	Nighttime Music Music selected and hosted by residents- spotlighting different music genres from the islands musical roots
11pm-6am	Overnight Music Program or repeat of Live Island events when appropriate	Overnight Music Program or repeat of Live Island events when appropriate	Overnight Music Program or repeat of Live Island events when appropriate	Overnight Music Program or repeat of Live Island events when appropriate

Table 1
Envisioned Program Schedule

ATTACHMENT A
Articles of Incorporation



Michigan Department of Commerce

Lansing, Michigan

This is to Certify That Articles of Incorporation of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND

were duly filed in this office on the 9th day of August, 1994,
in conformity with Act 162, Public Acts of 1982.



In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 9th day
of August, 1994.

Carl L. Lysen, Director
Corporation & Securities Bureau

FILED

AUG 9 1994

Administrator
MICHIGAN DEPARTMENT OF COMMERCE
Corporation & Securities Bureau

**ARTICLES OF INCORPORATION
OF**

RECEIVED

AUG - 4 1994

MICHIGAN DEPT. OF COMMERCE
CORPORATION & SECURITIES BUREAU

THE PRESERVATION ASSOCIATION OF BEAVER ISLAND

July 15, 1994

726-869

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is **THE PRESERVATION ASSOCIATION OF BEAVER ISLAND.**

ARTICLE II

1. The purpose or purposes for which the corporation is organized are exclusively for charitable, educational, scientific or literary purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), or corresponding provisions of any subsequent federal tax laws, including the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Code.

2. The corporation is formed for the purpose of preserving the historic and architectural character of Beaver Island through the acquisition, restoration, and preservation of historically or architecturally significant properties, and subsequent sale, lease or operation of those properties in a manner which will preserve the historical character or architectural significance of the properties.

3. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. Notwithstanding any other provision of this document, the corporation shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c)(3) of the Code, or (b) by an organization, contributions to which are deductible under Section 170(c)(2) of the Code, or corresponding section of any future federal tax code.

4. Upon the dissolution or liquidation of the corporation, assets shall be distributed among such organizations as shall qualify at the time as an exempt organization as described in Code Section 501(c)(3) as the Board of Directors shall determine. Any such assets

AW

not disposed of shall be disposed of by the Kent County Circuit Court, Kent County, Michigan, exclusively for such purposes or to such organizations, as said Court shall determine, which are organized and operated exclusively for such purposes. The corporation shall not engage in any transaction or do or permit any act or omission which shall operate to deprive it of its tax exempt status under Section 501(c)(3) of the Code.

5 If the corporation is a private foundation as defined in Section 509 of the Code:

(a) The corporation will distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code, or corresponding section of any future federal tax code;

(b) The corporation will not engage in any act of self dealing as defined in Section 4941(d) of the Code, or corresponding section of any future federal tax code;

(c) The corporation will not retain any excess business holdings as defined in Section 4943(c) of the Code, or corresponding section of any future federal tax code;

(d) The corporation will not make any investments in such manner as to subject it to tax under Section 4944 of the Code, or corresponding section of any future federal tax code;

(e) The corporation will not make any taxable expenditures as defined in Section 4945(d) of the Code, or corresponding section of any future federal tax code.

ARTICLE III

The corporation is organized on a non-stock basis.

The corporation has no real property or personal property assets.

The corporation is to be financed through contributions from individuals, foundations or other organizations.

The corporation is organized on a directorship basis.

ARTICLE IV

c/o General Delivery

The address of the registered office is, *Beaver Island, Michigan. 49782*

The name of the resident agent at the registered office is: Dennis Clarkson.

ARTICLE V

The name and address of the Incorporators are:

NAMEBUSINESS ADDRESS

Dennis Clarkson

c/o General Delivery, Beaver Island,
Michigan 49782

Joseph D. Reed

c/o General Delivery, Beaver Island,
Michigan 49782

Phillip F. Lange

c/o General Delivery, Beaver Island,
Michigan 49782


ARTICLE VI


A volunteer director shall not be personally liable to the corporation or its members for monetary damages for a breach of the director's fiduciary duty. This provision shall not eliminate or limit the liability of a director for any of the following:

- (a) A breach of the director's duty of loyalty to the corporation or its members;
- (b) Acts or omissions not in good faith or that involve intentional misconduct or a known violation of law;
- (c) A violation of Section 551(1) of the Michigan Nonprofit Corporation Act;
- (d) A transaction from which the director derived an improper personal benefit;
- (e) An act or omission occurring before the date of filing;
- (f) An act or omission that is grossly negligent.

The corporation assumes all liability to any person other than the corporation or its members for all acts or omissions of a volunteer director occurring on or after the date of filing, to the fullest extent allowed by Michigan law.

We, the Incorporators, sign our names this 15th day of July, 1994.


Dennis Clarkson


Joseph D. Reed


Phillip F. Lange

ATTACHMENT B
IRS Determination Letter of Exempt Status

Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: JUL 03 1987

The Preservation Association of
Beaver Island
c/o Maureen K. Bussell
PO Box 494
Beaver Island, MI 49782

Person to Contact:
D. A. Downing
Telephone Number:
513-241-5199
Fax Number
513-684-5936
Federal Identification Number:
38-3192993

Dear Sir or Madam:

This letter is in response to your request for a copy of your organization's determination letter of exempt status. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in September of 1960, granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(1) & 170(b)(1)(A)(vi) of the Code.

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

The Preservation Association of Beaver Island
38-3192993

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

Please direct any questions to the person identified in the letterhead above.

This letter affirms your organization's exempt status.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Ashley Bullard". The signature is written in a cursive, slightly slanted style.

C. Ashley Bullard
District Director

ATTACHMENT C
BICS Letter of Support

Beaver Island Community School
37895 King's Highway
Beaver Island MI 49782
231.448.2744 phone 231.448.2919 fax
info@beaverisland.k12.mi.us



November 11, 2013

The Preservation Association of Beaver Island
Judith Gallager, PABI President
Eric Hodgson, PABI Board of Directors Chair
PO Box 494
Beaver Island, Michigan 49782

Re: Beaver Island Community Radio

Members of the Board,

It is with great pleasure I offer the support of the Beaver Island Community School to the development of a community radio station through The Preservation Association of Beaver Island. I am excited for the possibility of collaboration between the community radio and the educational programming offered at Beaver Island Community School. It is the nature of small and remote community schools that limitations exist in the course offerings and opportunity for experiential learning of our students. Through the development of a future partnership between BICS and the community radio program I feel that students and the learning community as a whole will be offered a unique and beneficial opportunity to learn. Please accept this letter of support and thank you for exploring this opportunity for not only the students of Beaver Island Community School but also the greater Beaver Island learning community.

Sincerely,

Riley Justis
Superintendent & K-12 Principal
Beaver Island Community School

Board of Education Members

Jessica Anderson, President; Dawn Marsh, Vice President; Karen Johnson, Treasurer;
Dana Hodgson, Secretary; Trustees: Brian Cole, Barbara Schwartzfisher, and Gerald LaFreniere

Superintendent/Principal

Riley Justis
rileyj@beaverisland.k12.mi.us

Application of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND
for a Construction Permit

ATTACHMENT B - ATTRIBUTABLE INTEREST – OTHER AUTHORIZATIONS

The Preservation Association of Beaver Island (“PABI”) is the licensee of WVBI-LP, Beaver Island, MI (the “Station”). The Facility ID for the Station is 194978. If this application is granted, PABI commits that it will divest itself of all interests in the Station prior to commencing operation under the authorization granted in response to this application.

Application of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND
for a Construction Permit

ATTACHMENT C - DIVERSITY OF OWNERSHIP – DIVESTITURE COMMITMENT

The Preservation Association of Beaver Island (“PABI”) is the licensee of WVBI-LP, Beaver Island, MI (the “Station”). If this application is granted, PABI commits that it will divest itself of all interests in the Station prior to commencing operation under the authorization granted in response to this application.

Application of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND
for a Construction Permit

ATTACHMENT D

ESTABLISHED LOCAL APPLICANT DOCUMENTATION – AFFIDAVIT OF JUDITH GALAGHER
(including Articles of Incorporation of Application and Confirmation of 501(c)(3) Status)

AFFIDAVIT OF JUDITH GALLAGHER

I, Judith Gallagher, declare and state as follows:

My name is Judith Gallagher. I have personal knowledge of the facts set forth in this declaration and, if called to testify, I could competently testify to the following facts.


1. I am a director and the president of The Preservation Association of Beaver Island ("*PABI*"). I have served in that capacity since 2018 and previously served in that capacity from 2001 to 2015. PABI is the current licensee of WVBI-LP ("*WVBI*") and is filing an application with the Federal Communications Commission ("*FCC*") for authority to construct a new non-commercial educational FM station on Beaver Island (the "*Station*") to improve the service now being provided by WVBI (the "*Application*").
2. If PABI is awarded a Construction Permit for the Station, it will divest itself of WVBI prior to commencing operation of the Station.
3. PABI was formed as a corporate entity on August 9, 1994. PABI has been in existence as a nonprofit educational organization continuously since that date. A true and correct copy of its Articles of Incorporation as filed with the State of Michigan is attached as Exhibit A. A copy of a letter from the U.S. Department of Treasury confirming PABI's status as exempt from taxation under Section 501(c)(3) of the Internal Revenue Code is attached as Exhibit B.
4. PABI's headquarters and main offices ("*PABI HQ*") are located in the building it owns at 26215 Main Street, Beaver Island, MI 49782. PABI HQ is within twenty-five (25) miles of the reference coordinates for the proposed community of license identified in the Application (the "*Reference Coordinates*").
5. PABI has continuously operated from and used PABI HQ as its headquarters since 2008 when PABI finished construction of the building.
6. The main studio for the station proposed in the Application will be at the PABI HQ.
7. At least seventy-five percent (75%) of the members of the governing board of PABI had a residence within twenty-five (25) miles of the Reference Coordinates from the formation of PABI in 1994 through at least the date PABI opened the PABI HQ in 2008. This has also been the case continuously for the members of PABI's governing board for at least two years prior to the date of this Affidavit.
8. PABI's mission is to promote an enduring sense of community, cooperation, and pride among the Island's diverse friends, families, and visitors. This includes helping to preserving the historical landmarks, architectural character, natural environment, and cultural traditions that distinguish Beaver Island from the mainland—retaining the unique community qualities and values for those making the Island home for part or all of the year. Inherent in this mission is a purpose to educate island residents and visitors about the history, traditions, and unique ecological features of the island as well as working to inform decisions being made about our future.
9. PABI executes its mission in a variety of ways using both the facilities at the PABI HQ, WVBI and through outreach to the community. The PABI HQ includes a theater and a

community gathering space as well as a full commercial kitchen and office space. The theatre facilities are used to present community theatre events (including those organized by the island's primary and alternative schools), musical events (that include traditional Irish music as well as folk, jazz, classical and other genres), theater and dance performances, presentations by island and off-island experts on topics of current and historical interest, community forums and discussions aimed at resolving issues and planning for the island's future, and screening of films for both entertainment and education. The theater and the gathering space are used for community education classes such as computer training, cooking, fitness and other topics as well as for community forums and meetings, author and other presentations and as impromptu meeting space for community projects. The gathering space also serves as a youth "hangout" where younger residents and visitors socialize, play games and, occasionally, do homework. PABI's facilities also served as the island's senior center for a number of years and still hosts exercise, education and other events for seniors. In the PABI HQ we have commissioned and are in the process of installing a series of murals that trace the history of the island from pre-history through modern times.

10. PABI also executes its mission through programming on WVBI. WVBI provides a weekday news service that covers local, regional national and global news that includes special attention to local events. Its music intensive format includes format slots for island artists and music that reflect both the island's Irish heritage and contemporary works. WVBI features essays from island writers and locally produced music shows including one that features Michigan musicians and composers (including from the island). It has produced historical documentaries about the island working in cooperation with our local school and historical society as well as radio plays working with students at the school and the island's theater workshop.

In making the statements set forth in this declaration, I acknowledge that this declaration will be submitted to FCC, that the FCC and PABI are relying on the truth of the statements made herein, and that I may be subject to criminal penalties, including imprisonment and fine under 18 U.S.C. 1001 for any false or misleading statements made herein.

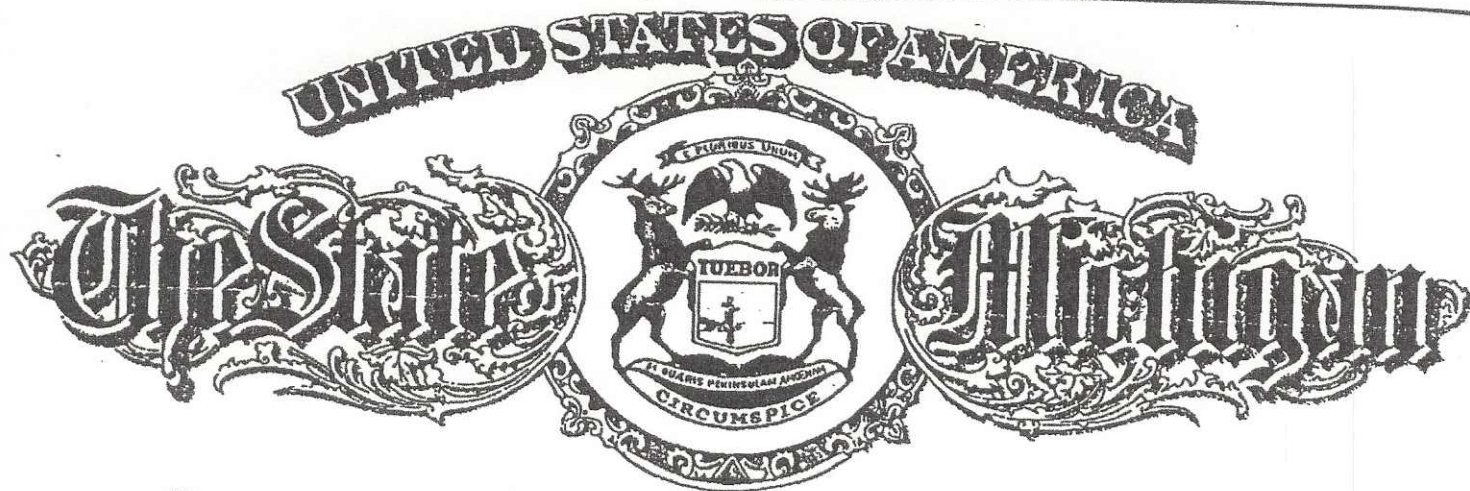
I declare under the penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct and that this Declaration was executed this 5th day of November 2021, at Beaver Island, Michigan.



Judith Gallagher

EXHIBIT A

**ARTICLES OF INCORPORATION OF
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND**



Michigan Department of Commerce

Lansing, Michigan

This is to Certify That Articles of Incorporation of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND

were duly filed in this office on the 9th day of August, 1994,
in conformity with Act 162, Public Acts of 1982.



In testimony whereof, I have hereunto set my
hand and affixed the Seal of the Department,
in the City of Lansing, this 9th day
of August, 1994.

Carl L. Lysen, Director
Corporation & Securities Bureau

FILED

AUG 9 1994

Administrator
MICHIGAN DEPARTMENT OF COMMERCE
Corporation & Securities Bureau

**ARTICLES OF INCORPORATION
OF**

RECEIVED

AUG - 4 1994

MICHIGAN DEPT. OF COMMERCE
CORPORATION & SECURITIES BUREAU

THE PRESERVATION ASSOCIATION OF BEAVER ISLAND

July 15, 1994

726-869

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is **THE PRESERVATION ASSOCIATION OF BEAVER ISLAND.**

ARTICLE II

1. The purpose or purposes for which the corporation is organized are exclusively for charitable, educational, scientific or literary purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended ("Code"), or corresponding provisions of any subsequent federal tax laws, including the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Code.

2. The corporation is formed for the purpose of preserving the historic and architectural character of Beaver Island through the acquisition, restoration, and preservation of historically or architecturally significant properties, and subsequent sale, lease or operation of those properties in a manner which will preserve the historical character or architectural significance of the properties.

3. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office. Notwithstanding any other provision of this document, the corporation shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under Section 501(c)(3) of the Code, or (b) by an organization, contributions to which are deductible under Section 170(c)(2) of the Code, or corresponding section of any future federal tax code.

4. Upon the dissolution or liquidation of the corporation, assets shall be distributed among such organizations as shall qualify at the time as an exempt organization as described in Code Section 501(c)(3) as the Board of Directors shall determine. Any such assets

AW

not disposed of shall be disposed of by the Kent County Circuit Court, Kent County, Michigan, exclusively for such purposes or to such organizations, as said Court shall determine, which are organized and operated exclusively for such purposes. The corporation shall not engage in any transaction or do or permit any act or omission which shall operate to deprive it of its tax exempt status under Section 501(c)(3) of the Code.

5 If the corporation is a private foundation as defined in Section 509 of the Code:

(a) The corporation will distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Code, or corresponding section of any future federal tax code;

(b) The corporation will not engage in any act of self dealing as defined in Section 4941(d) of the Code, or corresponding section of any future federal tax code;

(c) The corporation will not retain any excess business holdings as defined in Section 4943(c) of the Code, or corresponding section of any future federal tax code;

(d) The corporation will not make any investments in such manner as to subject it to tax under Section 4944 of the Code, or corresponding section of any future federal tax code;

(e) The corporation will not make any taxable expenditures as defined in Section 4945(d) of the Code, or corresponding section of any future federal tax code.

ARTICLE III

The corporation is organized on a non-stock basis.

The corporation has no real property or personal property assets.

The corporation is to be financed through contributions from individuals, foundations or other organizations.

The corporation is organized on a directorship basis.

ARTICLE IV

c/o General Delivery

The address of the registered office is, *Beaver Island, Michigan. 49782*

The name of the resident agent at the registered office is: Dennis Clarkson.

ARTICLE V

The name and address of the Incorporators are:

NAMEBUSINESS ADDRESS

Dennis Clarkson

c/o General Delivery, Beaver Island,
Michigan 49782

Joseph D. Reed

c/o General Delivery, Beaver Island,
Michigan 49782

Phillip F. Lange

c/o General Delivery, Beaver Island,
Michigan 49782

ARTICLE VI

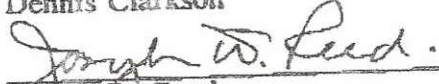
A volunteer director shall not be personally liable to the corporation or its members for monetary damages for a breach of the director's fiduciary duty. This provision shall not eliminate or limit the liability of a director for any of the following:

- (a) A breach of the director's duty of loyalty to the corporation or its members;
- (b) Acts or omissions not in good faith or that involve intentional misconduct or a known violation of law;
- (c) A violation of Section 551(1) of the Michigan Nonprofit Corporation Act;
- (d) A transaction from which the director derived an improper personal benefit;
- (e) An act or omission occurring before the date of filing;
- (f) An act or omission that is grossly negligent.

The corporation assumes all liability to any person other than the corporation or its members for all acts or omissions of a volunteer director occurring on or after the date of filing, to the fullest extent allowed by Michigan law.

We, the Incorporators, sign our names this 15th day of July, 1994.


Dennis Clarkson


Joseph D. Reed


Phillip F. Lange

EXHIBIT B

**U.S. TREASURY LETTER
CONFIRMING 501(C)(3) STATUS**

Internal Revenue Service
District Director

Department of the Treasury

P. O. Box 2508
Cincinnati, OH 45201

Date: JUL 8 3 1960

The Preservation Association of
Beaver Island
c/o Maureen K. Russell
PO Box 494
Beaver Island, MI 49782

Person to Contact:
D. A. Downing
Telephone Number:
513-241-5199
Fax Number:
513-684-5936
Federal Identification Number:
38-3192993

Dear Sir or Madam:

This letter is in response to your request for a copy of your organization's determination letter of exempt status. This letter will take the place of the copy you requested.

Our records indicate that a determination letter issued in September of 1960, granted your organization exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code. That letter is still in effect.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in section 509(a)(1) & 170(b)(1)(A)(vi) of the Code.

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security tax on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Application of
THE PRESERVATION ASSOCIATION OF BEAVER ISLAND
for a Construction Permit

ATTACHMENT E: TECHNICAL CERTIFICATIONS – REASONABLE SITE ASSURANCE

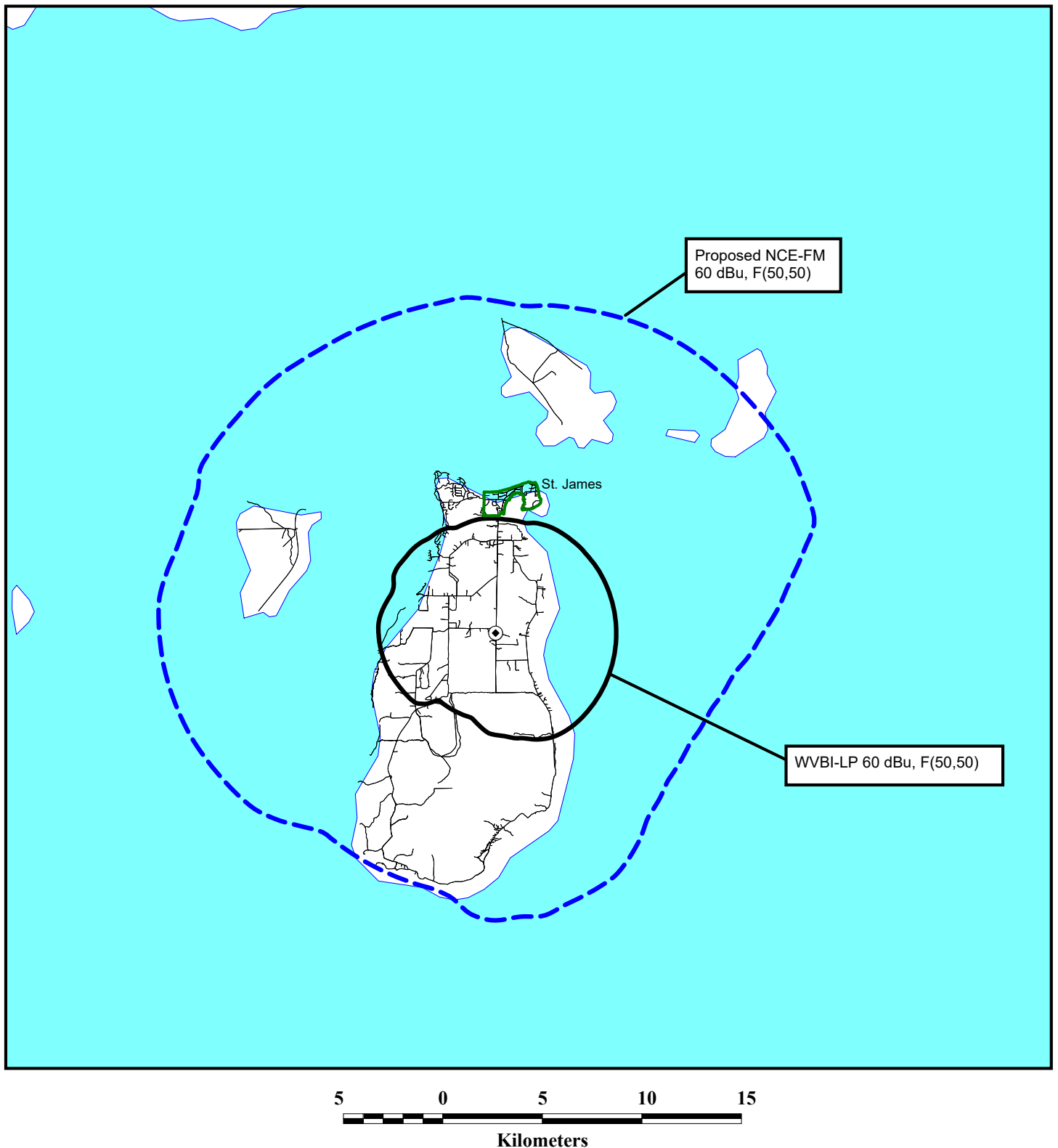
The Preservation Association of Beaver Island (“PABI”) has an existing commitment for use of the structure and site that are used in the operation of its existing station WVBI-LP, Beaver Island, MI. The structure and site now in use are the same as proposed for use in this application. The site and structure are owned by Peaine Township. PABI has confirmed the continued availability of the site by contacting Peaine Township Supervisor Doug Tilly, an authorized representative of Peaine Township. His phone number is (231) 448-2389.

TECHNICAL EXHIBIT
APPLICATION FOR CONSTRUCTION PERMIT
NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3.0 KW (ND) 46 M

Diversity of Ownership

The applicant has attributable interest in LPFM station WVBI-LP on channel 261 (100.1 MHz) at Beaver Island, MI (BLL-20190107AAB, Fac ID 194978). Figure 5 is a map depicting the principal community contours (60 dBu) of the herein proposed channel 220A operation at St. James, MI and WVBI-LP. As indicated, there is overlap of these contours.

Figure 5



DIVERSITY OF OWNERSHIP

NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3 KW (DA) 46 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

TECHNICAL EXHIBIT
APPLICATION FOR CONSTRUCTION PERMIT
NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3.0 KW (DA) 46 M

Technical Narrative

The technical exhibit of which this narrative is part was prepared in response to the FCC Public Notice (Public Notice) dated April 21, 2021 and entitled “Media Bureau Announces NCE-FM New Station Application Filing Window; Window Open from November 2, 2021 to November 9, 2021” (DA 21-463). Specifically, this technical exhibit was prepared in support of a complete FCC Form 340 as required by the Public Notice for a proposed new NCE-FM station to operate on channel 220A (91.9 MHz) at St. James, Michigan.

Proposed Facility

It is proposed to operate on reserved band channel 220A (91.9 MHz) from an existing tower (ASRN 1021172) with a directional antenna (DA) antenna maximum effective radiated power (ERP) of 3.0 kW (horizontal and vertical polarization) and an antenna height above average terrain (HAAT) of 46 meters.

Section 73.316(b)(2) Compliance

The proposed DA complies with the 2 dB per 10 degrees of azimuth rate of change and 15 dB maximum-to-minimum ratio requirements of Section 73.316(b).

City Coverage

Figure 1 is a map showing the predicted 60 dBu contour for the proposed facility. As indicated, the proposed 60 dBu will encompass 100% of the population within the St. James limits (obtained from the 2010 Census), which comports with Section 73.515.¹

The predicted 60 dBu contour was calculated in accordance with Section 73.313 of the FCC Rules. The average terrain elevations from 3 to 16 km were computed using the NED 1-second terrain database. The overall antenna HAAT was determined according to the provisions of Section 73.313 of the FCC Rules. The antenna radiation center

¹ St. James is a Census Designated Place based on the 2010 Census with a population of 205 persons.

HAAT in each radial direction and the ERP were used in conjunction with the propagation prediction curves of Section 73.333 to determine the distances to contours. The proposed 60 dBu contour encompasses a 2010 Census population of 657 persons within a land area of 203 square kilometers.²

Section 73.509 Allocation Study

Figure 2, Sheet 1, provides a summary of an allocation study for the proposed facility based on the requirements of Section 73.509. It is noted that there are no intermediate frequency (IF) related facilities in close proximity to the proposed facility. The tabulation in lists the results of a numerical analysis of the potential for contour overlap for all nearby co-channel and first, second, and third adjacent channel facilities. For the purposes of the numerical study, the maximum HAAT and ERP values were used in calculating the maximum distance to the predicted service and interfering contours.

Sheets 2 and 3 of Figure 2 are maps depicting the predicted protected and interfering contours of those stations close enough to warrant further study pursuant to Section 73.509. This is based on the numerical analysis in Sheet 1 of Figure 2, where there is an indication of the potential for prohibited overlapping contours. As indicated by Sheets 2 and 3 of Figure 2, the proposed operation complies with the requirements of Section 73.509.

Section 73.207 Allocation Study

Figure 3, Sheet 1, provides a summary of an allocation study for the proposed facility based on the minimum distance separation requirements of Section 73.207 applicable to domestic and Canadian stations on channels 221, 222 and 223. As indicated, the proposed operation complies with the minimum distance separation requirements of Section 73.207 with respect to all pertinent stations with the exception of the channel 221C allotment at Sault Ste Marie, Ontario which is a specially negotiated short-spaced allotment limited to an ERP of 100 kW and an HAAT of 300 meters, or equivalent. Sheet 2 of Figure 3 demonstrates that the proposed operation complies with the provisions of the US-Canadian FM Agreement towards the Sault Ste Marie allotment. Specifically, there is no overlap between the proposed 52 dBu, F(50,10) interfering contour and the Sault Ste Marie 58 dBu, F(50,50) protected

² The 60 dBu contour population was determined using the 2010 Census Block Data available from the Census Bureau. The area within the 60 dBu was determined using mapping software that utilizes spherical trigonometry.

contour (77 km circle based on 100 kW/300 meter limitation).³ If necessary, it is requested that the proposed operation be coordinated with Canada as a short-spaced allotment with respect to the Sault Ste Marie allotment.

TV Channel 6 Protection

It is required that NCE-FM facilities in the reserved band (channels 201-220) provide interference protection to affected TV channel 6 facilities as defined in Section 73.525. Pursuant to Section 73.525 (a) (1), all pertinent TV channel 6 facilities within 154 kilometers of a proposed channel 220 FM facility must be protected. There are no TV channel 6 facilities located within 500 km of the proposal. Therefore, the NCE-FM conforms to the provisions of Section 73.525.

Environmental Considerations

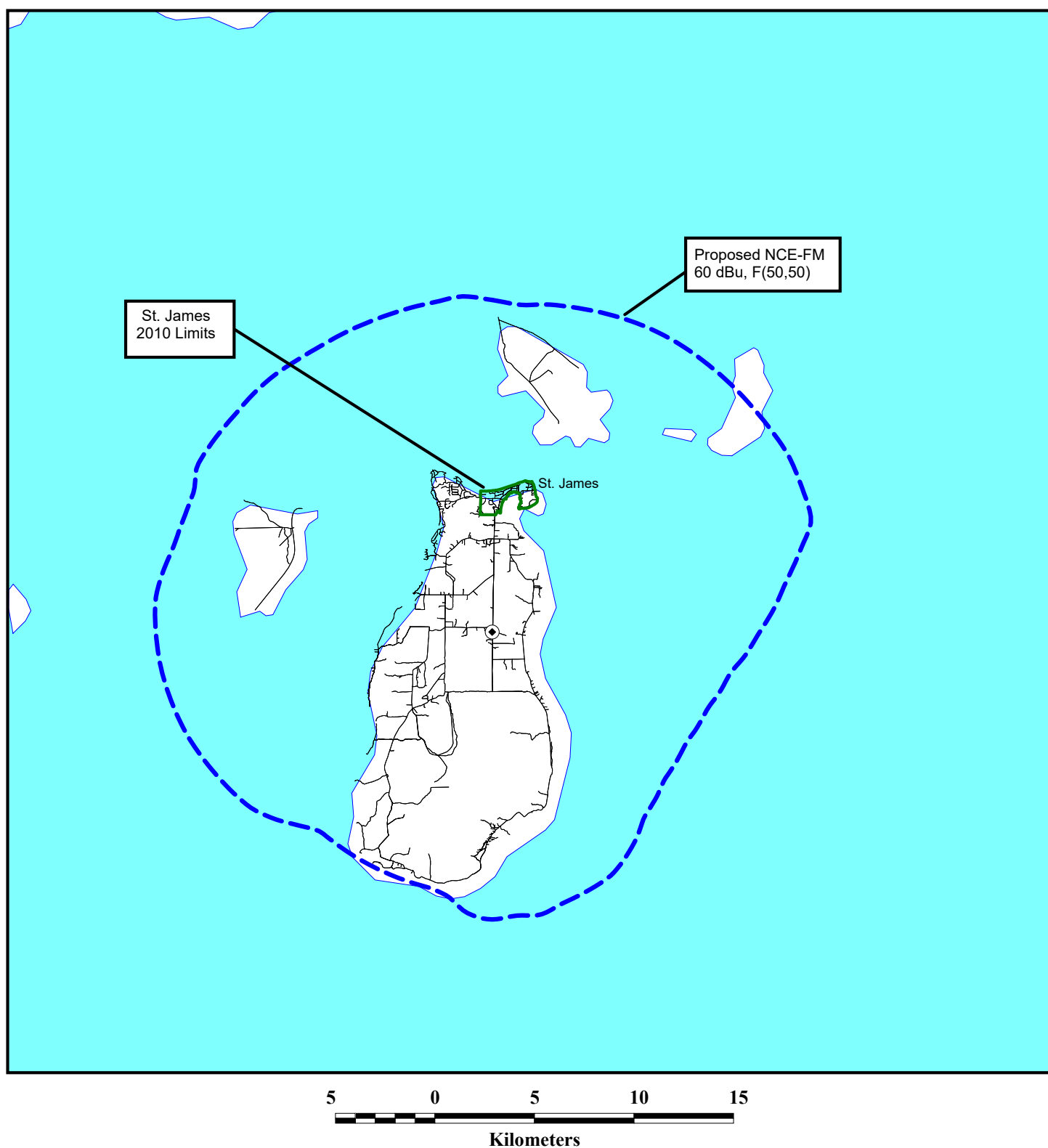
The proposed NCE-FM facilities were evaluated in terms of potential radio frequency (RF) energy exposure at ground level to workers and the general public based on the FCC's FM Model software. It is proposed to side-mount a SWR model FMEC/4, 4-bay 1-wavelength spaced DA at the 25 meter level on the existing tower. The total ERP is 6 kW (horizontal+vertical polarization). Figure 4 depicts the output of the FCC's FM Model program. As indicated, a maximum power density of 51.0 uW/cm² will occur at a point located 8.6 meters from the tower. This is only 25.5% of the FCC's recommended limit of 200 uW/cm² for FM frequencies for an uncontrolled environment.

However, this will be a multiple-user shared with existing LPFM station WVBI-LP on channel 261 (100.1 MHz). Thus, the WVBI-LP facility has also been considered in the RFR evaluation. Using a worst-case vertical relative field value of 1.0, a total maximum ERP of 0.078 kilowatts (horizontal+vertical polarization), and an antenna center of radiation height above ground level of 29 meters, the calculated power density at two meters above ground level at the base of the tower is 3.6 microwatt per square centimeter (uW/cm²), or 1.8 percent of the Commission's recommended limit applicable to general population/uncontrolled exposure areas (200 uW/cm² for FM frequencies). Therefore, as the sum of the individual RFR contributions is only 27.3% of the Commission's limit, the proposed NCE-FM operation will comply with the Commission's RF emission rules.

³ The location of the proposed 52 dBu, F(50,10) contour was based on use of 72 equally spaced radials, a 30 second terrain database and the proposed DA.

Access to the transmitting site will be restricted and appropriately marked with RFR warning signs. Furthermore, as this is a multi-user site, a protocol will be in effect in the event that workers or other authorized personnel enter the restricted area or climb the tower to ensure that appropriate measures will be taken to assure worker safety with respect to radio frequency radiation exposure. Such measures include reducing the average exposure by spreading out the work over a longer period of time, wearing accepted RFR protective clothing and/or RFR exposure.

Figure 1



COMPLIANCE WITH SECTION 73.515

NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3 KW (DA) 46 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida



FM Contour Study LMS

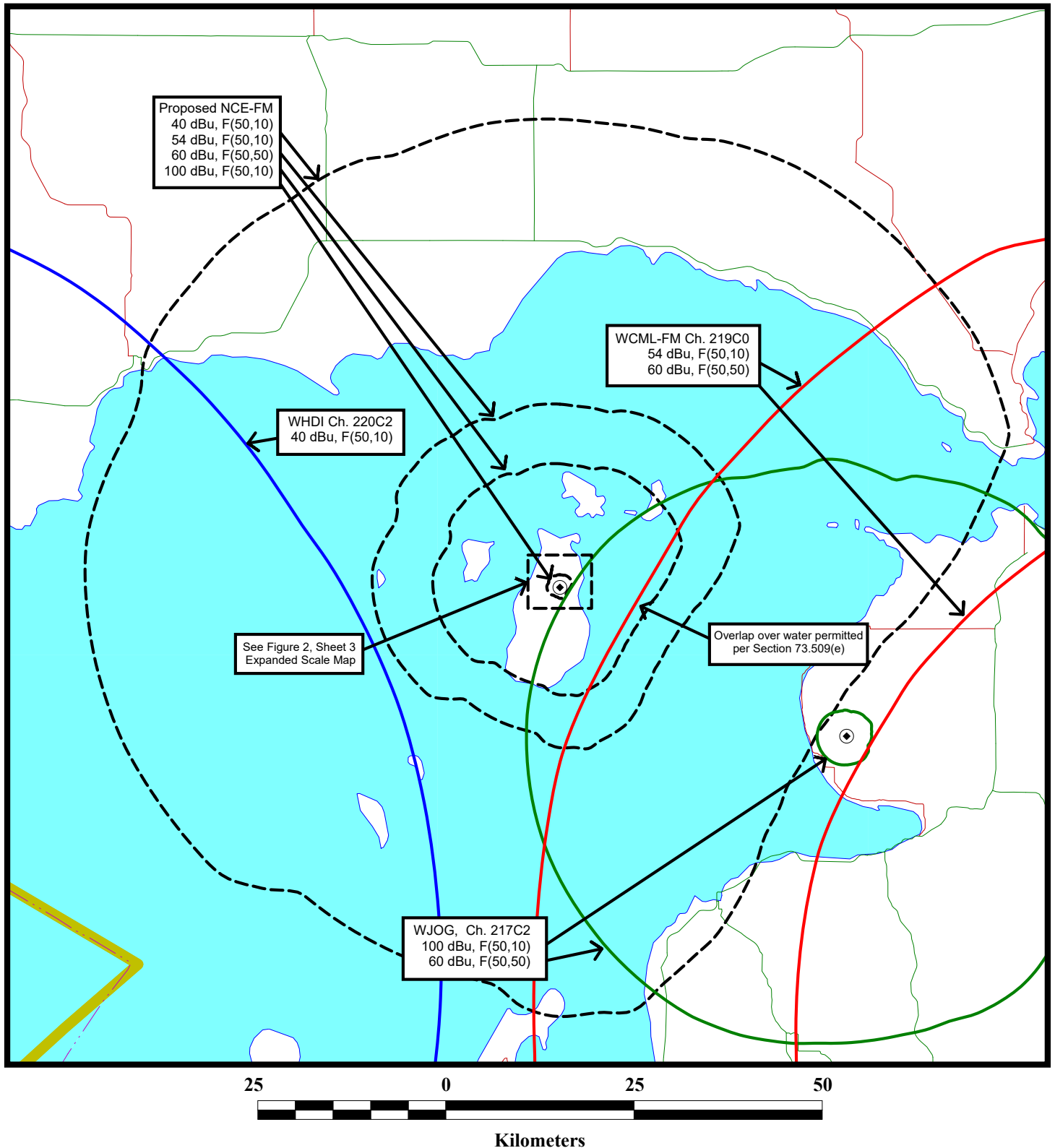
du Treil, Lundin, & Rackley, Inc., Sarasota, Florida

Channel: 220 **Coordinates:** 045-41-11 085-31-38 (NAD 83) **ERP:** 3 kW **Max. HAAT:** 55 m

Comment: Proposed NCE-FM Ch 220A

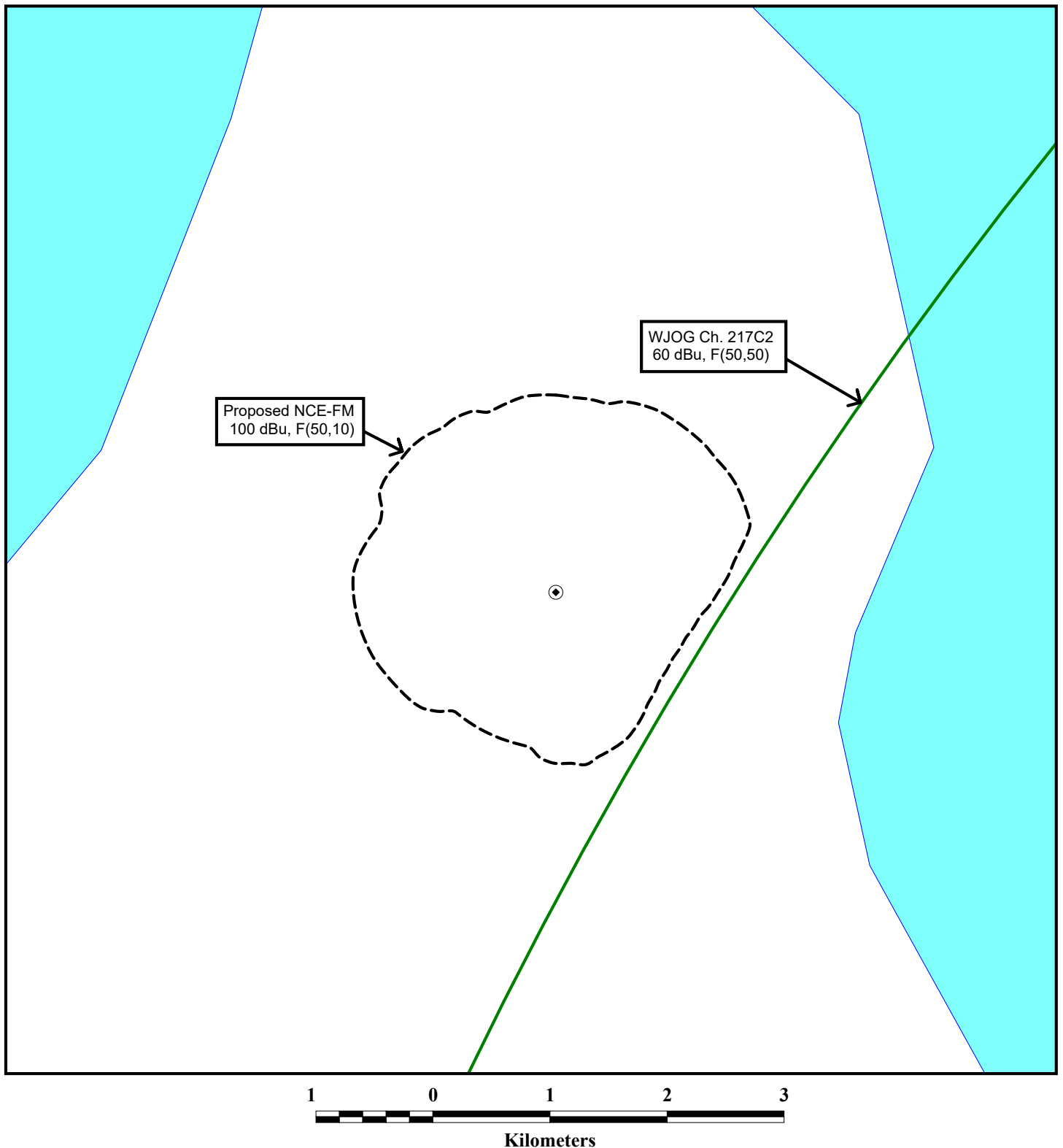
Callsign	Chan.	Service	Status	Freq.	City	State	Co.	Rec.	Latitude	Dist. (km)	Sep. (km)	Spac. (km)
Facility ID	ARN			Class	DA	73.215	ERP (kW)	HAAT (m)	Longitude	Bear. (deg)	Comment	
WJOG	217	FM	L2C	91.3	GOOD HART	MI	US	C	45-30-31.5	43.09	41.38	1.71
121776	BLANK	BLED-20151224/	C2	NDI		6	209.2		085-02-11	117.17	CLOSE	/1
WJOG 60.0 dBu desired distance: 39.5 km				Proposed 100.0 dBu undesired distance: 1.9 km								
Proposed 60.0 dBu desired distance: 18.2 km				WJOG 100.0 dBu undesired distance: 3.7 km								
WCML-FM	219	FM	L2C	91.7	ALPENA	MI	US	C	45-08-17.3	123.01	134.29	-11.28
9907	BLANK	BLED-20101006/	C0	NDI		92	364		084-09-43.6	119.29	SHORT	/1
WCML-FM 60.0 dBu desired distance: 78.4 km				Proposed 54.0 dBu undesired distance: 26.6 km								
Proposed 60.0 dBu desired distance: 18.2 km				WCML-FM 54.0 dBu undesired distance: 116.1 km								
WHDI	220	FM	L2C	91.9	SISTER BAY	WI	US	C	45-14-16	132.1	125.06	7.04
83611	BLANK	BLED-20140129/	C2	NDI		11	160		087-05-28.4	248.32	CLOSE	/1
WHDI 60.0 dBu desired distance: 41.0 km				Proposed 40.0 dBu undesired distance: 65.6 km								
Proposed 60.0 dBu desired distance: 18.2 km				WHDI 40.0 dBu undesired distance: 106.9 km								

/1 Contour protection provided per Section 73.509. See Sheets 2 and 3 of Figure 2.



SECTION 73.509 COMPLIANCE

NEW NCE-FM STATION
 ST. JAMES, MICHIGAN
 CH 220A (91.9 MHZ) 3 KW (DA) 46 M
 du Treil, Lundin & Rackley, Inc. Sarasota, Florida



**SECTION 73.509 COMPLIANCE
[EXPANDED SCALE]**

NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3 KW (DA) 46 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

FM Study LMS

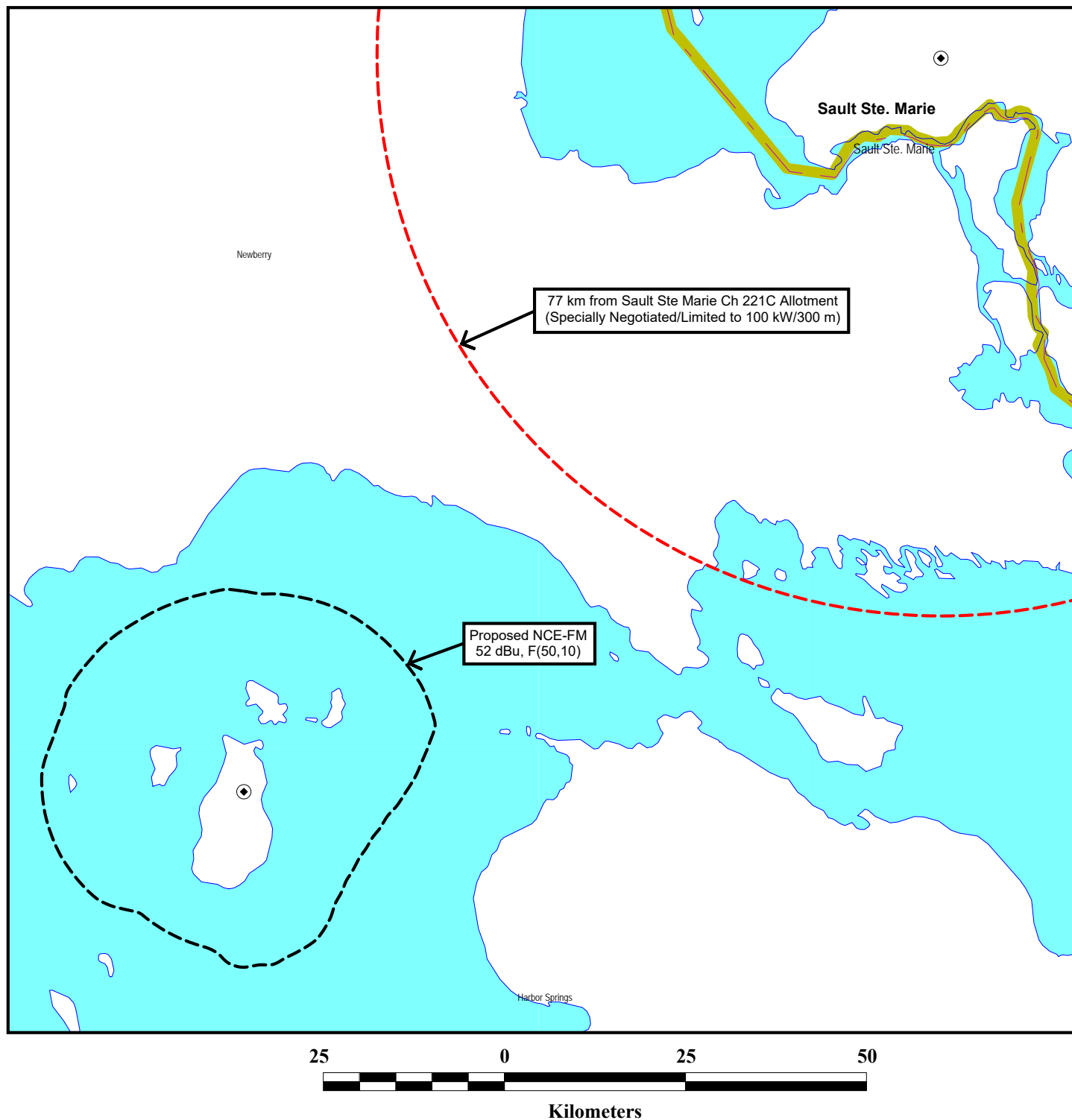
du Treil, Lundin, & Rackley, Inc., Sarasota, Florida



Station Channel: 220 **Station Coordinates:** 045-41-11.4 085-31-38.6 (NAD 27)
Class: A **Buffer Distance:** 20 km
Comment: Proposed Ch 220A

Callsign	Status	Channel	Service	Freq.	City		State	Co.	Rec Type	Latitude	Dist. (km)	Sep. (km)	Spacing (km)	
Facility ID	ARN			Class	DA	Ant ID	ERP (kW)	HAAT (m)	73.215	Longitude	Bear. (deg)	73.215 (km)	Comment	
WJOG	L2C	217	FM	91.3	GOOD HART			MI	US	C	045-30-31.5	43.1	55	-11.9
121776	BLED-20151224AAA			C2	NDIR		6	209.2		N	085-02-11	117.18	49	SHORT
WCML-FM	L2C	219	FM	91.7	ALPENA			MI	US	C	045-08-17.3	123.03	152	-28.97
9907	BLED-20101006AAG			C0	NDIR		92	364		N	084-09-43.6	119.29	130	SHORT
WHDI	L2C	220	FM	91.9	SISTER BAY			WI	US	C	045-14-16	132.09	166	-33.91
83611	BLED-20140129AIQ			C2	NDIR		11	160		N	087-05-28.4	248.31	143	SHORT
WGCP	L2C	220	FM	91.9	CADILLAC			MI	US	C	044-16-33	157.45	142	15.45
174643	BLED-20170810AAA			C3	NDIR		2.65	285		Y	085-42-48.2	185.39	119	CLEAR
	ALLOT	221	FA	92.1	SAULT STE MARIE			ON	CA	C	046-35-50.1	139.67	182	-42.33
95706				C							084-16-53.1	43.02		SHORT /1

/1 Protection is provided to the specially coordinated Canadian channel 221C allotment at Sault Ste Marie in accordance with the U.S.-Canadian FM Agreement (1991). See Technical Summary and Sheet 2 of Figure 3.

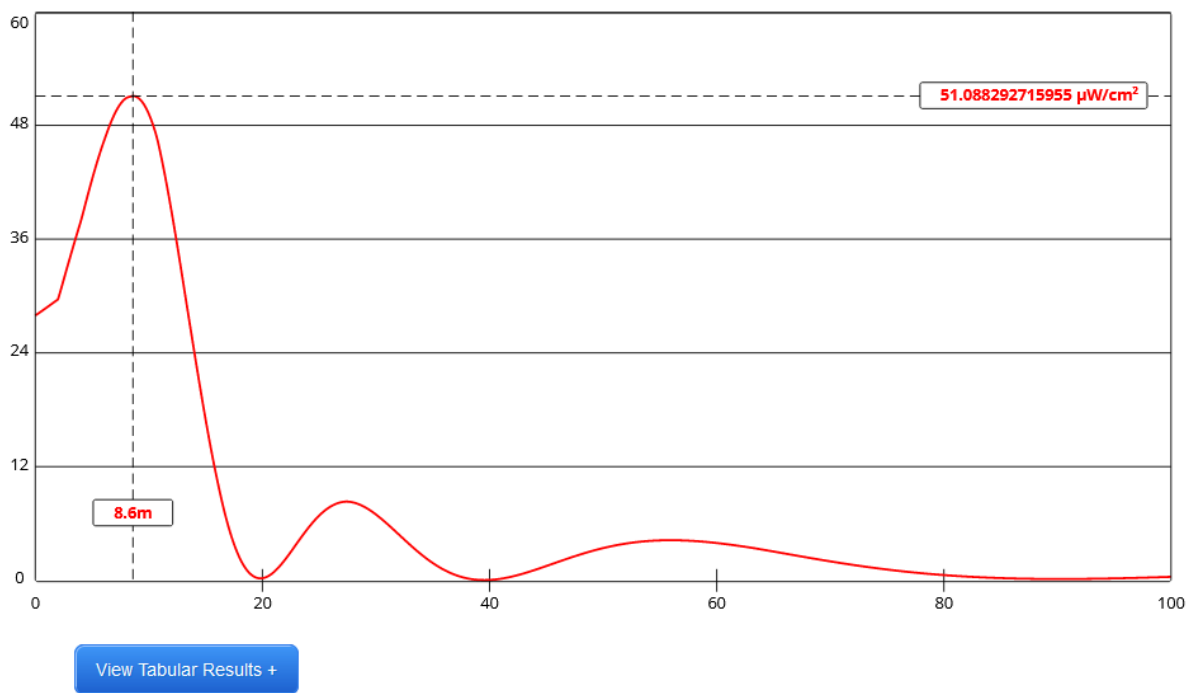


**ALLOCATION STUDY WITH RESPECT TO
ALLOTMENT FOR CHANNEL 221C AT SAULT STE MARIE, ON**

NEW NCE-FM STATION
ST. JAMES, MICHIGAN
CH 220A (91.9 MHZ) 3 KW (DA) 46 M
du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 4

Output of FCC's FM Model Program:



Channel Selection	Channel 220 (91.9 MHz) ▾		
Antenna Type +	EPA Type 2: Opposed V Dipole ▾		
Height (m)	<input type="text" value="25"/>	Distance (m)	<input type="text" value="100"/>
ERP-H (W)	<input type="text" value="3000"/>	ERP-V (W)	<input type="text" value="3000"/>
Num of Elements	<input type="text" value="4"/>	Element Spacing (λ)	<input type="text" value="1"/>
Num of Points	<input type="text" value="500"/>	<input type="button" value="Apply"/>	