

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of )  
 )  
Reexamination of the Comparative ) MB Docket No. 19-3  
Standards and Procedures for Licensing )  
Noncommercial Educational Broadcast )  
Stations and Low Power FM Stations )

To: Secretary, Federal Communications Commission  
Attention: The Commission

**JOINT REPLY COMMENTS  
OF NCE TELEVISION AND RADIO LICENSEES**

The group of \_\_\_\_\_ ( ) noncommercial educational television and radio station licensees shown below (collectively, “NCE Licensees”), by their attorneys, submit these joint reply comments responsive to the *Notice of Proposed Rulemaking* in the referenced proceeding (“NPRM”)<sup>1</sup>. The NPRM proposes changes to the Commission’s rules and procedures for comparatively considering competing applications for new and major modifications to noncommercial educational (“NCE”) broadcast stations and low power FM (“LPFM”) stations to “improve selection procedures, expedite the initiation of new service to the public, and eliminate unnecessary applicant burdens.”<sup>2</sup>

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<sup>1</sup> *Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, Notice of Proposed Rulemaking, MB Docket No. 19-3, FCC 19-9 (rel. February 15, 2019).

<sup>2</sup> *Id.* at 2.

The NCE Licensees are public and private universities and university systems, state educational communications authorities, boards and commissions, community and technical college districts, and non-profit community-based public media enterprises. Collectively, they are licensees of hundreds of full power noncommercial educational television and radio stations, and numerous television and FM translator stations and related facilities, over which they provide an incredible array of services to their local communities. It is highly likely that at least certain of the NCE Licensees in the future will be applicants for new NCE station licenses. The NCE Licensees thus have a strong interest in the issues raised by the NPRM.

The Public Broadcasting community, represented by America's Public Television Stations, Corporation for Public Broadcasting, National Public Radio, Inc., and Public Broadcasting Service, filed comments in response to the NPRM<sup>3</sup> supporting proposed changes to the NCE comparative selection process as reflected in Section III of the NPRM, and expressing agreement with the overall direction of Section V of the NPRM. However, Public Broadcasting questioned the NPRM's rationale for defining what constitutes a major or minor amendment to a pending NCE application resulting from changes in the membership of an NCE applicant's governing board.

The NCE Licensees strongly endorse the positions reflected in the Public Broadcasting Comments. Those comments focus on the Commission's goal, reflected in the NPRM, to reduce the circumstances in which NCE station applicants may have their applications dismissed due to "major amendments" caused by changes in the membership of an applicant's governing board. However, Public Broadcasting expresses concern that

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<sup>3</sup> Comments of America's Public Television Stations, Corporation for Public Broadcasting, National Public Radio, Inc., and Public Broadcasting Service in MB Docket No. 19-3 (filed May 20, 2019) ("Public Broadcasting Comments").

the NPRM -- by its use of “ownership” phraseology and in its substantive proposals -- veers off course by ignoring the reality that NCE board members are not owners and therefore should not be treated as such.<sup>4</sup> The NCE Licensees agree.

Under Sections 73.503(a) and 73.621(a) of the Commission’s rules, all NCE station applicants and licensees must be “nonprofit educational organizations.” As noted above, the NCE Licensees include governmental agencies, public and private educational institutions and private non-stock entities that exist to serve educational and public service purposes. These entities do not issue stock. They do not have stockholders or investors. No persons have a right to any share of their revenue, net income or assets. They thus have no individual “owners” under any reasonable understanding of that concept.

In addition, the roles and motivations of board members of public or private nonprofit entities are not the same as those of owners of for-profit corporations operating commercial broadcasting stations. NCE board members do not seek to obtain any financial return to themselves. They are (1) unpaid volunteers who support (often with donations of their time and money) the educational and public service of the NCE station(s) in their community; (2) unpaid volunteers who serve on the board of an educational institution to which a station is licensed, or (3) elected or appointed governmental officials who serve on station boards, often by virtue of their holding other positions in state or local government (such as governor, superintendent of public instruction, member of the state legislature, school board member, or member of a governmental commission). Clearly, as the Public Broadcasting Comments urge, NCE

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<sup>4</sup> Public Broadcasting Comments, at 3.

board members are not owners of broadcast applicants or licensees, and board membership changes should not be treated as ownership changes.

The Public Broadcasting Comments show that improperly conflating nonprofit board membership with ownership leads to the misplaced notion that a change of over 50% of the membership of an NCE governing board might, in and of itself, constitute a transfer of control.<sup>5</sup> Despite suggestions in the NPRM to the contrary, the Commission has never adopted a rule or policy stating that changes in the majority of the membership of an NCE station's governing board constitutes a transfer of control. Nor has the Commission ever determined that if a turn-over of 50% of a board's membership is a transfer of control, such transfers are properly classified as "major" or "minor" based on their timing.<sup>6</sup> The Commission should not do so now.

The Public Broadcasting Comments also object to the notion that a discredited and ultimately dismissed 30-year old Notice of Inquiry on NCE transfers of control<sup>7</sup> provides any legal precedent or even persuasive support for the notion that changes in the membership of station boards constitute transfers of control, or that such transfer should be classified as major or minor based on their timing. Again, the NCE Licensees agree.

#### Conclusion.

The NCE Licensees urge that changes in NCE station or applicant board membership, regardless of the timing of such changes, should not be considered "major" ownership changes in the context of NCE comparative proceedings.

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<sup>5</sup> Public Broadcasting Comments at 5-6.

<sup>6</sup> Id., at 7.

<sup>7</sup> *Transfers of Control of Certain Non-Stock Entities*, Notice of Inquiry, 4 FCC Rcd 3403 (1989).

Respectfully submitted,

ALASKA PUBLIC TELECOMMUNICATIONS,  
INC.

ARIZONA BOARD OF REGENTS FOR  
BENEFIT OF THE UNIVERSITY OF ARIZONA

BOARD OF GOVERNORS OF MISSOURI  
STATE UNIVERSITY

EASTERN NEW MEXICO UNIVERSITY

FLORIDA GULF COAST UNIVERSITY

FORT WAYNE PUBLIC TELEVISION, INC.

HAMPTON ROADS EDUCATIONAL  
TELECOMMUNICATIONS ASSOCIATION

IOWA STATE UNIVERSITY OF SCIENCE AND  
TECHNOLOGY

KCBX, INC.

KENTUCKY AUTHORITY FOR  
EDUCATIONAL TELEVISION

KVIE, INC.

LEHIGH VALLEY PUBLIC  
TELECOMMUNICATIONS CORPORATION

MICHIANA PUBLIC BROADCASTING CORP.

MILWAUKEE AREA TECHNICAL COLLEGE  
DISTRICT BOARD

MONTANA STATE UNIVERSITY

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NEBRASKA EDUCATIONAL  
TELECOMMUNICATIONS COMMISSION

NEW JERSEY PUBLIC BROADCASTING  
AUTHORITY

NORTHEASTERN EDUCATIONAL  
TELEVISION OF OHIO, INC.

OHIO UNIVERSITY

OKLAHOMA EDUCATIONAL TELEVISION  
AUTHORITY

PUBLIC TELEVISION 19, INC.

REGENTS OF NEW MEXICO STATE  
UNIVERSITY

REGENTS OF THE UNIVERSITY OF NEW  
MEXICO (KUNM)

SOUTH CAROLINA EDUCATIONAL  
TELEVISION COMMISSION

ST. LOUIS REGIONAL PUBLIC MEDIA, INC.

UNIVERSITY OF CENTRAL FLORIDA

UNIVERSITY OF IOWA

UNIVERSITY OF MONTANA

UNIVERSITY OF NEBRASKA

UNIVERSITY OF NORTHERN IOWA

UNIVERSITY OF OKLAHOMA

WASHINGTON STATE UNIVERSITY

WITF, INC.

By: /s/ Todd D. Gray  
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June 18, 2019

DRAFT

# Pensacola State College

Office of the President

Phone: 850-484-1700

## Memorandum

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**DATE**            June 3, 2019

**TO:**                District Board of Trustees

**FROM:**            Ed Meadows  
President



**SUBJECT:**        Request to Serve Alcoholic Beverages

This memorandum is a request for Board approval to serve alcoholic beverages at College functions during the 2019 – 2020 academic year, that historically have served alcoholic beverages in the past (e.g. College Foundation, WSRE Foundation, Anna Lamar Switzer Center, Booster Club, Alumni Association, and Academy of Teaching Excellence).





### Co:Lab Pensacola

Report for Policy Board as of 5/01/19

Occupancy (Goal: 80%)	Total Leasable Square Feet	Square Feet Occupied	Available	% Occupancy
1st Floor (sf)	2,280	1,555	725	68.20%
2nd Floor (sf)	3,696	3,127	569	84.60%
3rd Floor (sf)	3,974	2,300	1,674	57.88%
<b>TOTAL SQUARE FEET:</b>	<b>7,670</b>	<b>5,427</b>	<b>Combined Occupancy:</b>	<b>70.76%</b>

Current Clients	Connection	Status
Lost Key Media	Tenant	5th year
Samantha Weaver, LLC.	Tenant	3rd year
International Debt Recovery, Inc.	Tenant	3rd year
EBI Management Group, Inc.	Tenant	3rd year
Coast Software, dba. Building on Knowledge	Tenant	3rd year
Data Revolution, LLC	Tenant	3rd year
Pensacola Media Group, LLC.	Tenant	3rd year
Altius Marketing	Tenant	3rd year
Guided Particle Systems, Inc.	Tenant	2nd year
Vivid Bridge Studios	Tenant	2nd year
Snap Soccer	Tenant	1st year
Warfighter Fitness	Tenant	2nd year
Greater Things Fitness	Tenant	1st year
Girl Catch Fire	Tenant	1st year
N Star Investments	Tenant	1st year
Tag Tech	Tenant	1st year
Social Icon	Tenant	1st year

  

Exited Clients	Date of Entry	Status
The Analyst Group	Mar-09	Graduated 7/15/12
Engineering & Planning Resources	Sep-10	Graduated 4/2014
Robotics Unlimited, Inc.	Oct-14	Graduated 12/2015
Pay Cell Systems, Inc.	Aug-12	Graduated 6/01/16
Clearstream	Aug-14	Graduated 9/1/16
Re Vera Services, LLC	Dec-12	Graduated 9/9/16
Accountingfly	Jun-12	Graduated 2/15/17
FFCFC	Oct-12	Moved out 02/15/17
Paint University	Jun-14	Graduated 2/1/17
Broker Frameworks	Dec-15	Moved Out 2/1/17
Koala Pickup	Jul-16	Moved Out 2/1/17
Hexad Analytics	Jul-16	Moved out 4/1/17
Jewel Graphics	Feb-15	Moved out 4/1/17
Robotics Unlimited, Inc.	May-17	Moved out 10/31/17
Intelligent Retinal Imaging Systems	Feb-14	Graduated 04/01/18
YourTechnoGeeks	Apr-18	Moved out 05/01/18
Business RadioX	Jun-18	Moved out 06/25/18
Hatchmark Studio	Oct-15	Graduated 08/01/18
<b>Total Tenant Companies</b>	<b>17</b>	
<b>Total Current Employment (working in Co:Lab)</b>	<b>40</b>	

Office space in Milton, FL  
 Office space in downtown Pensacola  
 Office space in downtown Pensacola  
 Office space in Escambia County  
 Moved company to NYC  
 Bought office in downtown Pensacola  
 Office space in downtown Pensacola  
 Office space in downtown Pensacola  
 Bought office/warehouse in downtown Pensacola  
 Moved into other office space in Pensacola  
 Dissolved company, loss of founder  
 Continues as freelance developer  
 Company in idle state, took jobs out of town  
 Office space in downtown Pensacola  
 Returned to home office/ freelance work  
 Moved out  
 Moved to Cowork Annex