

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

**STAMP & RETURN**

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In re Applications of )

William Marsh Rice University, )  
Assignor )

and )

University of Houston System, )  
Assignee )

For Consent to Assignment of Licenses )  
Stations KTRU(FM), Houston, Texas and )  
K218DA, Houston, Texas )  
\_\_\_\_\_ )

File Nos. BALED-20101029ACX and  
BALFT-20101029ACY

Facility ID Nos. 72685 and 93168

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**DEC - 3 2010**

Federal Communications Commission  
Bureau / Office

To: The Media Bureau

**PETITION TO DENY**

**Friends of KTRU  
Petitioner**

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December 3, 2010

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## SUMMARY

The proposed assignment of the KTRU License from Rice to UHS is antithetical to the public interest of the local Houston community and to the stated educational and policy goals of the Commission. KTRU has a long history of providing diverse, unique and community-oriented programming, focusing on issues of local importance, and acting as an educational laboratory for future broadcasters. The proposed assignment would do significant harm to the diversity of programming in the Houston area and to the ability of Houstonians to access local content and local information. UHS' proposed use of the KTRU License to provide nationally syndicated programming contravenes the Commission's important policies on broadcast localism. In a market already largely bereft of local programming, the approval of the assignment would leave the Houston listening audience with one fewer source of Houston news, independent music and information.

The KTRU License is not "just another" University asset. Rather, it is an important spectrum license granted to the University by this Commission on the explicit condition that it be used for educational purposes. Instead of allowing KTRU to continue its educational mission, Rice is attempting to profit from the public resource entrusted to it. Rice and UHS are proposing to eliminate the educational mission of KTRU and replace it with student involvement through menial administrative tasks associated with non-local content recorded and programmed elsewhere. Allowing a student to press the "play" button on syndicated programming teaches him as much about radio broadcasting as allowing a child to push an elevator button teaches him about mechanical engineering. Similarly, Internet "broadcasting" will not provide these students the same experience as running an actual public radio station.

The Commission must recognize that its stated commitment to the education of future generations of radio broadcasters is at risk here. This proposed transaction is part of a larger and

disturbing trend of colleges and universities profiting off of the sale of NCE FM stations built and supported over the years by their students. The Commission must not allow the important educational foundation on which all NCE FM licenses rest to be abused in such a manner.

In addition to the substantial public interest concerns raised by the proposed transaction, the Applications also contain insufficient showings of an educational purpose. The Applications fail to adequately describe the educational programming that UHS intends to provide to advance the educational purpose of the license. Furthermore, the UHS' deceptive tactics used in prosecuting this transaction, and its apparent violation of important FCC rules, raise questions about its fitness as an assignee. Indeed, the secretive negotiations undertaken by the Universities precluded student and community participation in the process and may also have violated the Texas Open Meetings Act.

As set forth in detail in this Petition, Friends of KTRU provides ample evidence showing that grant of the Applications is not in the public interest and is contrary to stated Commission policy. Thus, Petitioner respectfully requests that the Applications be denied and designated for hearing on the substantial and material issues raised herein.

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For Consent to Assignment of Licenses  
Stations KTRU(FM), Houston, Texas and  
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**PETITION TO DENY**

Friends of KTRU ("Petitioner"), by its attorneys, as a "party in interest" within the meaning of section 309(d)<sup>1</sup> of the Communications Act of 1934, as amended (the "Act"), hereby respectfully submits this Petition to Deny ("Petition") the above-captioned applications for consent to the assignment of KTRU(FM), Houston, Texas ("KTRU Main Station") and K218DA, Houston, Texas ("KTRU Translator" and, together with the KTRU Main Station, "KTRU License") from William Marsh Rice University ("Rice") to the University of Houston System ("UHS" and, together with Rice, the "Applicants") (the "Applications"). For the reasons detailed below, Friends of KTRU respectfully requests that the Federal Communications Commission ("FCC" or "Commission") deny the above-referenced applications and designate

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<sup>1</sup> 47 U.S.C. § 309(d).

this matter for hearing pursuant to section 309(e) of the Act.<sup>2</sup> In support thereof, the following is respectfully shown:

**I. FRIENDS OF KTRU HAS STANDING UNDER § 309(D) OF THE COMMUNICATIONS ACT TO SUBMIT THIS PETITION TO DENY**

Friends of KTRU is an unincorporated nonprofit association formed in September 2010 to support KTRU's radio station operations as the student-operated FM broadcast radio station of Rice University. Friends of KTRU is dedicated to supporting the station's students, community volunteers and listeners, as well as advocating for and defending the student-run, student-operated broadcast band radio station at Rice. Friends of KTRU Board Member Joey Yang resides in the listening area of KTRU and is a regular listener to KTRU programming.<sup>3</sup>

As an unincorporated association representing the interests of the listeners residing in the KTRU broadcast area,<sup>4</sup> as well as the interests of the many listeners who have submitted informal comments to the Commission,<sup>5</sup> Friends of KTRU files this petition on behalf of certain of KTRU's listeners. The Commission previously has found that it will "accord[] party in interest status to a petitioner who demonstrates either that he resides in the service area of the

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<sup>2</sup> 47 U.S.C. § 309(e).

<sup>3</sup> See Declaration of Joseph Yang at ¶ 2 ("Yang Declaration") (attached hereto as **Exhibit A**).

<sup>4</sup> See Yang Declaration at ¶ 3. Many KTRU listeners resident to the Houston area have submitted written *ex parte* presentations to the Commission that are exempt from the Commission's *ex parte* rules pursuant to 47 C.F.R. § 1.1204(a)(8). Petitioner recognizes that this exemption applies only to a "listener or viewer of a broadcast station who is not a party under §1.1202(d)(1)" and wishes to clarify the status of these listeners with respect to any future *ex parte* communications. Specifically, although a number of these letters are included as an exhibit to the Petition, these individual listeners are not members of Friends of KTRU, are not associated with the Petition, and should not be accorded party-in-interest status upon the filing of this Petition.

<sup>5</sup> See **Exhibit B** containing a list of over 900 individuals who submitted letters to the Commission, or directly to Friends of KTRU, through the Friends of KTRU website ([www.savektru.org](http://www.savektru.org)). Petitioner is also in possession of a list of over 5,000 signatures collected from petitions in favor of KTRU. Due to length considerations, this list of signatures has not been included as an exhibit hereto, but can be supplied to the Commission upon request.

station that is the subject of the petition or that he listens to or views the station regularly and that such listening or viewing is not the result of transient contacts with the station.”<sup>6</sup> Accordingly, Friends of KTRU has standing to challenge the proposed assignment by filing this Petition with the Commission.

## **II. PETITIONER FRIENDS OF KTRU SATISFIES THE REQUIREMENTS TO FILE A PETITION TO DENY**

Petitioner satisfies the criteria to file a petition to deny an application for consent to the assignment or transfer of a license as established by Section 309(d) of the Communications Act and Section 73.3584 of the Commission’s rules. Petitioner has “filed [its Petition] not later than 30 days after issuance of a public notice of the acceptance for filing of the application” as established by Section 73.3584.<sup>7</sup> Above, Petitioner has asserted facts and pleadings that meet the requirements of the Communications Act to satisfy standing requirements of an interested party. As described below, Petitioner has asserted facts and pleadings sufficient to satisfy the requirements of Section 309(d).

Section 309(d) sets forth the criteria that must be met by interested parties’ petitions to deny. This section requires that a petition show “that a grant of the application would be prima facie inconsistent” with the public interest.<sup>8</sup> Furthermore, “[s]uch allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or

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<sup>6</sup> Letter dated June 4, 2009 from Peter Doyle, Chief, Audio Division, Media Bureau to Maurice A. Brown, Chuck Montero and Harry Hoyer, 24 FCC Rcd 7632, p. 3 (Med. Bur. 2009). See also *Petition for Rulemaking to Establish Standards for Determining the Standing of a Party to Petition to Deny a Broadcast Application*, Memorandum Opinion and Order, 82 FCC 2d 89 (1980); *Infinity Broadcasting Corp. of California*, Memorandum Opinion and Order, 10 FCC Rcd 9504 (1995); *Niles Broadcasting Company*, Memorandum Opinion and Order, 7 FCC Rcd 5959 (1992).

<sup>7</sup> 47 C.F.R. § 73.3584(a).

<sup>8</sup> 47 U.S.C. § 309(d)(1).



persons with personal knowledge thereof.”<sup>9</sup> The petitioner must then establish “substantial and material questions of fact” to require the Commission to designate the matter for hearing.<sup>10</sup> “Parties challenging an application by means of a petition to deny and who seek a hearing thereon must satisfy a two-step test established” in these Section 309(d) provisions.<sup>11</sup>

As a threshold matter, “the protesting party must submit a petition containing ‘specific allegations of fact sufficient to show...that a grant of the application would be prima facie inconsistent with [the public interest, convenience, and necessity].’”<sup>12</sup> The Commission must consider only “the petition and its supporting affidavits” in this evaluation, and it “must proceed ‘on the assumption that the specific facts set forth [in the petition] are true.’”<sup>13</sup> Friends of KTRU has above pleaded sufficient facts to meet this requirement. Based on the first-hand knowledge of Joseph Yang, Nicholas Schlossman and Rachel Dornhelm, Petitioner has set forth facts sufficient to meet this requirement, and Friends of KTRU’s President has verified the allegations.

Next, if the petitioner has satisfied the threshold requirement, the Commission must decide if, “on the basis of the application, the pleadings filed, or other matters which it may officially notice[,]...a substantial and material question of fact is presented.”<sup>14</sup> If, under this second phase, “a question of fact has been raised” or if cannot determine “for any reason [] that

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<sup>9</sup> *Id.*

<sup>10</sup> 47 U.S.C. § 309(d)(2).

<sup>11</sup> *Astroline Communications Co. v. FCC*, 857 F.2d 1556, 1561 (D.C. Cir. 1988).

<sup>12</sup> *Id.* (quoting 47 U.S.C. § 309(d)(1)).

<sup>13</sup> *Id.* Furthermore, the Commission must “consider the nature of the allegations of fact.” See Stephen F. Sewell, *Assignments and Transfers of Control of FCC Authorizations Under Section 310(d) of the Communications Act*, 43 FED. COMM. L.J. 277, 291 (July 1991) (“In fact, a four-step analysis may be a more useful means of applying statutory requirements.”). Such facts must be those of which either the Commission must be able to take official notice or the petitioner has supported by declaration of someone with first-hand knowledge. 47 U.S.C. § 309(d)(1).

<sup>14</sup> *Astroline Communications*, 857 F.2d at 1561.

grant of the application would be consistent with the public interest, it should conduct a hearing.”<sup>15</sup> This second phase grants the Commission “wider latitude” and allows it to “consider the entire record, weighing the petitioner’s evidence against facts offered in rebuttal.”<sup>16</sup>

Here, as demonstrated in detail below, Petitioner has established a *prima facie* case that a grant of the Applications would fail the public interest analysis and is counter to the Commission’s policies regarding the use of NCE FM frequencies and broadcast localism.<sup>17</sup> The implications of these allegations require that the Commission proceed to the third part of the Section 309(d) analysis: establishment of a “substantial and material” question of fact. The allegations set forth in this petition establish substantial and material questions of fact regarding the impact of the assignment of this license on the listening public in the local Houston market and whether UHS followed proper procedures in acquiring this license. Therefore, the Commission must proceed to the last step in its analysis.

Petitioner has set forth sufficient information to establish that the grant of this assignment of license would be detrimental to the interest of the local Houston listening audience and that it has been approached with insufficient procedures. Petitioner, along with the local Houston listening audience that has submitted the letters which are listed as Exhibit B to the Petition,<sup>18</sup> has earned the right to a public interest hearing, which must ultimately find that the assignment of the KTRU License from Rice to UHS is not in the public interest.

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> The petitioner must “allege[] facts, that, if true, establish a *prima facie* case that a grant of the application would not serve the public interest.” Sewell at 291. However, this does not mean that the case established must be conclusive. Rather, this means that “the degree of evidence necessary to make, not a fully persuasive case, but rather what a reasonable factfinder *might* view as a persuasive case.” Sewell at 291 (quoting *Citizens for Jazz on WRVR v. FCC*, 775 F.2d 392, 397 (D.C. Cir. 1985)).

<sup>18</sup> See listener letters (attached hereto as Exhibit B).

### III. STATEMENT OF FACTS

KTRU, which has roots stretching back to 1967 during its days as a student club, has been licensed on its current frequency since 1971 and has always operated as a student-run station. The licensee of KTRU is William Marsh Rice University, which itself is controlled by a Board of Trustees.<sup>19</sup> The Rice Board of Trustees permitted the students to apply for an FCC license in the name of the University, but specifically stated that the station must be constructed at no cost to the university and must be student-operated.<sup>20</sup> As it has during its nearly 40-year history of operation, KTRU's student-run broadcasts continue to serve the local interests of the Houston community. KTRU's stated mission is "to educate the station membership, the greater Houston community, and the students of Rice University through its progressive and eclectic programming in the spirit of the station's non-commercial, educational license."<sup>21</sup> A more detailed discussion of the unique and important programming offered by KTRU is contained below and in the attached Declaration of KTRU student station manager Joseph Yang (the "Yang Declaration").<sup>22</sup>

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<sup>19</sup> See Rice University Board of Trustees (as of 7/01/10), *available at* <http://professor.rice.edu/professor/BOT.asp>.

<sup>20</sup> See Minutes from the Jun. 12, 1970 Meeting of the Rice University Board of Trustees (requiring KTRU's "installation be at no expense to the University; the broadcasting to clearly state that the station is operated by the students of Rice University and reflects their opinions; [and] that it does not represent the official position of the University").

<sup>21</sup> KTRU Mission Statement, *available at* <http://ktru.org/news.shtml>.

<sup>22</sup> Yang Declaration at ¶¶ 4-5.

On August 18, 2010, UHS announced its “pending purchase of the broadcast tower, FM frequency and license used by Rice station KTRU for \$9.5 million.”<sup>23</sup> UHS currently operates a station under the call sign KUHF, which programs a mix of classical music and fine arts programs and syndicated NPR programming, as well as a television broadcast station, KUHT.<sup>24</sup> After acquisition of the KTRU license, UHS proposes to create two stations – KUHF (UHS’ current station) and KUHC (using the KTRU License) – with KUHF providing 24-hour NPR syndicated programming and KUHC providing 24-hour classical music and fine arts programming.<sup>25</sup>

#### **IV. THE PROPOSED ASSIGNMENT UNDERMINES THE EDUCATIONAL PURPOSE OF THE LICENSE AND IS CONTRARY TO THE FCC’S POLICIES PROMOTING BROADCAST LOCALISM**

Over KTRU’s long history it has served as an important voice for Rice students and for the Houston community as a whole. From KTRU’s earliest days as closed circuit radio station KOWL, KTRU has covered local issues of great import to a small community – ones that would go uncovered in its absence.<sup>26</sup> KTRU also has long been an important outlet for student and community music interests. Since the 1980s, KTRU has played alternative musical selections – showcasing songs and artists that are rarely heard on other radio stations. In fact, the station has

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<sup>23</sup> “University of Houston to buy radio tower, FM frequency and license from Rice University,” UHS Press Release (Aug. 18, 2010), *available at* [http://app1.kuhf.org/houston\\_public\\_radio-news-display.php?articles\\_id=1282008541](http://app1.kuhf.org/houston_public_radio-news-display.php?articles_id=1282008541) (“UHS Press Release”).

<sup>24</sup> *See generally* KUHF website, *available at* <http://app1.kuhf.org/main.php>.

<sup>25</sup> UHS Press Release.

<sup>26</sup> For example, “[t]he Board of Governors appointed William Masterson the new president of Rice without the consultation of a faculty-student committee, and campus went into an uproar. Students and faculty protested vehemently, and Masterson resigned five days later. KTRU (then operating as KOWL) broadcasted around the clock during the so-called ‘Masterson crisis.’” “The evolution of Rice radio,” *The Rice Thresher* (Oct. 27, 2000), *available at* <http://www.rice.edu/projects/thresher/issues/88/00.10.27/current/feature/theevolution.html>. This is precisely the type of issue that is of great importance to Rice students, but would not be covered by a national news organization of the type that KUHF proposes to become.

twice been named Houston's "Best Radio Station" precisely for this eclectic mix of musical genres.<sup>27</sup> With respect to the breadth of KTRU's programming, it has been noted that "[f]rom the excellent MK Ultra DJ sets every Friday night to the generally upbeat morning drive, Rice University's KTRU gives Houston the very thing most other radio stations lack: quality. The kids cutting their teeth on indie rock, hip-hop and electro manage to pull off a better radio station than Clear Channel could ever dream up."<sup>28</sup> These awards merely recognize what so many Houston-area listeners already know: KTRU is a unique institution that has long provided an outlet for under-appreciated music and under-served voices – and is an institution whose preservation is in the public interest. Indeed, scores of Houston residents have explicitly recognized this fact, noting, for example, that "[w]ith its deep history and grass roots approach, [KTRU] really is one of the last local, independent, unique radio stations around and I would hate for the city of Houston to lose that."<sup>29</sup> Commission policies stress the importance of local programming of just the type that KTRU provides.<sup>30</sup> The Commission must not allow locally-oriented and community-responsive programming to be replaced by "more of the same" syndicated national and international radio lineups.

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<sup>27</sup> "Best Radio Station – 2006," Houston Press (2006), *available at* <http://www.houstonpress.com/bestof/2006/award/best-radio-station-198104/>; "Best Radio Station – 2000," Houston Press (2000), *available at* <http://www.houstonpress.com/bestof/2000/award/best-radio-station-30220/>.

<sup>28</sup> "Best Radio Station – 2006," Houston Press (2006), *available at* <http://www.houstonpress.com/bestof/2006/award/best-radio-station-198104/>.

<sup>29</sup> E-mail dated Nov. 4, 2010 from Carlos Rodriguez to FCC Commissioners and Friends of KTRU (attached hereto as **Exhibit C**).

<sup>30</sup> See generally *Broadcast Localism*, Report on Localism and Notice of Proposed Rulemaking, 23 FCC Rcd 1234 (2008) ("*Localism NPRM*").

**A. Contrary to FCC Policy, UHS' Proposed Programming Will Not Serve the Local Houston Community, Particularly When Compared With the Current Local Focus of KTRU**

As an initial matter, it must be recognized that KTRU provides unique programming that is responsive to the needs of the local community that it serves,<sup>31</sup> and is not available anywhere else in the Houston market.<sup>32</sup> The station programs a number of alternative music formats, showcases local artists that are otherwise unrepresented on local stations, and broadcasts community events (such as Rice sports) that will otherwise go unheard on the radio dial.<sup>33</sup> The Commission recognizes the importance of locally-oriented programming as the bedrock obligation of broadcast licensees. Indeed, the FCC has called the concept of localism “a cornerstone of broadcast regulation.”<sup>34</sup> The Supreme Court has also confirmed this view, holding that “[f]airness to communities is furthered by recognition of local needs for a community radio mouthpiece.”<sup>35</sup> Importantly, this localism mandate extends not just to the availability of a radio signal in a local community, but rather to the ability of that community to transmit issues of local importance over those airwaves.<sup>36</sup> The Commission has further held that “broadcasters are obligated to operate their stations to serve the public interest – specifically, to

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<sup>31</sup> KTRU has run extensive local news programming, which “focus[ed] on underrepresented Houston issues, communities, and perspectives...[including] science, politics, technology, history, medicine, and faculty diversity...[and] the voices of community and [R]ice leaders.” See KTRU News web page, *available at* <http://ktru.org/news.shtml>; see also KTRU News Story Archives, *available at* [http://www.ktru.org/news\\_archive.shtml](http://www.ktru.org/news_archive.shtml).

<sup>32</sup> Yang Declaration at ¶ 5.

<sup>33</sup> *Id.* at ¶ 4.

<sup>34</sup> *Localism NPRM* at ¶ 5.

<sup>35</sup> *FCC v. Allentown Broadcasting Corp.*, 349 U.S. 358, 362 (1955).

<sup>36</sup> *Utica Observer-Dispatch, Inc.*, 11 F.C.C. 383, 391-92 (1946) (stating that the FCC “regard[s] section 307(b) as contemplating not merely the availability of reception service to communities but also the availability of transmission facilities to such communities in order to provide them, to the extent possible, with their own media for local expression”).

air programming responsive to the needs and issues of the people in their communities of license.”<sup>37</sup> Serving the interests and needs of the local Houston community is precisely what KTRU does – and precisely what the proposed programming of the combined KUHC and KUHF stations will fail to do.

**1. KTRU’s Programming is Responsive to Local Community and Minority Interests**

With regard to its important policies on localism and broadcasting, the Commission instructs that

[t]he principle of localism requires broadcasters to take into account all significant groups within their communities when developing balanced, community-responsive programming, including those groups with specialized needs and interests.<sup>38</sup>

A review of KTRU’s programming and playlists reveals that the station provides a stunning array of programming that directly responds to community demand.<sup>39</sup> Programs such as the Local Show, MK Ultra, Vinyl Frontier, Genetic Memory, among many others, showcase local artists and discuss issues specific to the Houston music community. In addition, programming like the Revelry Report gives Rice students and other Houstonians access to music of their choosing that is not played on mainstream radio stations – including playing music by visiting artists. KTRU also devotes a significant portion of its air-time to other items of specifically local interest, including the broadcast of Rice baseball and women’s basketball games<sup>40</sup> and concerts

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<sup>37</sup> *Localism NPRM* at ¶ 6.

<sup>38</sup> *Id.* at ¶ 69 (emphasis in original).

<sup>39</sup> The below description of KTRU local- and minority-oriented programming is attested to in the Yang Declaration at ¶ 4.

<sup>40</sup> Due to the likelihood that KTRU will lose its ability to reach listeners via a broadcast signal, the agreement to carry Rice baseball and women’s basketball games has been suspended going forward.

from Rice's Shepherd School of Music. The KTRU News show has a history of broadcasting interviews with local persons of interest, and providing an opportunity for listeners to be made aware of the news that impacts Houston the most. And, perhaps most importantly, KTRU provides a substantial amount of minority programming, such as Navrang, which focuses on music from the Indian subcontinent, and Africana, which focuses on music from the African diaspora. These important shows provide a musical outlet for woefully underserved communities.

Even beyond its extensive involvement as a broadcaster, KTRU is also heavily involved in the local music and arts community. A single KTRU student programmer estimated that he has engineered for approximately 70 local bands on almost all of KTRU's specialty shows in the last two years. In addition to being active with the local museum and arts community, KTRU has also hosted stages at a number of major local music festivals, released albums of local musicians, sent KTRU disc jockeys to work at a number of local community events, thrown several free concerts celebrating local music, and organized symposia to teach local bands how manage the business aspects of the music industry.<sup>41</sup> When compared to the locally-oriented programming that KTRU currently has on-air, and its long history of community involvement, the proposed programming of KUHF and KUHC is found badly wanting.

**2. The Proposed KUHC and KUHF Programming Will Merely Provide More Syndicated National Programming That is Not Targeted Towards the Needs and Interests of the Local Houston Community**

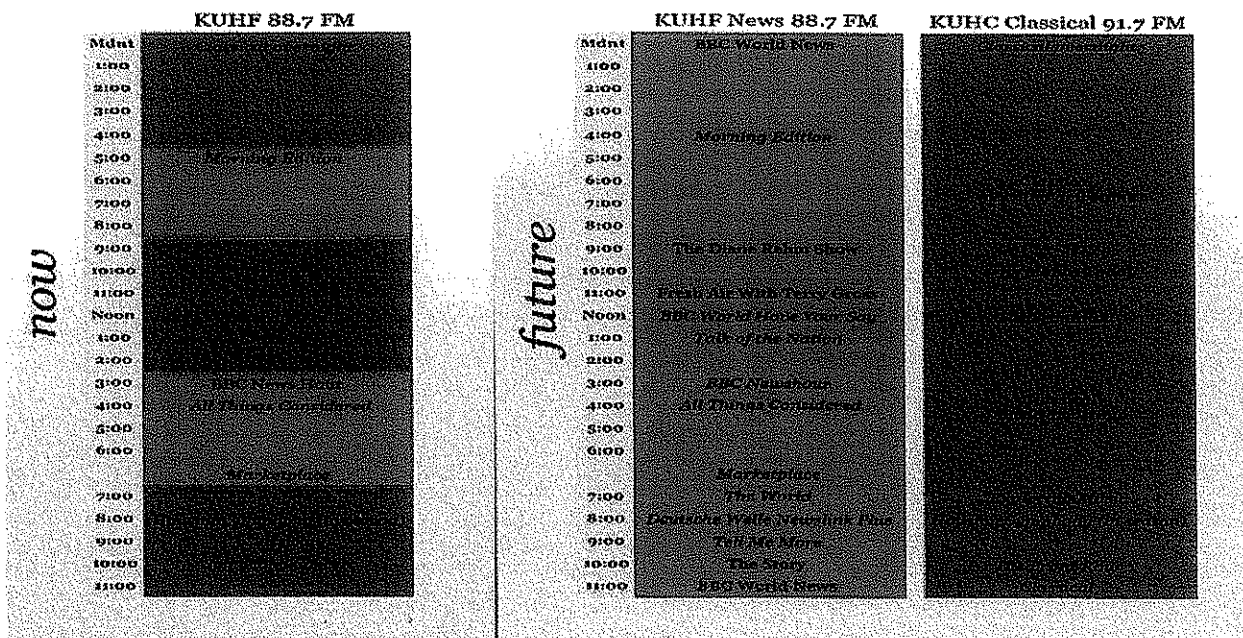
While the loss of KTRU will result in a substantial elimination of local programming, there will be no offsetting increase in local programming provided by the combined KUHF and KUHC stations. The Commission previously has expressed concerns regarding the trend

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<sup>41</sup> Yang Declaration at ¶ 6.



towards local, community-responsive programming being replaced by nationally syndicated programming. Specifically, the Commission “has recognized the concerns of some that programming – particularly network programming – often is not sufficiently culturally diverse.”<sup>42</sup> As noted above and outlined in the Yang Declaration,<sup>43</sup> KTRU provides a substantial amount of Rice-specific, minority- and local community-oriented programming. The proposed KUHF and KUHC stations, on the other hand, will merely result in an increased amount of syndicated national and international programming. A look at the current and proposed future programming for KUHF and KUHC clearly illustrates this point.<sup>44</sup>



Even a cursory review of the current and proposed programming reveals that there is not one single program that will be added to KUHC or KUHF that is specific to the local Houston community – the community that a proposed licensee is instructed to serve. Indeed, the shows

<sup>42</sup> *Localism NPRM* at ¶ 69 (emphasis supplied).

<sup>43</sup> Yang Declaration at ¶ 4, 6.

<sup>44</sup> “The University of Houston and KUHF,” UHS Presentation, p. 4 (attached hereto as **Exhibit D**).

proposed to be added to KUHF, the 24-hour NPR station, are BBC World News,<sup>45</sup> The Diane Rehm Show,<sup>46</sup> Fresh Air With Terry Gross,<sup>47</sup> BBC World Have Your Say,<sup>48</sup> Talk of the Nation,<sup>49</sup> The World,<sup>50</sup> Deutsche Welle Newslink Plus,<sup>51</sup> Tell Me More<sup>52</sup> and The Story.<sup>53</sup> Every single one of these new programs is syndicated either from NPR or other national or international sources. And, not a single one involves any topics unique to the community of license.

Notably, the only two programs to be broadcast under the proposed two-station format that deal even in part with the local Houston community (The Front Row and Houston Symphony, when in season) already are being broadcast under the current format.<sup>54</sup> Thus, the instant transaction proposes to eliminate the important local programming provided by KTRU in favor of an increased amount of syndicated national and international programming that will not serve the local needs and interests of Houston. The Commission has stated that “creating and maintaining a system of radio and television stations that offer programming responsive to the unique needs and issues facing the communities that they are licensed to serve is the centerpiece

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<sup>45</sup> <http://www.bbc.co.uk/worldservice/>.

<sup>46</sup> <http://thedianerehmshow.org/>.

<sup>47</sup> <http://www.npr.org/templates/rundowns/rundown.php?prgId=13>.

<sup>48</sup> <http://www.bbc.co.uk/blogs/worldhaveyoursay/>.

<sup>49</sup> <http://www.npr.org/templates/rundowns/rundown.php?prgId=5>.

<sup>50</sup> <http://www.theworld.org/>.

<sup>51</sup> <http://www.dw-world.de/dw/0,,8511,00.html>.

<sup>52</sup> <http://www.npr.org/templates/story/story.php?storyId=46>.

<sup>53</sup> <http://thestory.org/>.

<sup>54</sup> See “KUHF On-Air & HD Schedule,” available at [http://app1.kuhf.org/houston\\_public\\_radio-broadcast\\_schedule.php](http://app1.kuhf.org/houston_public_radio-broadcast_schedule.php).

of the Commission's regulation of the broadcast industry."<sup>55</sup> Allowing this transaction to move forward contravenes this important Commission policy.

Indeed, UHS administrators' discussion of KUHF's lack of community-oriented programming already is a matter of public record. At a closed-door UHS Board of Regents meeting discussing the possible acquisition of the KTRU License, it was brought to the attention of UHS that a second station seemed unnecessary to certain Regents, as "KUHF currently devotes only a small fraction of its programming to [University of Houston] news and events."<sup>56</sup> This un rebutted assertion must be considered an admission by UHS of its paucity of community-oriented programming. The Commission must weigh UHS' existing lack of locally-oriented programming, along with its proposal to simply supply additional syndicated national and international programs, heavily when making its public interest determination with respect to the Applications. To allow Rice and UHS to replace a station with a 40-year history of providing "programming responsive to the unique needs and issues"<sup>57</sup> of the local Houston community simply with "more of the same" syndicated programming flies in the face of the Commission's rules favoring broadcast localism. Such a transaction clearly is not in the public interest, and is contrary to FCC policy favoring locally-oriented broadcasting.

Applicants also must not be allowed to dismiss this particular objection as falling under the Commission's *Policy Statement* regarding programming formats.<sup>58</sup> While this policy statement has been applied in a long line of cases, it would be inappropriate to apply it in this

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<sup>55</sup> *Localism NPRM* at ¶ 142.

<sup>56</sup> Email dated Aug. 11, 2010 from Richard Bonnin, UHS Director of Media Relations to Linda Thrane, Rice Vice President for Public Affairs (attached hereto as **Exhibit E**).

<sup>57</sup> *Localism NPRM* at ¶ 142.

<sup>58</sup> See *Changes in the Entertainment Formats of Broadcast Stations*, 60 FCC 2d 858, 865-66 (1976) ("*Policy Statement*"); recon. denied, 66 FCC 2d 78 (1977), rev'd sub nom., *WNCN Listeners Guild v. FCC*, 610 F.2d 838 (D.C. Cir. 1979), rev'd, 450 U.S. 582 (1981).

instance to a discussion of the localism obligations of FCC licensees. Indeed, the Supreme Court limited the application of the *Policy Statement* outside of the entertainment context. Specifically, the Court held that “the Policy Statement only applies to entertainment programming. It does not address the broadcaster’s obligation to respond to community needs in the area of informational programming.”<sup>59</sup> Accordingly, since Petitioners here argue specifically that the assignment of KTRU’s license to UHS will substantially and negatively impact the ability of the station authorization to be used “to respond to community needs in the area of informational programming,”<sup>60</sup> such an argument cannot be dismissed under the banner of the *Policy Statement*. Instead, the Commission must view the transaction through the important lens of localism. Under this view, it is clear that the loss of KTRU’s unique and important locally-oriented programming in favor of additional syndicated national and international programming simply cannot be found to be in the public interest.

**B. Assignment of the KTRU License to UHS Undermines the Educational Purpose of the License and is Counter to the Commission’s Important Goal of Promoting Student Experience in the Broadcast Industry**

KTRU’s substantial value to the community extends far beyond its programming. KTRU’s greatest importance, perhaps, is as an educational tool, training the radio broadcasters and engineers of tomorrow. It has long been Commission policy that the bedrock goal of any NCE license is to promote an educational program.<sup>61</sup> Now, Rice and UHS propose to entirely undermine the educational purpose for which the license was originally granted in favor of a cash-grab. Rice is effectively treating the KTRU License like any other university asset, and

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<sup>59</sup> *WNCN*, 450 U.S. at 604, n.46 (quoting Tr. of Oral Arg. 81 (remarks of counsel for the Commission)).

<sup>60</sup> *Id.*

<sup>61</sup> 47 C.F.R. § 73.503(a).

completely ignoring the Commission's mandate that the license serve an educational purpose. Instead, Rice is seeking to profit from the sale of a license that was founded and operated by students, in order to pad the university budget.<sup>62</sup> The Commission must designate for hearing the matter of whether the sale of this license undermines the educational purposes of the KTRU License, and constitutes an attempt by Rice to profit from the public airwaves.<sup>63</sup>

Broadcasting, like many fields, is best learned through hands-on experience, and there is no better place to learn all levels of the radio business than a student-run station where students take ownership of all aspects of operation. Indeed, the Commission itself has recognized the importance of training the next generation of the broadcast industry. The Commission has explicitly stated its "goals of maximizing diversity of ownership in a community and providing a medium for new speakers, including students, to gain experience in the broadcast field."<sup>64</sup> The Commission also has specifically noted that the use of a station for instructional purposes shall be considered when determining whether an applicant satisfies the requirement that NCE stations advance educational objectives in accordance with section 73.503 of the Commission's rules.<sup>65</sup> In considering whether an applicant has met its section 73.503 requirements, the Commission states that an "emphasis is placed on proposed station programs which are clearly educational in

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<sup>62</sup> Public comments from the Rice administration indicate that a substantial portion of the proceeds from the sale will be used to construct a new cafeteria. This is hardly the educational purpose that NCE licenses are designed to promote. *See* Letter dated Aug. 17, 2010 from David W. Leebron, President, Rice University to Rice students (attached hereto as **Exhibit F**) ("Leebron Letter").

<sup>63</sup> As discussed in greater detail below, the sale of student-run NCE stations appears to be part of a disturbing trend for colleges and universities to profit off of the sale of licenses that are designed to be used for an educational purpose. *See infra*, Section IV.D.

<sup>64</sup> *Creation of Low Power Radio Service*, 15 FCC Rcd 19208, 19241 (2000) (emphasis supplied).

<sup>65</sup> 47 C.F.R. § 73.503(a) (stating that an NCE station shall be licensed only "upon the showing that the station will be used for the advancement of an educational program").

nature, i.e., actually involve teaching or instruction, whether for formal credit or not.”<sup>66</sup> Not only does UHS fail this point of emphasis, but in fact it is proposing to replace a station whose management consists almost entirely of students, each of whom benefits from the unique learning experience of running a radio station, with a paid, professional staff. Indeed, the benefits of KTRU as a learning environment have already paid dividends for the broadcast industry. Students have used their experience at KTRU to pursue successful careers in the broadcast industry. For example, KTRU alumna Sandra Wasson is the professional General Manager at KALX, the University of California, Berkeley student radio station, while KTRU alumna Rachel Dornhelm is a professional public radio reporter.<sup>67</sup> This unique “living classroom” aspect of KTRU will be all but lost if UHS is allowed to acquire the station and turn this important educational resource into a “business-as-usual” radio station.

While Rice and UHS are likely to point to the proposed creation of student internships at the planned KUHC classical music station as continuing KTRU’s long history of educating future broadcasters, performing menial administrative tasks or pressing the “play” button on syndicated NPR programming does not come close to replicating the value of the KTRU experience to these students. The Asset Purchase Agreement by and between Rice and UHS calls for the provision of “six (6) paid radio broadcasting internships...for [Rice] students each school year for three (3) years.”<sup>68</sup> At the end of three years, however, interested students – no longer a “transaction cost” – are at risk of being frozen out entirely from the station. Simply put,

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<sup>66</sup> Instructions to FCC Form 314, p. 5, *available at* <http://www.fcc.gov/Forms/Form314/314.pdf>.

<sup>67</sup> See Dornhelm Declaration at ¶¶ 5-7 (attached hereto as **Exhibit G**, describing how Rachel Dornhelm’s experience at KTRU led to her professional radio career).

<sup>68</sup> Section 4(b) of Asset Purchase Agreement.

the hollow offer of limited-duration student internships does nothing to cure the loss of a student-run station.

Should UHS be allowed to acquire KTRU, the important educational mission of the station, as well as its unique student voice, would be lost in favor of a use of the frequency that is easily replicated in the commercial broadcasting system. It has been held that the touchstone of a noncommercial educational station is “whether the functions performed by the noncommercial station[] are distinctive functions for which the reserved frequencies have been allocated.”<sup>69</sup> KTRU’s mission of educating students in the field of broadcasting accomplishes just such a goal. Further, it has been recognized that the benefits of a student run station are unlikely to be found in the commercial broadcast environment:

[A]n educational institution that uses a broadcast facility to provide not only instruction for its students, but also an outlet for their self-expression and a service to the public designed and created from their special perspective, is serving needs that the commercial system cannot be expected to address.<sup>70</sup>

The proposed KUHC station will serve no such educational goals. Instead, students will be allowed to cling to a handful of internships for a three-year period – after which their ability to remain involved in broadcasting becomes anything but certain. The Commission must consider its stated goal of promoting student education, in the form of student-run stations, in its public interest calculus. When this fact is considered, it becomes clear that depriving current and future student broadcasters of an opportunity to learn about this important field is most certainly not in the public interest.

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<sup>69</sup> *Applications of Seattle Public Schools For Renewal of License For Station KNHC(FM), Seattle, Washington; and Jack Straw Memorial Foundation Seattle, Washington For Construction Permit for a New FM Station*, Initial Decision, 3 FCC Rcd 3028, ¶ 276 (1988) (“*Jack Straw*”).

<sup>70</sup> *Id.*

### C. KTRU Over the Internet is Not a Suitable Replacement for Important Over-the-Air Broadcast Programming

Applicants appear to take much comfort in the fact that KTRU will not be “lost,” as it will continue in its current format online.<sup>71</sup> However, this is cold comfort to both Rice students and to the Houston community. Simply put, Internet radio does not come close to replacing the utility of a free, over-the-air radio broadcast station. The Commission itself has recognized the sharply limited audience that Internet radio reaches, citing studies indicating that only one in three radio listeners tunes-in to radio over the Internet.<sup>72</sup> The fact is, Internet radio fails to reach a large number of radio listeners – including those who consume radio while commuting,<sup>73</sup> a fact that even Rice recognizes.<sup>74</sup> And, the ability of students to gain experience in all aspects of radio media – including broadcast engineering, understanding the important public obligations of broadcasters and compliance with FCC rules and regulations – simply is not available via an Internet-only station.

Furthermore, according to Houston residents, relegating KTRU to an online-only format is likely to have substantial adverse effects on the station’s ability to provide Houston-centric programming. As one listener noted,

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<sup>71</sup> Rice has stated that listeners “regularly access KTRU programming through the Internet,” and that because of this fact, “[t]he sale does not affect the opportunity that KTRU offers our students.” Linda Thrane, “KTRU sale regrettable but necessary,” *Rice Thresher* (Aug. 20, 2010), *available at* <http://media.www.ricethresher.org/media/storage/paper1290/news/2010/08/20/Opinion/Ktru-Sale.Regrettable.But.Necessary-3924715.shtml> (“Thrane Editorial”).

<sup>72</sup> *2010 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Notice of Inquiry, 25 FCC Rcd 6086, ¶ 6 (2010) (“*2010 Broadcast Ownership Review*”).

<sup>73</sup> See E-mail from Christopher Hart to FCC Commissioners and Friends of KTRU (attached hereto as **Exhibit H**) (stating that Mr. Hart “most frequently listen[s] to the radio in my car, so the proposition that a modified KTRU could live on via internet streaming is of no value to me”).

<sup>74</sup> Thrane Editorial (recognizing that “there will be a few people in cars who will not be able to tune in [to KTRU]”).



[KTRU's] ability to broadcast is what brings in the underexposed music and information they share with the greater Houston community. Without the FM frequency, bands won't visit the station to play in the studio, and record companies won't send them their new releases.<sup>75</sup>

Importantly, it is evident that those who are most in need of unique, community-specific programming may be the most adversely affected by an Internet-only format. As the Commission well knows, there is a substantial digital divide currently impacting low-income and minority citizens.<sup>76</sup> Indeed, some 93 million Americans are not connected to the broadband Internet in their homes.<sup>77</sup> Most critically, "[broadband] adoption rates are much lower among certain populations, including rural Americans, the elderly, persons with disabilities, low-income Americans, African Americans, and Hispanics."<sup>78</sup> As a result, those whose interests KTRU best serves will be the least likely to be able to obtain their needed local- and community-oriented programming. The Commission should not be swayed by statements that the Internet will be a sufficient replacement for KTRU's broadcasts — indeed, it must consider the impact that the loss of KTRU's programming will have on those who are most in need of free, over-the-air broadcast programming.

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<sup>75</sup> E-mail from Stephanie Hoogerwerf to FCC Commissioners and Friends of KTRU, (attached hereto as **Exhibit I**).

<sup>76</sup> See, e.g., "Minority Media and Telecom Council Access to Capital and Telecommunications Conference," Prepared Remarks of FCC Chairman Julius Genachowski, 2010 FCC LEXIS 4346 (rel. Jul. 20, 2010) (citing the fact that "[o]nly 59% of African Americans have broadband at home—lower than the national average. For Hispanics, it's 49 percent").

<sup>77</sup> "Promoting Broadband Policies to Improve our Nation," Prepared Remarks of FCC Commissioner Mignon L. Clyburn, 2010 FCC LEXIS 6012, p. 7 (rel. Oct. 1, 2010).

<sup>78</sup> *Id.*

**D. The Proposed Assignment Will Result in Undue Concentration of Houston-Area NCE FM Licenses in the Hands of UHS**

KTRU represents one of just five noncommercial educational (“NCE”) FM stations in the Houston, Texas local radio market.<sup>79</sup> Allowing the KTRU License to be assigned to UHS – which also operates an NCE television station in the Houston market – would untenably increase consolidation in the Houston NCE FM radio market. Although not currently recognized in the Commission’s media ownership rules, the NCE FM local radio market is an important and distinct market that should be taken into consideration. It has long been recognized that “the educational licensee will no doubt serve needs that the commercial broadcasting system may not meet adequately” and that “[n]oncommercial licensees may have an interest and an ability to address issues that commercial broadcasters might ignore.”<sup>80</sup> It is thus important that the Commission not allow this unique obligation to serve the educational needs of a local radio market to be entrusted to a shrinking number of increasingly-syndicated voices. Should the proposed assignment be approved, the five NCE FM stations in the Houston radio market will have the following controlling parties: (i) two stations controlled by UHS will provide syndicated national and international programming;<sup>81</sup> (ii) one controlled by Pacifica Foundation Inc., which also provides syndicated national programming;<sup>82</sup> (iii) one controlled by Houston Christian Broadcasters Inc., which provides largely religious programming;<sup>83</sup> and (iv) one

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<sup>79</sup> See BROADCASTING & CABLE YEARBOOK 2010 D-529-30 (Nancy Bucenec and Valerie Mahon, eds., ProQuest LLC) (2010) (“B&C Yearbook”).

<sup>80</sup> *Jack Straw* at ¶ 276.

<sup>81</sup> KUHF(FM) and, if approved, KTRU(FM) (to be renamed KUHC).

<sup>82</sup> KPFT(FM).

<sup>83</sup> KHCB-FM.

controlled by Texas Southern University,<sup>84</sup> which reaches an estimated audience of only 216,000.<sup>85</sup>

Accordingly, should the proposed transaction be approved, only one locally-owned, non-religious, non-syndicated voice will remain in the market, and that voice will reach less than a quarter-million Houstonians.<sup>86</sup> One Houston resident lamented this loss of radio independence, stating that “[i]n this age of large radio and television companies owning stations across markets or multiple stations within their own, local citizens are losing their ability and right to speak to themselves as they so often are spoken to by stations with a different set of priorities and obligations.”<sup>87</sup> As another KTRU supporter has aptly stated, “With the consolidation of media taking place in the U.S. it is of the utmost importance that individual outlets exist to address the diverse tastes and concerns of the American public.”<sup>88</sup> The Commission must consider the substantial loss of important, locally-oriented programming that the loss of KTRU on the radio dial will cause – and the corresponding lack of replacement programming in the market.

Indeed, the loss of Houston-produced and Houston-oriented programming to nationally or internationally syndicated programming is symptomatic of a broader trend in radio nationwide. Noncommercial stations across the country now rely on a stunningly narrow range

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<sup>84</sup> KTSU(FM).

<sup>85</sup> See B&C Yearbook at D-530.

<sup>86</sup> Even outside of the NCE FM context, Houston radio listeners have lamented the fact that “[i]f KTRU is lost, then, out of the numerous stations we have in Houston, we’ll be down to only two other radio stations with primarily non nationally-syndicated programming: KPFT and KAZZ. And neither of these stations play the eclectic diversity of songs that KTRU does.” E-mail from Laura Hermer to FCC Commissioners and Friends of KTRU (attached hereto as **Exhibit J**).

<sup>87</sup> E-mail dated Nov. 5, 2010 from Andrew Boyd to FCC Commissioners and Friends of KTRU (attached hereto as **Exhibit K**).

<sup>88</sup> E-mail dated Nov. 12, 2010 from George Langworthy to Friends of KTRU (attached hereto as **Exhibit L**).

of sources for their broadcast content. According to a report sponsored by the Corporation for Public Broadcasting, approximately 5 percent of the content stream for public radio stations comes from independent producers or independent production houses.<sup>89</sup> Moreover, the overwhelming majority (99 percent) of all public radio programming dollars go to either National Public Radio or American Public Radio. Only one-half of one percent of public radio funding goes to benefit independent producers.<sup>90</sup> The UHS/Rice plan to discontinue KTRU's locally and independently produced programming to make room for more nationally syndicated programming exacerbates the distressing lack of diversity in noncommercial radio production not only in Houston but nationwide, and further contributes to a homogenization of programming sources that adversely affects the public interest.

The instant Applications occur in the context of an alarming trend of colleges and universities selling student-run NCE station licenses at a profit. Treating these important educational resources as merely another university asset flies in the face of the Commission's intent for the reserved NCE FM band – namely that they be used to further an educational purpose.<sup>91</sup> The case at hand comes on the heels of another transaction involving the sale of student-run station licenses, wherein two NCE FM stations (including the student-run WCAL) were assigned<sup>92</sup> from St. Olaf College to Minnesota Public Radio.<sup>93</sup> It is critical for the

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<sup>89</sup> Sue Schardt, "Mapping Public Radio's Independent Landscape," Final Report, at p.4 (Feb. 13, 2006), *available at* <http://www.schardtmedia.org/research/images/MappingFinalReport.pdf> (reporting that 2 percent of public radio content stream is produced by freelance producers, and 3 percent is produced by independent production houses).

<sup>90</sup> Sue Schardt, "Mapping Public Radio's Independent Landscape: Key Findings, Critical Questions," at p. 11 (Nov. 29, 2004), *available at* <http://www.schardtmedia.org/research/images/Economy.pdf>.

<sup>91</sup> See 47 C.F.R. § 73.503(a).

<sup>92</sup> See CDBS File Nos. BALED-20040830ABL and BALED-20040830ABL.

Commission to maintain the integrity of the NCE FM band, and not simply allow colleges and universities to buy and sell these stations to turn a profit. Allowing such an exercise undermines the fundamental purpose for which the NCE FM band was created.

**V. PRIOR TO THE GRANT OF THE SUBJECT APPLICATIONS, THE COMMISSION MUST RESOLVE QUESTIONS ABOUT UHS' QUALIFICATIONS AS AN ASSIGNEE**

Prior to the grant of any application for a station license, the Commission must pass upon the “citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station.”<sup>94</sup> As a part of this analysis of the proposed assignee, in this case UHS, the Commission has indicated that it will review FCC-related conduct of the assignee.<sup>95</sup> In this respect, “all violations of provisions of the Act, or of the Commission's rules or policies, are predictive of an applicant’s future truthfulness and reliability, and thus have a bearing on an applicant’s character qualifications.”<sup>96</sup> In light of this requirement, the Commission is obligated

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<sup>93</sup> Although both the instant transaction and the WCAL transaction involve the sale of student-run radio stations, the Commission must not make the mistake of conflating the issues raised in the two proceedings. The transaction at issue can be distinguished from the WCAL proceeding, in that the present transaction involves substantial and material issues such as the undermining of the Commission’s educational objectives for NCE FM licenses, contravention of the Commission’s policy on broadcast localism, compliance with FCC public file rules, and questions of the integrity of the assignee, among others, each of which requires further review by the Commission.

<sup>94</sup> 47 U.S.C. § 308(b); *see also* 47 U.S.C. § 310(d).

<sup>95</sup> *Policy Regarding Character Qualifications in Broadcast Licensing, Report, Order and Policy Statement*, 102 FCC 2d 1179 (1986), recon. denied, Memorandum Opinion and Order, 1 FCC Rcd 421 (1986), appeal dismissed sub nom. *National Association for Better Broadcasting v. FCC*, No. 86-1179, 1987 U.S. App. LEXIS 18333 (D.C. Cir. Jun. 11, 1987), modified, Policy Statement and Order, 5 FCC Rcd 3252 (1990), on reconsideration, Order, 6 FCC Rcd 4787 (1991), modified in part, Memorandum Opinion and Order, 7 FCC Rcd 6564 (1992).

<sup>96</sup> *Applications of AT&T Inc. and Cellco Partnership d/b/a Verizon Wireless; For Consent To Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement*, Memorandum Opinion and Order, 25 FCC Rcd 8704, ¶ 27 (2010); *see also* *KGAN Licensee, LLC, Licensee of Station, KGAN-TV, Cedar Rapids, Iowa*, Memorandum Opinion and

to review instances of UHS' non-compliance with Commission rules or policies. This Petition has already discussed at length how the instant transaction violates the Commission's policy to promote localism and community oriented-programming.<sup>97</sup> In addition, certain apparent violations of Commission rules and/or policies have come to the attention of Petitioner, which further supports Petitioner's request that the Applications be designated for hearing.

**A. UHS' Description of the Programming That It Intends to Provide is Inadequate and Should Be Rejected**

Proposed assignees of NCE FM broadcast stations must satisfy certain additional Commission requirements related to the educational nature of the NCE station. Specifically, assignment of an NCE station license will only be granted upon a showing that "the station will be used for the advancement of an educational program."<sup>98</sup> To this end, applicants are instructed to include as an exhibit to their application a "showing that it has an educational objective and that the station will be used for the advancement of an education program that will further that objective."<sup>99</sup> While Applicants did include an exhibit to the Application entitled "Assignee's Qualified Educational Program"<sup>100</sup> ("Exhibit 10"), the cursory statements therein do not meaningfully describe any planned educational program, contain inaccuracies, and are not adequate to support the required showing.

As an initial matter, Exhibit 10 consists almost exclusively of backward-looking information about the history of KUHF and UHS. While this may be sufficient as to the first

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Order, 25 FCC Rcd 2549, ¶ 31 (Med. Bur. 2010) (stating that "violations of Commission rules or policies can possibly be predictive of future truthfulness or reliability").

<sup>97</sup> See *supra* Section IV.

<sup>98</sup> 47 U.S.C. § 73.503(a).

<sup>99</sup> Instructions to FCC Form 314, p. 5, available at <http://www.fcc.gov/Forms/Form314/314.pdf>.

<sup>100</sup> See Exhibit 10 to CDBS File Nos. BALED-20101029ACX and BALFT-20101029ACY ("Exhibit 10").

part of the section 73.503 showing (“showing that [Assignee] has an educational objective”), Exhibit 10 falls short of providing a satisfactory showing that “the station will be used for the advancement of an educational program.”<sup>101</sup> Indeed, the cursory discussion of the proposed use of the KTRU license essentially consists of the statement: “With the addition of KTRU(FM), UHS plans to expand the availability of its noncommercial news and fine arts broadcast programming for local listeners.”<sup>102</sup> Such a generalized statement is not satisfactory. The Applicants make almost no effort to explain the type of programming that will air on the station – a critical component any application, which enables the Commission to determine whether the station will be used to advance educational purposes, and, consequently, whether the transaction is in the public interest.

In similar instances, the Commission has designated applications for hearing where the applicant “fail[ed] to adequately detail how the station will be used in advancement of an educational program.”<sup>103</sup> For example, the Commission has found applicants’ educational program statements inadequate where they failed to provide sufficient information regarding the proposed educational program, “other than to state that they intend to provide some programming which is educational in nature.”<sup>104</sup> UHS’ statements are similarly lacking. As noted above, UHS merely stated that the acquisition of the KTRU License will “expand the availability of its noncommercial news and fine arts broadcast programming.”<sup>105</sup> It is “[UHS’]

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<sup>101</sup> 47 C.F.R. § 73.503(a).

<sup>102</sup> Exhibit 10.

<sup>103</sup> *Wisconsin Broadcast Communications Foundation, Inc., et al.; For Construction Permit for a New FM Station on Channel 288A in Verona, Wisconsin*, Hearing Designation Order, 5 FCC Rcd 5739, ¶ 4 (Med. Bur. 1990) (“*Wisconsin Broadcast*”).

<sup>104</sup> *Id.*

<sup>105</sup> Exhibit 10.

burden [to] establish[] its eligibility as a noncommercial educational applicant”<sup>106</sup> – not just in its status as a university, or through its past conduct, but with its stated plans for operation over the KTRU License. UHS’ description of its educational program is hardly more informative than “some” educational programming, and should similarly be rejected and designated for hearing.

Further, when discussing its plans for KTRU, UHS states that it “will use the station...to advance a program similar to that found qualifying for its existing NCE-licensed station.”<sup>107</sup> This statement not only is inadequate, as discussed above, but also is inaccurate. All published reports indicate that the station will not be similar to KUHF, UHS’ existing station. In fact, publicly – if not to this Commission – UHS is touting the fact that acquisition of KTRU will allow it to provide different programming over KUHF. Indeed, according to a UHS press release, “[t]he University of Houston is the first Texas university to propose this [programming] configuration.”<sup>108</sup> Thus, the Applicants’ educational purpose showing is inconsistent and confusing at best, and possibly even outright false. The Commission must demand a clear explanation from UHS, and not mere unsupported declaratory statements, regarding precisely how “the station will be used for the advancement of an educational program”<sup>109</sup> lest the Commission run afoul of its own obligations when reviewing the assignment of NCE licenses.

#### **B. KUHF’s Public File Does Not Contain the Required FCC Ownership Report**

Under the Commission’s rules, all broadcast licensees of NCE stations must “file an Ownership Report on FCC Form 323-E when filing the station’s license renewal application and every two years thereafter on the anniversary of the date that its renewal application is required

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<sup>106</sup> *Wisconsin Broadcast* at ¶ 5.

<sup>107</sup> Exhibit 10.

<sup>108</sup> UHS Press Release.

<sup>109</sup> 47 C.F.R. § 73.503(a).



to be filed.”<sup>110</sup> In addition, an NCE licensee must keep in its public inspection file “[a] copy of the most recent, complete ownership report filed with the FCC for the station, together with any subsequent statement filed with the FCC certifying that the current report is accurate, and together with all related material.”<sup>111</sup> Upon inspection of the KUHF public file,<sup>112</sup> no such ownership report could be located – an infraction that the Commission must take seriously. The public file provided by KUHF to Friends of KTRU contains only the station’s 2005 ownership report. This means that UHS has failed to include the past three FCC ownership reports in its public file.<sup>113</sup> Indeed, the Commission has stated that “compliance with the public file rule is vitally important,”<sup>114</sup> because it “safeguards the public’s ability to assess the station’s service...[and] is designed to facilitate the airing of programming responsive to community needs.”<sup>115</sup> All of the Commission’s rules are important, and failing to have a complete public file calls into question the seriousness with which UHS views its FCC obligations. Indeed, the Commission has established the completeness of a station’s public file as one of its most important obligations and has specifically rejected the claim that a single document missing from the public file “is a minor violation.”<sup>116</sup> The Commission concluded that “such a violation is

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<sup>110</sup> 47 C.F.R. § 73.3615(d).

<sup>111</sup> 47 C.F.R. § 73.3527(e)(4).

<sup>112</sup> See Declaration of Nicholas Schlossman at ¶¶ 2-4 (attached hereto as **Exhibit M**).

<sup>113</sup> The KUHF public file fails to include KUHF’s 2006 ownership report (File No. BOA-20060327AEB), 2008 ownership report (File No. BOA-20080331AML) or its most recent 2010 ownership report (File No. BOA-20100330ADN).

<sup>114</sup> *Gaston College; Licensee of Noncommercial Educational Station WSGE(FM), Dallas, North Carolina*, Forfeiture Order, 25 FCC Rcd 982, ¶ 15 (Enf. Bur. 2010).

<sup>115</sup> *Matter of New Life Broadcasting, Inc., Licensee of Station WBRQ, Cidra, Puerto Rico, Facility ID # 1891*, Forfeiture Order, 21 FCC Rcd 8641, ¶ 10 (Enf. Bur. 2010).

<sup>116</sup> *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, ¶ 39 (1997).

serious in that it diminishes the public's ability to determine and comment at renewal time on whether the station is serving its community.”<sup>117</sup> This concern surely is equally applicable during other public comment periods, such as during the pendency of an assignment application. In addition, the base forfeiture amount for a violation of the public file rules is \$10,000 – one of the highest base amounts proposed by the Commission for section 503 forfeitures,<sup>118</sup> further highlighting the importance that the Commission attaches to maintaining a complete and accurate public file. The Commission must carefully review this issue when considering the assignment of the KTRU license from Rice, a licensee with a long history of compliance, to UHS, which has shown a disregard for important Commission rules.

#### **VI. 1.1 MILLION LISTENERS WILL NO LONGER RECEIVE THE CLASSICAL MUSIC PROGRAMMING THAT THEY NOW ENJOY**

Even prior to the Applications being filed, KUHF classical music listeners were already voicing their displeasure over the loss of classical music service to large areas of Houston,<sup>119</sup> as KTRU contour is substantially smaller than the KUHF contour. It is estimated that the KTRU License serves approximately 2 million people in Houston, while the KUHF signal serves more than 3.1 million.<sup>120</sup> The result of the disparity among the stations' signal strengths is that 1.1 million people will no longer receive classical music programming – including a substantial withdrawal of classical music service to many areas of Houston that enjoy it the most. Many listeners wrote, in letters to the KUHF public file, that they will no longer be able to receive classical music programming due to their location. One user writes, “[i]n Sugar Land where I live and Rosenberg where I work, I receive absolutely no signal on FM 91.7 in my car or on

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<sup>117</sup> *Id.*

<sup>118</sup> See 47 C.F.R. § 1.80, note to paragraph (b)(4) (“Guidelines for Assessing Forfeitures”).

<sup>119</sup> See generally KUHF listener letters and emails attached hereto as **Exhibit N**.

<sup>120</sup> See B&C Yearbook at D-529-30.

radios in my house,” and thus finds herself “bitterly disappointed in [UHS’] plans for the only classical music station in the greater Houston area.”<sup>121</sup> Other long-time listeners report “receive[ing] only static when trying to tune into [KTRU]” in West Houston,<sup>122</sup> while two listeners noted their concern that KTRU “does not have acceptable reception in Clear Lake City.”<sup>123</sup> The loss of classical music service to a large portion of Houston serves as a further example of how the proposed transaction is not in the public interest. The first priority for broadcast licensees is to serve the needs of its community of license – and it is clear that the withdrawal of classical music service is yet another example of how UHS will fail to accomplish this important goal.

#### **VII. UHS’ AND RICE’S INTENTIONALLY SECRETIVE NEGOTIATIONS AND DECEPTIVE TACTICS PRECLUDED STUDENT AND COMMUNITY PARTICIPATION AND MAY HAVE VIOLATED THE TEXAS OPEN MEETINGS ACT**

In 2001, Rice and the Student Station Management at KTRU entered into an agreement relating to a new KTRU Operating Policy.<sup>124</sup> Under this operating policy, a joint administration-student committee (the KTRU Friendly Committee, or “KFC”) was formed to determine programming policy for KTRU.<sup>125</sup> Surprisingly, the KFC, even though it was created in order to foster cooperative student and administration participation in KTRU, was isolated from any discussions of the pending sale of the KTRU License. Indeed, there cannot be any action more directly relevant to the matter of “operational programming” than the broadcast station itself

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<sup>121</sup> E-mail dated Sept. 10, 2010 from Gayle Born to Katie Butler (p. 1 to Exhibit N).

<sup>122</sup> E-Mail dated Aug. 28, 2010 from Martha Mills to Katie Butler (p. 2 of Exhibit N).

<sup>123</sup> Letter dated Sept. 7, 2010 from Jim & Ella Rae Stovall to KUHf Public File (p. 3 of Exhibit N).

<sup>124</sup> See Memorandum dated March 22, 2001 Regarding KTRU Operating Policy (“KFC Memorandum”) (attached hereto as **Exhibit O**).

<sup>125</sup> See *Id.* at 1.

ceasing to exist. Yet the KFC, the KTRU student station management, all Rice students, and in fact all residents of the listening area in question, were completely shut out of any discussions with Rice regarding the possible sale of the KTRU License and facilities. This “freeze out” of the KFC violates the Commission’s tentative conclusions regarding community advisory boards. The Commission has stated that “licensees should convene and consult with permanent advisory boards made up of leaders from the community of each broadcast station.”<sup>126</sup> The purpose of such a board is to afford all those in the community the “continuing opportunity to communicate their group’s perceived needs and interests to their local broadcast station management.”<sup>127</sup> Instead of consulting with the KFC regarding the continuing needs of the community that KTRU serves, the Universities instead chose to cut the advisory board out of the discussion process entirely. Sadly, shutting Rice students out of the process entirely resulted in at least one missed opportunity for the Universities to pursue a workable joint solution that would have solved certain concerns regarding the continued over-the-air operation of KTRU and permitted the continued provision of local programming to Rice and to the surrounding community.

The Texas Open Meetings Act (“OMA”),<sup>128</sup> requires that state governmental bodies (such as UHS<sup>129</sup>) provide the public with advance written notice of the date, hour and place of each regular, special, or called meeting. In addition, the OMA requires a full disclosure of the subject matter of the meetings.<sup>130</sup> Although it is not necessary to state all of the consequences which

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<sup>126</sup> *Localism NPRM* at ¶ 73.

<sup>127</sup> *Id.*

<sup>128</sup> Tex.Rev.Civ.Stat.Ann. art. 6252-17

<sup>129</sup> UHS is a group of six public institutions of higher learning that are governed by the UHS Board of Regents. The UHS Board of Regents is appointed by the Governor of the State of Texas and confirmed by the Texas State Senate.

<sup>130</sup> *Cox Enterprises, Inc. v. Board of Trustees of the Austin Independent School District*, 706 S.W.2d 956, 960 (Tex.1986)

may necessarily flow from the consideration of the subject stated, the public has a right to be notified with reasonable specificity of the subject matter to be considered at a meeting of a governmental body, particularly when the subject is one in which the public can reasonably be expected to have a “special interest.”<sup>131</sup> With respect to agreements or contracts executed by governmental bodies subject to the OMA, courts have indicated that adequate public notice of the agreement should include an identification of the parties to the agreement.<sup>132</sup>

Prior to its August 2010 meeting, the University of Houston’s Board of Regents’ published agenda provided the public only a brief description of its intent to empower its chancellor to purchase a radio station. Significantly, this description made no reference to KTRU or Rice:

Approval is requested to delegate authority to the Chancellor to negotiate and execute an asset purchase agreement and a management agreement, up to \$10 million, related to the purchase of a radio station for use by KUHF – University of Houston.<sup>133</sup>

This generic statement evidences an intent to conceal the true nature of the transaction from the public, a fact that is supported by the communications among the Universities and their respective consultants. Furthermore, Rice students and residents of the Houston radio market were not merely kept out of the discussion by harmless omission. Rather, UHS, Rice and consultants to the respective universities, concocted a strategy of active deceit in order to eliminate the possibility of student or other public participation in the sale process. The reasons for this were clear – UHS wanted to prevent student and public participation and comment

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<sup>131</sup> *Id.* at pp. 958-959; *see also* Op.Tex.Att’y Gen. No. H-1045 (1977); *SOS Alliance v. City of Dripping Springs*, 304 S.W.3d 871, 888-889 (Tex. 2010) (“*SOS Alliance*”),

<sup>132</sup> *SOS Alliance*, 304 S.W.3d at 889.

<sup>133</sup> University of Houston System Board of Regents Agenda for August 17, 2010, Finance and Administration Committee, Item No. 8, *available at* [http://www.uhsa.uh.edu/regents/board\\_meetings/documents/081710Board/FA%208.pdf](http://www.uhsa.uh.edu/regents/board_meetings/documents/081710Board/FA%208.pdf).

regarding the future of KTRU, worried that interested parties may voice an opposing viewpoint about the transaction's supposed "benefits." In an email from Public Radio Capital (a consultant to UHS for the transaction) to UHS regarding strategy for the sale, it was stated that "[t]he longer we wait [for an agreement] the higher the likelihood of one of the 'campus constituencies' causes a problem for Rice, which could disrupt the transaction."<sup>134</sup> Once the parties proceeded to potential due diligence on the transaction, another strategy of deception was hatched.

Communications between the brokerage firms representing UHS and Rice, respectively, reveal the following plans for performing secretive due diligence on KTRU:

We recognize that Rice is going to have a hard time generating a complete list of assets without some of the station personnel's input, and we agree that tipping off some of those individuals may not be advisable. ... We request that Rice provide a cover story for an independent 3rd party engineering consultant, to be chosen by UH, to perform an inspection of the transmitter building, transmitter equipment, transmission line, tower and antennae. Rice should actually hire the consultant we specify, so there will be no question as to the source of the inspection, which of course will have to be coordinated with the station engineer somehow. Rice can use any reason it chooses, some of which can include change of insurance, inventory needs, or any other plausible explanation. UH will reimburse Rice for the cost of the inspection.<sup>135</sup>

At the very least, this pattern of behavior is unbecoming of a Commission licensee, and must be examined at a hearing in the context of this proceeding. Indeed, there is great concern that UHS may have "circumvented public records laws in its effort to get the deal passed" and that UHS "may have violated the [Texas] open meetings act because it did not name KTRU as the station

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<sup>134</sup> E-mail dated Apr. 5, 2010 from Erik Langnor, Director of Acquisitions, Public Radio Capital to John Proffitt, General Manager, KUHF (attached hereto as **Exhibit P**).

<sup>135</sup> E-mail dated May 3, 2010 from Erik Langnor, Director of Acquisitions, Public Radio Capital to Greg Guy, Managing Partner, Patrick Communications (attached hereto as **Exhibit Q**) (emphasis supplied).

in question in Board of Regents agendas to consider the sale.”<sup>136</sup> Because the Commission has a statutory obligation to weigh UHS’ “truthfulness and reliability,” it should consider this pattern of secretive and deceptive behavior – behavior which shows that allowing UHS to operate another NCE station is contrary to the public interest.

#### **VIII. RICE’S CHARACTERIZATION OF THE KTRU LICENSE AS A “DECLINING ASSET” IS INCORRECT AND ITS SUBSEQUENT SALE OF THE LICENSES AT A DEFLATED PRICE HARMS THE PUBLIC INTEREST**

Unfortunately, it is clear that Rice has fallen into the trap of assuming that media properties, and radio stations in particular, are declining assets that should be sold quickly in order to realize greater returns. In support of this mistaken view, in an editorial defending the purported “benefits” of the KTRU License sale, Linda Thrane, Rice’s Vice President for Public Affairs, stated that “[b]y almost all accounts, broadcast radio licenses are a declining asset,” and called broadcast radio “a declining technology.”<sup>137</sup> Nothing could be further from the truth. Indeed, the Commission recently has cited studies indicating the opposite, notably finding that “the number of Americans reporting that they listen to radio regularly has remained static over the last five years.”<sup>138</sup> And, while consumption of Internet media may be on the rise, the Commission has found that the Internet “clearly has not wholly supplanted traditional media, such as broadcast stations.”<sup>139</sup> Reports of the death of radio, it may be said, have been greatly exaggerated.

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<sup>136</sup> Steve Miller, “University of Houston practiced deception, cooked up 'cover story' as it closed deal to acquire Rice University's KTRU radio station,” Texas Watchdog (Nov. 11, 2010), *available at* <http://www.texaswatchdog.org/2010/11/university-of-houston-practiced-deception-over-Rice-University-KTRU-sale/1289434596.story>.

<sup>137</sup> Thrane Editorial.

<sup>138</sup> 2010 *Broadcast Ownership Review* at ¶ 6.

<sup>139</sup> *Id.* at ¶ 11.

In addition, Rice's President called the KTRU License a "vastly underutilized resource"<sup>140</sup> – completely ignoring the substantial value that KTRU's locally-oriented programming provides to the Houston community.<sup>141</sup> In Rice's haste to dump what it wrongly considered to be a "declining asset," it has agreed to a below-market price, which in turn harms the public interest. Despite having an appraised value of \$12 million,<sup>142</sup> Rice agreed to sell the KTRU License and transmitter for less than 80 percent of the appraised value.<sup>143</sup> This "fire sale" type pricing not only is a disservice to the Rice community, but also may harm the Commission's important *National Broadband Plan* goals. The *National Broadband Plan* has outlined goals for incentive auctions aimed at putting certain spectrum resources (such as radio broadcast spectrum) to more flexible uses.<sup>144</sup> According to the *National Broadband Plan*, "[i]n an incentive auction, [current licensees] receive a portion of the proceeds realized by the auction of their spectrum licenses,"<sup>145</sup> with the other portion of the proceeds accruing to the American public. However, when licensees of spectrum that has been identified as a candidate for an incentive auction sell these licenses at well-below-market prices, it sends a signal to the spectrum market that drags all prices, including those for any eventual incentive auctions, downward. This artificial depression of market values for radio spectrum may end up costing the American public millions upon millions of dollars in lost incentive auction revenue.

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<sup>140</sup> Leebron Letter.

<sup>141</sup> For a complete discussion on the importance of KTRU's community-responsive programming to the Houston area, *see supra* Section IV.A.1.

<sup>142</sup> *See* UHS Presentation, "KUHF Purchase – Introduction," at p. 3 (attached hereto as **Exhibit R**).

<sup>143</sup> *Id.*

<sup>144</sup> *See* CONNECTING AMERICA: THE NATIONAL BROADBAND PLAN, in GN Docket No. 10-66, at p. 81 (rel. March 16, 2010) ("*National Broadband Plan*").

<sup>145</sup> *Id.*




## IX. CONCLUSION

The instant Applications provide an important opportunity for the Commission to demonstrate its stated commitment to broadcast localism and the importance of "education" for NCE stations. As Petitioners have clearly shown through specific evidence, grant of the Applications will result in the destruction of a station that has served its local broadcast area for more than 40 years. In its place will be syndicated national and international programming that has no connection at all to the Houston community. And, the station broadcasting this "more of the same" type programming will be in the hands of a licensee that has shown a pattern of secretive and deceptive behavior, and has violated important Commission rules and regulations. Such a transaction simply cannot be found to be in the public interest.

The foregoing premises having been duly considered, Friends of KTRU respectfully requests that the Commission deny the proposed assignment and designate the Applications for hearing on the substantial and material issues raised herein.

Respectfully submitted,

Friends of KTRU

By: 

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Andrew Morentz  
David Darwin  
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Washington, D.C. 20005  
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Facsimile: (202) 551-1705

Its Attorneys

December 3, 2010

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

\_\_\_\_\_  
In re Applications of )  
)  
)

William Marsh Rice University,  
Assignor )

and )

University of Houston System,  
Assignee )

For Consent to Assignment of Licenses )  
Stations KTRU(FM), Houston, Texas and )  
K218DA, Houston, Texas )  
\_\_\_\_\_ )

File Nos. BALED-20101029ACX  
and BALFT-20101029ACY

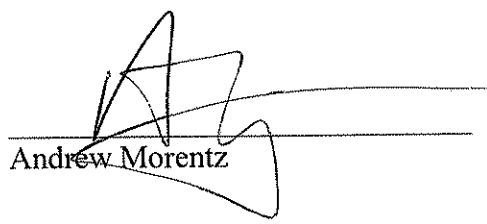
Facility ID Nos. 72685 and 93168

**CERTIFICATE OF SERVICE**

I, Andrew Morentz, hereby certify that I caused a true and correct copy of the foregoing "Friends of KTRU Petition to Deny" to be delivered this third day of December, 2010, to the individuals on the following list:

Margaret L. Miller<sup>Δ</sup>  
Dow Lohnes PLLC  
1200 New Hampshire Avenue, NW  
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Washington, DC 20036  
(202) 776-2000  
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Jonathan Mirsky<sup>Δ♦</sup>  
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\_\_\_\_\_  
Andrew Morentz

Δ by email     ♦ by hand delivery

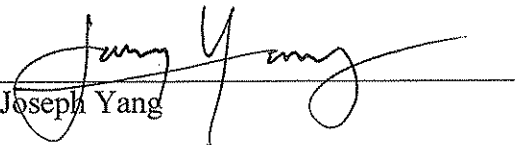
## **EXHIBIT A**

**Declaration of Joseph Yang**

1. My name is Joseph Yang. I am a resident of Houston, Texas. I am a student at William Marsh Rice University, class of 2012, and I am the current student station manager of KTRU(FM). Capitalized terms, to the extent that they are not defined within this Declaration, are to have the meaning ascribed to them in the Friends of KTRU Petition to Deny, to which this Declaration is an exhibit.
2. I reside within the service area of KTRU(FM) and, in both my capacity as the student station manager and in my personal capacity, regularly listen to both this and other local over-the-air broadcast radio stations.
3. I am a Board Member of Friends of KTRU. Friends of KTRU is an unincorporated nonprofit association formed in September 2010 to support KTRU's radio station operations as the student-operated FM broadcast radio station of Rice University.
4. As student station manager of KTRU, I have specific knowledge regarding the unique lineup of programming that KTRU offers to Houston listeners. KTRU offers programs such as the Local Show, MK Ultra, Vinyl Frontier, Genetic Memory, among many others, which showcase local artists and discuss issues specific to the Houston music community. Programming like the Revelry Report gives Rice students and other Houstonians access to music of their choosing that is not played on mainstream radio stations – including playing music by visiting artists. KTRU also devotes a significant portion of its air-time to other items of specifically local interest, including the broadcast of Rice baseball and women's basketball games and concerts from Rice's Shepherd School of Music. The KTRU News show broadcasts interviews with local persons of interest, and also provides an opportunity for listeners to be made aware of the news that impacts Houston the most. Additionally, KTRU provides a substantial amount of minority programming, such as Navrang, which focuses on music from the Indian subcontinent, and Africana, which focuses on music from the African diaspora.
5. On information and belief, I am unaware of any other radio stations in the KTRU service area that currently broadcast, or in the future would be willing to broadcast, the programs listed in Paragraph 4, or other similar programs.
6. In addition to being active with the local museum and arts community, KTRU has also hosted stages at a number of major local music festivals, released albums of local musicians, sent KTRU disc jockeys to work at a number of local community events, thrown several free concerts celebrating local music, and organized symposia to teach local bands how manage the business aspects of the music industry.

I declare under the law of the United States that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed on this 1<sup>st</sup> day of December, 2010.

Signature:   
Joseph Yang

## **EXHIBIT B**

**KTRU Listeners and Supporters Submitting Letters  
to Friends of KTRU and/or to the FCC**

First Name	Last Name	City of Residence
PJ	Abrams	Austin, TX
John S.	Adair	Austin, TX
Alpna	Agrawal	Houston, TX
Dave	Allahand	Philadelphia, PA
Colin	Allen	Humble, TX
Eric	Allen	Houston, TX
Bill	Allison	Spring, TX.
alex	almanza	Cypress, Tx
Amy	Altchuler	Houston, TX
Faisal	Amlani	Los Angeles, CA
Ian	Andersen	Houston, TX
Eric	Anderson	Austin, TX
Kristin Noelle	Anderson	Houston, TX
Sarah	Andreeff	Houston, TX
John Vincent	Andres	Baytown, TX
James	Andrus	Houston, TX
Lisa	Angelella	Houston, TX
Alexei	Angelides	San Francisco, CA
Paul	Anzel	Pasadena, CA
Leo	Artalejo	Halifax, Canada
Anjum	Asharia	Houston, TX
Ben	Asher	Seattle, WA
Mat	Astengo	Houston, TX
Mark	Austin	Houston, TX
Eric	Avera	Houston, TX
John	Avila	Spring, TX
Bridgitt	Ayers	Houston, TX
Patricia	Bacalao	Houston, TX
Paige	Bailey	Houston, TX
Chris	Bakos	Houston, TX
Bill	Balabanos	Athens, Greece
Carlos	Baltazar	Houston, TX
Aelohim	Balthrop	Houston, TX
Laura	Balzano	Madison, WI
Gregory	Banks	Houston, TX
Jared	Banks	St. Paul, MN
Richard	Bansavich	Vernon, CT.
Heather	Barahona	Denton, TX
Kevin	Barkley	Houston, TX
Ian	Barland	Blacksburg, VA
Soumendra	Barman	Mountain View, CA
Tim	Barnett	Tomball, TX

Tracy Jo	Barnwell	Houston, TX
Augusta	Barone	New York, NY
Christopher	Barone	Houston, TX
Ollie	Barthelemy	Houston, TX
RJ	Bartlett	Bellaire, TX
Jacob	Barton	Urbana, IL
Carina	Baskett	Houston, TX
John	Bat	The Woodlands, TX
Ryan	Bates	Austin, TX
Jeff	Baxter	Dallas, TX
Sean	Beall	Oklahoma City, OK
Martha	Beard-Duncan	Austin, TX
Philip	Beck	Houston, TX
Ray	Beck	Houston, TX
Jesse	Beene	Sasebo, Japan
me	benefiel	Spring, TX
Erik	Benke	Portland, OR
Andrew	Benner	Guilford, CT
Michael	Benonis	Blacksburg, VA
Christopher	Berger	Houston, TX
Will	Bermudez	Houston, TX
Marie	Bibloque	France
Simon	Birenbaum	Baltimore, MD
Steve Bishop	Bishop	Mountain View, CA
Lorette	Blagg	Houston, TX
Kelly	Blakley	Houston, TX
Eric	Blasdel	Galena Park, TX
Erin	Bogenreif	Montgomery, TX
Brad	Bogus	Austin, TX
George	Bohnisch	Houston, TX
Jeremy	Boor	Galveston, TX
Eric	Booth	Hammond, LA
Stephanie	Bordy	Austin, TX
Devon	Born	Houston TX
Laura	Borst	Houston, TX
Joshua	Bostic	Houston, TX
Jeff	Boudreau	Grafton, MA
Tracie	Boudreaux	Houston, TX
Dr. Gordon	Bourland	Arlington, TX
Jonathan	Bourland	Brooklyn, TX
Cody	Bourque	Splendora, TX
Chris	Bowman	Spring, TX
B.E.	Boyd	Houston, TX
Jason	Boyd	Brooklyn, NY
David	Brace	Houston, TX
Edward	Bradin	Atascocita, TX



Chris	Brecheen	Dayton, TX
Kurt	Brennan	Houston, TX
Kurt	Brennan	Houston, TX
Dylan	Brewer	Amherst, MA
William	Brey	Tallahassee, FL
Stephen	Brian	Houston, TX
Frank	Briones	West Houston
Timothy	Britton	Houston, TX
Steven	Brock	Houston, TX
Kathryn	Brooks	Laramie, WY
Marilyn	Brooks	Houston, TX
Christer	Brown	Stockholm, Sweden
Kyle	Brown	Inverness, FL
John	Browning	Houston, TX
Matthew	Brownlie	Houston, TX
Chad	Broyles	Bryan, TX
Marc	Brubaker	Houston, TX
Kyle	Bruckmann	Oakland, CA
Alexandra	Buchanan	Houston, TX
Rachel	Buchman	Houston, TX
Cleary	Buckley	Burlington, VT
Camille	Buckner	Reston, VA
Cesar	Buentello	Houston, TX
Vincent	Buentello	Houston, TX
Heidi	Bullinga	Brooklyn, NY
Kyle	Burford	Burlington, VT
Adam	Burkhart	Louisville, KY
Brad	Burkons	Houston, TX
Melissa	Burnham	Houston, TX
Janna	Burtenshaw	Houston, TX
Robert	Burtenshaw	Houston, TX
aaron	bush	houston, TX
Eric	Bush	New Caney, TX
Kevin	Bush	Houston, TX
Heather	Buss	Mountain View, CA
Amy	Buxbaum	Baltimore, MD
Bridget	Byquist	Houston, TX
Sean	Byrne	Houston, TX
luis	cabrera	houston, tx.
Rose	Cahalan	Austin, TX
Scott	Callaway	Houston, TX
Michael	Cannon	Houston, TX
Jeff	Cantin	New Orleans
Daniel	Cardenas	Houston, TX
Charles	Carper	Houston, TX
Eileen	Carroll	Humble, TX

**Friends of KTRU**  
**Petition to Deny**  
**Exhibit B**  
**Page 4 of 21**

Jim	Carroll	Austin, TX
Claudia	Casbarian	Houston, TX
Laura	Cassel	Houston, TX
Raquel	Castillo	Houston, TX
Zach	Castle	Houston, TX
Aline	Cautis	Chicago, IL
David	Chang	Austin, TX
Angela	Chau	San Francisco, CA
Ellen	Chenoweth	Washington DC
Melissa	Cherry	Houston, TX
erhchun	chien	Houston, TX
Charles	Child	Houston, TX
Roger	Choate	Houston, TX
NM	Cholick	Houston, TX
Partha	Choudhury	Houston, TX
Adrianna	Chrestopoulos	Houston, TX
Kathleen	Ciliske	Kingwood, TX
Denis	Cisneros	Houston, TX
Debra	Claxton	Houston, TX
Michael	Clendenen	Houston, TX
Richard	Clifford	Milton, MA
Julia	Cody	Houston, TX
Roberto	Cofresi	Chapel Hill, NC
Abigail	Cohen	Brooklyn, NY
ryan	coleman	Houston, TX
Daniel	Collier	Pasadena, TX
David	Collins	Houston TX
Jacklyn	Colmer	Houston, TX
Amanda	Colon	Houston, TX
Jason	Colunga	Houston, TX
Rodney	Conley	Texas City, TX
David	Cook	Seattle, WA
Joel	Cook	Houston, TX
Thomas	Cook	Georgetown, TX
Austin	Cooley	Houston, TX
Jeanne	Cooper	Menlo Park, CA
Jen	Cooper	Houston, TX
Nicholas	Cooper	Houston, TX
Kelli	cousins	Chicago, IL
James	Covington	Houston, TX
John	Cowan	Houston, TX
Christopher	Cowand	The Woodlands, TX
Justin	Crane	Washington, DC
Michael	Crippen	Houston, TX
Joe	Crites	Hannover, Germany
John	Croft	Austin, TX

Jack	Crook	Houston, TX
Elizabeth	Cruz	Houston, TX
robert	cunningham	kingwood, TX
Osman	Dadi	Houston, TX
Elise	Daniel	Seattle, WA
Brent	Davis	Houston, TX
Rachel	Davis	Houston, TX
Sarah	de Araujo	Amherst, MA
Brad	Dean	Houston, TX
Greg	Dean	Houston, TX
Hannah	Dean	Houston, TX
Gregg	deBoisblanc	Houston, TX
Paul	DeBruhl	Houston, TX
Lizzy	Demny	Houston, TX
Denise	Dennis	Houston, TX
Steven	Deterling	Houston, TX
Matthew	Diasio	Houston, TX
Jason	Dibley	Houston, TX
Doug	Dillaman	Auckland, New Zealand
Deborah	Dixon	New Orleans, LA
Eric	Doctor	Atlanta, GA
Andrew	Domeshek	Houston, TX
Thomas	Doneker	Houston, TX
Nathan	Donolli	New Orleans, LA
Joseph	Donowho	Houston, TX
Wayne	Donowho	Houston, TX
Cynthia	Douglass	Houston, TX
Charles	Dove	Houston, TX
Abby	Downing-Beaver	Houston, TX
Becky	Downs	Houston, TX
Carol	Drummond	Portola Valley, CA
Sarah	Duck Loudermilk	Houston, TX
Guyton	Durnin	San Francisco, CA
Samantha	Eaton	Houston, TX
Ekanem	Ebinne	Houston, TX
Daniel	Echeverri	Houston, TX
Eric	Ecung	Houston, TX
Summer	Eiman	Houston, TX
Robert	Eischen	Brenham, TX
Lisa	Eisenbrey	Austin, TX
Chelsea	El-Chaar	Houston, TX
Gabriel	El-Chaar	Houston, TX
Rebecca	Elliott	Houston, TX
Michael	Elmer	Houston, TX
Christian	Emden	Houston, TX

Jeff	Erickson	Urbana, IL
Will	Eriksson	Houston, TX
Christopher	Ertel	Houston, TX
Diego	Esparza	Houston, TX
Ashley	Evans	Houston, TX
Kenneth	Evans	Houston, TX
Marie	F	Houston, TX
Javier	Fadul	Houston, TX
Harold	Farber, MD	Houston, TX
Stephen	Farrell	Houston, TX
Douglas	Farry	San Diego
Timothy	Faust	San Francisco, CA
Joey	Favaloro	San Francisco, CA.
Adam	Feger	Baytown, TX
Stuart	Feild	Houston, TX
Ashley	Fell	Mexico City, Mexico
G.	Fields	Houston, TX
Jose	Figueroa	Houston, TX
Brian	Finch	Houston, TX
Ciaran	Finlayson	Houston, TX
Joseph	Fischer	Bellaire, TX
Tre	Fischer	Bellaire, TX
Alice	Fisher	Houston, TX
Scott	Flanagan	Atlanta, GA
David	Flanery	Houston, TX
Larry	Fletcher	Houston, TX
Zayne	Fletcher	Houston, TX
Janie	Flores	Houston, TX
Ryan	Fortner	Houston TX
Emily	Fortuna	Seattle, WA
Gwendoline Y.	Fortune	Gainesville, FL
samuel	foster	Cypress, TX
Gerald	Fowler	Jersey Village, TX
James	Fowler	Conway, AR
Katherine	Fowler	Spokane, WA
Jennifer	Frazer	Houston, TX
Sarah	Frazier	Houston, TX
Robert	Frisk	Houston, TX
Rich	Frueh	Madison, WI
Josh	Fuller	Houston, TX
Jessica	Fuquay	Houston, TX
Anna	Gaca	New Orleans, LA
Michael	Gallagher	Spring, TX
Robyn	Gammill	Lockhart, TX
Anthony	Garcia	Pearland, TX

Evanna		
Rene	Garcia	Houston, TX
Hugo	Garcia	Houston, TX
Juan	Garcia	Houston, TX
Dave	Garrett	Houston, TX
Eden	Garza	Houston, TX
Robert	Garza	Houston, TX
Ned	Gayle	Houston, TX
Omri	Gazitt	Redmond, WA
Guiyom	Geelot	Houston TX
Richard	Gelles	New York, NY
Yianni	Georgeton	Houston, TX
Sandeep	Ghael	Cambridge, MA
Rodney	Gibbs	Austin, TX
Roy-michael	Gibson	Houston, TX
Eliza	Gilkysen	Austin, TX
William	Gish	Omaha, NE
Mike	Gladu	Houston, TX
Thomas	Glidden	Houston TX
JOZEF	GLUSZYK	Houston, TX
Amanda	Goad	Brooklyn, NY
Lisa	Godfrey	Washington DC
Gloria	Godinez	Houston, TX
Philip	Goetz	Austin, TX
Stephen	Goggin	Berkeley, CA
Will	Golden	Houston, TX
Christopher	Goldsberry	Houston, TX
Daniel	Gomez	Houston, TX
Cassie	Gonzales	Houston, TX
Charles	Gonzales	Houston, TX
Justin	Gonzales	Baytown, TX
Jeremy	Gonzalez	Houston, TX
Mario	Gonzalez	Dallas, Texas
Vishal	Goradia	Houston, TX
Mia	Gore	Boston, TX
Elizabeth	Gosse Widup	Redwood City, CA
Joshua	Gourneau	Houston, TX
Harold	Grace	Houston, TX
David	Graham	Houston, TX
Diane	Granahan	Los Angeles, CA
Meg	Green	Portland, OR
Janet	Greenberg	Houston, TX
Mitch	Greene	The Woodlands, TX
Sarah	Greene	Austin, TX
Jeff	Greer	Richmond, TX
Amy	Griffis	New York City, NY

**Friends of KTRU**  
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Clayton	Grisso	Stafford, TX
James	Grisso	Stafford, TX
Julie	Grob	Houston, TX
Nathan	Grote	Houston, TX
Adam	Guerra	Houston, TX
Aleksandra	Guerra	Houston, TX
Monica	Guerra	Houston, TX
Rosa	Guerrero	Houston, TX
Gokselin	Gultekin	Houston, TX
David	Gutierrez	Houston, TX
Curtis	Haaga	Houston TX
Areeb	Hafeez	Houston, TX
Jason	Hafner	Houston, TX
Eric	Hahn	Louisville, KY
Sheila	Hall	Chicago, IL (Houston, TX starting March 2011)
Andrew	Hamblin	Berkeley CA
Jeff	Hamm	Kingwood, TX
Patrick	Hanlon	E. Sandwich, MA
Michael	Hardage	Kingwood, TX
Carl	Hardee	Houston, TX
Heidi	Hardt	Houston, TX
Noah	Harelik	Houston, TX
Natilee	Harren	Los Angeles, CA
Rachel	Harris	The Woodlands, TX
Daniel	Harrison	Tomball, TX
Guy	Harrison	Houston, TX
Nicholas	Hartley	Houston, TX
Mark	Hartman	Potsdam, NY
"Tilly" SueMac	Hatcher	Cambridge, MA
Karl	Hauser	San Mateo, CA
Paul	Havlak	Houston, TX
Gretchen	Hawkins	Houston, Tx
Jason	Hawley	Houston, TX
Maria-Elisa	Heg	Houston, TX
Valerie	Heitshusen	Washington, DC
JJ	Heldmann	Portland, OR
Joe	Heller	Houston, TX
Christopher	Henderson	Houston, TX
sharon	hendrix	Houston, TX
Laura	Hermer	Missouri City, TX
Eduardo	Hernandez	Houston, TX
Jaime	Hernandez	Kingwood, TX
Michael	Hernandez	Houston, TX

Stephen	Herzog	Kingwood, TX
Lance	Higdon	Atlanta, GA
Ray	Hill	Houston, TX
Billy	Hinkle	Baytown
Gene	Hinyard	Houston, TX
Jen	Hitt	Washington, DC
Andrew	Hlinsky	Alvin, TX
Geoff	Hobby	Spring, TX
Andy	Hocker	Batavia, IL
Mark	Hoffman	Houston, TX
Peter	Hokanson	Houston, TX
Justin	Holdahl	Brooklyn, NY
Brittanie	Holland	Houston, TX
Blair	Holley	Rosenberg, TX
Kent	Hollier	Houston, TX
Kendall	Hollis	Houston, TX
Sarah	Hollis	Spring, TX
Jay	Holmes	Houston TX
Ben	Horne	La Jolla, CA
Matthew	Horne	Annandale, VA
Andrew	House	Houston, TX
Melissa	Houser	Katy, TX
Ted	Howard	San Francisco, CA
Laura	Hoye	Washington, DC
Alec	Hsu	Houston, Texas
Debra	Huffman	Houston, TX
Whit	Hughes	South San Francisco, CA
Thomas	Hujar	Tomball, Texas
John	Hukill	Houston Heights
Joshua	Hulsey	Houston, TX
Jennifer	Humphreys	Houston
Thomas	Humphreys	Austin, TX
John	Hundemer	Lubbock, TX
Yolanda	Hunt-Boes	San Diego, CA
George	Hutton	Houston, TX
Larry	Hysinger	Houston, TX
Alyssa	Ibarra	Houston, TX
Lily	Ito	Houston, TX
Charles	Jackson	Houston, TX
Chuck	Jackson	Houston, TX
Kyle	Jackson	Conroe, TX
Jonathan	Janacek	Fort Collins, CO
Groh	Jesse	St. Louis, MO
John	Johnson	Santa Clara, CA
Kurt	Johnson	Thomas, WV

Richard	Johnson	Houston, TX
Trevor	Johnson	Houston, TX
Alena	Jones	Houston, TX.
Andrew	Jones	Cypress, TX
Billy	Jones	Sugar Land, TX
Kat	Jones	Sugar Land, TX
Barbara	Jordan	Baytown, TX
Steve	Joseph	Houston, TX
Michael	Jozwiak	Houston, TX
Daniel	Kalbacher	Houston, TX
Dustin	Kalman	Bellaire, TX
Peter	Kaltenbach	Austin, TX
Matthew	Kane	Oklahoma City, OK
Michael	Kane	Houston, TX
Cynthia	Kao	Oceanside, CA
Chet	Kapoor	New York, NY
BLAKE	KARAMBIS	HOUSTON, TX
Charlotte	Karem Albrecht	Minneapolis, MN
Vincent	Kargatis	Atlanta, GA
Joshua	Katz	Austin, TX
Victoria	Keener	Gainesville, FL
Gendel	Keith	Houston, TX
Todd	Kellenbenz	Houston, TX
Sarah	Keller	Seattle, WA
Elijah	Kelley	Pasadena, TX
Andrew	Kelly	Houston, TX
Simone	Kern	Houston, TX
Jeffrey	Kerr	Austin, TX
Ron	Kerr	Houston, TX
S.	Kinsella	Houston, TX
Alex	Kipp	Seattle, WA
Dan	Kletter	Sunnyvale, CA
Krista	Kleypas	Houston, TX
Preston	Klinke	Galveston, TX
Kevin	Kloos	Austin, TX
John	Knapp	New York, NY
Glenn	Knickerbocker	Kingston, NY
Amie	Knieper	San Francisco, CA
Izaak	Knight	Houston, TX
Keegan	Knittle	Deer Park, TX
Samuel	Koch	Spring, TX
Richard	Koehler	Houston, TX
Brant	Kotch	Houston, TX
John	Kratz	San Diego, CA
Meda	Krenson	Americus, GA
Philip	Krieg	Houston, TX



Jens	Krueger	Germany
Miya	Kumangai	Houston, TX
Craig	Labbate	Houston, TX
Melissa	Lahey	Houston, TX
Emily	Landis	Belo Horizonte, Brazil
Barbara	Lange	Houston, TX
Matthew	Langston	Deer Park, TX
Maggie	Large	Atlanta, GA
Amy	Larsen	Cypress, TX
Gregory	Larsen	State College, PA
Ramon	Laval	Houston, TX
Heather	LaVigne	Evergreen Park, IL
Robert	LaVohn	Miami, FL
Robert	Lawrence	Lake Jackson, TX
Martha	Leader	Brookline, MA
Timothy	League	Austin, TX
Chase	LeCroy	Houston, TX
Ade	Lee	Raleigh, NC
Clara	Lee	New York, NY
Cosmo	Lee	Los Angeles, CA
Dennis	Lee	Washington, DC
Diane	Lee	San Francisco CA
Dwight	Lee	Houston, TX
Eric	Lee	Davis, CA
Peter	Lee	Houston, TX
William	LeFebvre	Woodstock, GA
Lisa	Leipzig	Hudson, OH
Colby	Lemon	Los Angeles, CA
Chris	Lessing	San Antonio, TX
Diane	Levi	Houston, TX
Josh	Levin	Somerville, MA
Helen	Li	Houston, TX
Adam	Lin	Houston, TX
Vickie	Lincoln	Austin, TX
Annie	Lin	San Francisco, CA
Hillary	Liss	Jupiter, FL
James	Little	Houston, TX
Terri	Loewenthal	Oakland, CA
Priscilla	Long	Houston, TX
Melissa	LoPalo	Houston, TX
Liana	Lopez	Houston, TX
Rueben	Lopez	Houston
Kristie	Lou	Houston, TX
Abby	Lovelace	Houston, TX
Murphy	Low	Magnolia, TX

Rebecca	Lowe	Houston, TX
Jane	Lowy	Houston, TX
Daniela	Lozano	Austin, TX
Richard	Luciano	Austin, TX
Lucy	Lunt	Houston, TX
shea	macaran	Sacramento, CA
Ian	MacCormack	Cambridge, MA
Daniel	Machado	Houston, TX
Don	Macune	Houston, TX
Doug	Maine	West Hartford, CT
Amy	Maldonado	Houston, TX
Semra	Malik	Houston, TX
Paul	Maliszewski	Washington, DC
Theo	Mallinson	Houston TX
Christine	Maly	The Woodlands, TX
Jonny	Mambo	Carrboro, NC
Luis	Mantilla	Houston, TX
Vanessa	Marin	Pasadena, TX
Lauren	Marsh	Houston, TX
William	Marshalek	Houston, TX
James	Marshall	Berkeley, CA
Zachary	Marshall	Houston, TX
Becky	Martin	Katy, TX
Patrick	Martin	Pensacola, FL
Thomas	Martin	Spring, TX
Adrian	Martinez	Houston, TX
Alec	Martinez	Houston, TX
Andrew	Martinez	Cypress, TX
Judith	Martinez	Waco, TX
Julio	Martinez	Houston, TX
Maria	Martinez	Heights Houston, TX
Denise	marvel	Pearland, TX
Jerry	Marvel	Pearland, TX
Mark	Masters	Kingwood, TX
Kymberly	Maxham	Washington, DC
Katie	Mayer	Austin, TX
Stephanie	Mazariegos	Houston, TX
John	Mazzu	Houston, TX
Karen	Mazzu	Houston, TX
Sean	McBeath	Seattle, WA
Mary	McCall	Houston
Joanne	McCay	Hempstead, Texas
Thomas	McCay	Austin, TX
Emily	McClendon	Spring, TX
Malcolm	McCollum	South Bend, IN
Meredith	McCree	Blacksburg, VA

Mary	McDonald	Portola Valley CA
Laura	McElfresh	Oklahoma City, OK
Asher	McGuffin	Houston, TX
Richard	McKay	Pearland, TX
Joseph	McKeel	Houston, TX
David	McMahon	Houston, TX
Melissa	Meadows	Houston, TX
James	Medford	Houston, TX
Ramon	Medina	Houston, TX
Daniel	Mee	Austin, TX
Daniel	Mejia	Houston, TX
Kerry	Melonson	Houston, TX
Rachel	Melton Farley	Newcastle, Australia
Mason	Mercer	Houston, TX
Andrea	Merola	Houston, TX
Trent	Messec	Tokyo, Japan
Sara	Metzgar	Houston, TX
Eileen	Meyer	Houston, TX
Stephanie	Meyers	Palm Bay, FL
Steven	Michael	Champaign, IL
Bill	Michel	Mountain View, CA
Christian	Milam	Houston, TX
Chad	Miller	Houston, TX
John	Miller	Houston, TX
Jordan	Miller	Philadelphia, PA
Jae	Mills	Houston, TX
Evan	Mintz	Houston, TX
Randy	Mitchell	Houston, TX
Steven	Moen	Houston, TX
Kenna	Moncur	Houston, TX
Theodore	Moore	Galveston, TX
Marcos	Moreno	Houston, TX
Ayn	Morgan	Houston, TX
Claire	Morice	Houston, TX
Leo	Morovich	Sugarland, TX
Barry	Morris	Houston, TX
Sarah	Morris	Houston, TX
Janet	Morrison	Clear Lake, TX
Richard	Morse	San Francisco, CA
Kendall	Moseley	Baltimore, MD
Rosy	Mota	Houston, TX
Keith	Moy	Katy, TX
Bradley	Munoz	Houston, TX
Ernest	Mueller	Round Rock, TX
Joe	Mullally	Colorado Springs, CO

matthew	muller	Houston, TX
Rahman	Murphy	Houston, TX
Joe	Muscara	Houston, TX
George	Myers	Northampton, MA
Kungumara	Nachimuthu	Houston, TX
Devin	Naquin	San Francisco, CA
Price	Naquin	Pearland, TX
Audrey	Nath	Houston, TX
rachel	nation	Austin, TX
Paul	Nelson	Houston, TX
Andrea	Nerbonne	Houston, TX
Stephanie	Neverdowski	Katy, TX
Fifile	Nguyen	Pasadena
Keith	Nickerson	Houston, TX
Patricia	Nicoll	San Antonio, TX
Summer	Nijjer	Houston, TX
Elinor	Nissley	Los Angeles, CA
Todd	Nix	Austin, TX
Heather	Nodler	Houston, TX
Ingrid	Norbergs	Houston, TX
Nancy	Novotny	Houston, TX
David	Nowak	Chicago, IL
Peter	Nubile	Houston, TX
Christopher	Nunu	Houston, TX
Michael	O'Connor	Houston, TX
Sarah	Oldham	Tyler, TX
Karen	Olds	Houston, TX
Heather	Olson	Houston, TX
Laura	Orosco	Atlanta, GA
Josef	Ortiz	Galveston, TX
Jeff	Ostergren	New Haven, CT
Robert	Pabst	Bellaire, TX
Chris	Pando	Houston, TX
A	Panopio	San Francisco, CA
Anne	Papakonstantinou	Houston, TX
Tobias	Paprotta	Flanders, NJ
Lakshmy	Parameswaran	Missouri City, TX
P.G.	Parameswaran	Missouri City, TX
Travis	Pastore	Manhattan, NY
Irma	Patrikeeva	Houston, TX
Erika	Patsy	Northampton, MA
Alice	Pavlak	Spring, TX
Andrew	Pearson	Spring, TX
Lisa	Pearson	Houston, TX
Jennifer	Pellowski	Storrs, CT
Lauren	Pemberton	Houston, TX

Bennett	Pepi	Houston, TX
Rudy	Perez	Houston, TX
Paula	Perry	Boise, ID
Arnold	Peters	Houston, TX
Nicholas	Phillips	Houston, TX
Stephen	Phillips	Woodinville, WA
Brian	Pietruszewski	San Antonio, TX
Selina	Pishori	Houston, TX
Derek	Pistoll	Houston, TX
Martha	Pokorny	Katy, TX
Robert	Pomplun	Baltimore, MD
Daniel	Pond	Portland, OR
Michael	Powell	Los Angeles, CA
Patrick	Prein	Montgomery
Amy	Price	Austin, TX
Daniel	Price	Houston, TX
George	Price	Kingwood, TX
William	Price	Houston, TX
Anna	Prischmann	Fargo, ND
Conor	Prischmann	Oakland, CA
Lloyd	Prischmann	Fargo, ND
Zoe	Quezada	Spring, TX
Sharon	Quickchange	Turners Falls, MA
Antonio	Quintanilla	Houston, TX
Miguel	Quirch III	Richmond, TX
Shina	Rae	Houston, TX
James	Rains	Houston, TX
Nik	Raju	Cincinnati, OH
Amber	Raley	Hartselle, AL
Neidy	Ramos	Houston, TX
Jay	Rascoe	Houston, TX
Shane	Rector	Houston, TX
Albert	Reger	Houston, TX
Amy	Reid	Houston, TX
Patricia	Restrepo	Houston, TX
Brent	Revis	New York, NY
Anne	Rice	Houston, TX
Clare	Richards	Houston, TX
Mathias	Ricken	Houston, TX
Debbie	Riddle	Houston, TX
Prentiss	Riddle	Austin, TX
Joshua	Riffel	Pearland, TX
Abby	Rivera	Houston, TX
Hermes	Rivera	Houston, TX
Cody	Roberge	Moosup, CT
Caroline	Roberts	Cambridge, MA

Douglas	Robertson	Houston, TX
Carlos	Rodriguez	League City, TX
Xochil	Rodriguez	San Antonio, TX
Julie	Rogers	Houston, TX
Randi	Rogers	Tomball, TX
Brittany	Rohrman	Houston, TX
Guy	Rollins	Wimberley, TX
Cindy	Roman	Houston, TX
Marcus	Roman	Seattle, WA
Sophia	Roosth	Cambridge, MA
Davers	Rosales	Houston, TX
Tim	Rose	Houston, TX
Martha	Ross	Houston, TX
Erin	Rouse	Houston, TX
Jeff	Rouze	Houston, TX
James	Rozell	Tyler, TX
Keith	Rozendal, PhD	San Jose, CA
Tyler	Rudick	Houston
Adriana	Rusinek	Belfast, UK
Nick	Ruso	Amherst, MA
Sarah	Rutledge	Houston, TX
John	Safley	Houston, TX
Kevin	Sample	Austin, TX
Heidi	Sanchez	The Woodlands, TX
Jose	Sanchez	Houston TX
Carol	Sandin	Houston, TX
Kirun	Sankaran	Columbus, OH
Daniel	Santavicca	New Haven, CT
Srikanth	Sastry	College Station, TX
Christopher	Saunders	Houston, TX
Sarah	Savage	Houston, TX
Claire	Saxton	Chevy Chase, MD
Randal	Scamardo	C��diz, Spain
Daniel	Schacht	Houston, TX
Chris	Schick	Dallas, TX
Maury	Schlossman	Katy, TX
Veronique	Schlumberger	Houston, TX
Christopher	Schneider	Katy, TX
Samuel	Schnuer	Houston, TX
Leslie	Schoppe	Conroe, TX
Carol	Schroeder	Houston TX
Krystal	Schroeder	Pinehurst, TX
carol	scott	Bellaire, TX
Mel	Scott	Pasadena, TX
Nancy	Scott	Marietta, GA
Sharon	Scott	Louisville, Kentucky

Lytle	Seibert	Houston, TX
Andy	Self	Houston, TX
Monica	Self	Houston, TX
Marc	Sennewald	Houston, TX
Eric	Senske	Rosenberg, Tx
Betty	Seto	Berkeley, CA
Peenesh	Shah	Philadelphia, PA
Patrick	Sharp	The Woodlands, TX
Jonah	Shaver	Bordeaux, France
Austin	Shea	Storrs, CT
Ray	Shea	Austin, TX
Amber	Sheehan	Houston, TX
Suzie	Sheldon	Huntsville, TX
Kathy	Sheridan	Kansas City, KS
Ashley	Sherwood	Austin, TX
Jamie	Shorey	Raleigh, NC
Gerri	Short	Houston, TX
Raghav	Shroff	Houston, TX
Nathan	Shuffle	Houston, TX
Elizabeth	Shulman	Houston, TX
Glenn	Siegel	Amherst , MA
Alexander	Sigman	San Francisco, CA
Steven	Silverstein	Brooklyn, NY
Lindsey	Simard	Bellaire, TX
Tessa	Simonds	Florence, MA
Andrew	Sinclair	Houston, TX
Derek	Sinquefield	The Woodlands, TX
Joshua	Skar	Houston, TX
Natalie	Slaughter	Houston, TX
Lloyd	Slevc	Houston, TX
Cynthia	Smith	Houston, TX
Edward	Smith	Friendswood, TX
Gregory	Smith	Houston, TX
jeff	smith	Houston, TX
Jeremy	Smith	Holyoke, MA
Margaret	Smith	New York, NY
Royal	Smith	Houston, TX
Shannon	Smith	Spring, TX
Sarah	Snyder	Houston, TX
Elliott	SoRelle	Houston, TX
John	Sorte	Bedford Corners, NY
Christopher	Sowa	Austin, TX
Christopher	Spadone	Meyerland
Mary Helen	Specht	Austin, TX
Jack	Spinks	Houston, TX
Lisa	Spiro	Houston, TX

Julia	Stadler	Portland, OR
Todd	Stadler	Portland, OR
Adam	Stanley	Highlands, TX
Jeff	Stebblea	Greenfield, MA
Jennifer	Steele	San Antonio, TX
Jill	Steinberg	Houston, TX
Hannah	Steiner	Pearland, TX
Kent	Stevens	Houston, TX
Karl	Stewart	Houston, TX
Robert	Stewart	Oakland, CA
Shawn	Stewart	Richardson, TX
Ryan	Stickney	Boston, MA
Marie	Stitt	San Francisco, CA
David	Stivers	San Diego, CA
Kristjan	Stone	Pasadena, CA
William	Stone	Bellaire, TX
Jessica	Streets	Houston, TX
Tish	Stringer	Houston, TX
Charles	Stroberg	Montgomery, TX
Sarah	Struthers	Galveston, TX
Cynthia	Studenko	Houston, TX
Robert	Stungis	Houston, TX
James	Sullivan	Houston, TX
Ryan	Supak	Houston, TX
Sandheep	Surendran	San Francisco, CA
Katy	Swan	Pearland, TX
Daniel	Swint	Westwood Hills, KS
Kelly	Switzer	Houston, TX
Kevin	Sykes	Austin, TX
Gerry	Syler	Houston, TX
Carly	Talamantes	Rosenberg, TX
Mariel	Tam-Ray	Denton, TX
Bill	Tanner	Houston, TX
Tamara	Tardy	Houston, TX
Noah	Teichmiller	Houston, TX
John	Tepper	Dallas, TX
Andrea	Terrill	Houston, TX
Alexandria	Tessier	Houston, TX
Kradak	Thomas	Potomac, MD
Lauren	Thomas	Houston, TX
Elizabeth	Thomps	Austin, TX
Paul	Thompson	Pittsburgh, PA
Shawnae	Thompson	Storrs, CT
Emily	Threlkeld	Houston, TX
Kelly	Tice	Houston, TX
Salvador	Toledo	Spring, TX



**Friends of KTRU**  
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Kristian	Torres	Houston TX
Naomi	Torres	Berkeley, CA
Cristina	Tortarolo	Houston, TX
Petros	Tratskas	London, UK
Benjamin	Treckman	Portland, OR
Robert	Tucci	Houston, TX
Michael	Tuckman	New York, NY
Dave	Tupper	Houston, TX
Donald	Turrentine	Houston, TX
Bryn	Tustin	Houston, TX
Sharon	Tuttle	Arcata, CA
John	Tyska	Houston, TX
Kelly	Ulcak	Houston, TX
Walter	Underwood	Palo Alto, CA
donald	usher	Houston, TX
SHERRY	VACCARO	HOUSTON, TX
Chris	Valdez	Houston, TX
James	Vance	Circleville, TX
Anthony	Vareha	Houston, TX
Kayla	Vaughan	Austin, TX
Lauren	Villarreal	League City, TX
Brian	Vincent	Houston, TX
Janelle	Visentin	Houston, TX
Deirdre	Voldseth	Moorhead MN
Emma	Votapek	Tucson, AZ
Sarah	Wacasey	Friendswood, TX
Nell	Wackwitz	New Braunfels, TX
Jennifer	Waits	San Francisco, CA
Jessica	Waldrop	Austin, TX
Bridgette	Walker	Pasadena, TX
Scheleen	Walker	Austin, TX
Robert Atkins	Walker, Ph.D.	Austin, TX
Connor	Walsh	Houston, TX
Justin	Walsh	Baton Rouge, LA
spencer	walsh	Richmond, TX
Kevin	Walter	Austin TX
Charlie	Walton	Houston. TX
Kevin	Wambold	Missouri City, TX
Agnes	Wang	Durham, NC
Ann	Wang	Pittsburgh, PA
Marvin	Ward	Houston, TX
Jacob	Warren	The Woodlands, TX
Sandra	Wasson	Oakland, CA
William	Watson	Eugene, OR
Robert	Way	Houston, TX
David	Webster	Houston, TX

Scott	Weed	Houston Heights, TX
Iris	Weeden	Houston, TX
Mary	Weichel	Houston, TX
Allison	Wells	Houston, TX
Barry	West	Conroe, TX
Ashley	Westbrook	Spring, TX
Matt	Weston	Albany, NY
Willie	Whaley	The Woodlands, TX
Madison	Whitaker	Houston, TX
Kevin	White	Houston, TX
Kyle	White	Houston, TX
Logan	White	Houston, TX
David	Wiegel	Houston, TX
Anna	Wilde	Houston, TX
Joe	Wilkerson	Houston, TX
Donny	Wilkins	Disentis, Switzerland
Matt	Wilkins	Houston, TX
Thomas	Willcutts	Hartford, CT
Adam	Williams	Mishawaka, IN
Alicia	Williams	Houston, TX
Austin	Williams	Houston, TX
Bailey	Williams	New York, NY
Charles	Williams	Houston, TX
Eric	Williams	Omaha, NE
Mark	Williams	Houston, TX
Kathleen	Williamson	Houston, TX
Michael	Williamson	Houston, TX
Edith	Wilson	Houston, TX
Russell	Wing	Spring, TX
Joshua	Wise	Tomball, TX
Roger	Wise	Westcliffe, CO
Jon	Wishlinski	Spring, TX
Barry	Witt	Houston, TX
Julie	Wroble	Seattle, WA
John	Yabraian	Houston, TX
Joseph	Yang	Houston, TX
Dinara	Yangirova	Houston, TX
Gregory	Yerke	Houston, TX
Gary	Yokie	Houston, TX
Jeffery	Young	Houston, TX
Kenneth	Young	New York, NY
Andrea	Yrigoyen	Houston, TX
Daniel	Yuan	Houston TX
Kelsey	Yule	Houston, TX
Jacob	Yunis	Houston, TX

Larry	Yurdin	Seattle (formerly Houston)
Brigitte	Zabak	Houston, TX
Chris	Zakes	Austin TX
Wenjing	Zhang	Bellaire, TX
Nathan	Zorndorf	San Luis obispo, CA
Mark	Zurawski	Houston TX
Mike	Zylberman	Houston, TX

## **EXHIBIT C**



Friends of KTRU <friends.of.ktru@gmail.com>

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## KTRU matters to me - Concerning files BALED-20101029ACX and BALFT-20101029ACY

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Rodriguez, Carlos <Carlos.Rodriguez@puffer.com>

Thu, Nov 4, 2010 at 5:00 PM

To: Julius.Genachowski@fcc.gov, Sherrese.Smith@fcc.gov, Michael.Copps@fcc.gov, Joshua.Cinelli@fcc.gov, Robert.McDowell@fcc.gov, Rosemary.Harold@fcc.gov, Mignon.Clyburn@fcc.gov, Dave.Grimaldi@fcc.gov, MeredithAttwell.Baker@fcc.gov, Krista.Witanowski@fcc.gov  
Cc: Friends.of.KTRU@gmail.com

Good Afternoon all.

KTRU is a wonderful radio station that plays a real, diverse, variety of music and sound. You can turn on any other radio station and hear the same thing over and over again. The same classic rock song, the same country song, the same rap song, etc.. etc...

The fact that this station may turn into an all classical station really is appalling to me. There is already a classical music station, KUHF 88.7 here in Houston.

When I moved to the Houston area in 2002, I flipped thru the radio stations here and found this one and they were playing music that I enjoy in my personal collection as well as sounds I have never heard before. That's what I believe radio should be a good variety, not recycled tunes. I thought, wow, Houston really is a unique town to even have something like this on the air. From what I read about KTRU, it's been on the air for over 40 years! That's incredible!

I believe that it's very important for the Houston area to keep a radio station like this that's diverse as its citizens.

With today's technology, you can have hundreds of radio stations online but it doesn't compare to the experience of driving in your car and listening to the radio or even sitting at home or in the garage. It's easily more accessible than having to have a mobile device or computer to listen to the radio.

Please reconsider the transfer of the KTRU License over to the University of Houston to create another nationally syndicated radio station.

With its deep history and grass roots approach, this really is one of the last local, independent, unique radio stations around and I would hate for the city of Houston to lose that.

Thank you very much for your time and hope KTRU can be saved for the city of Houston!

Have a great day.

---

**Carlos Rodriguez**

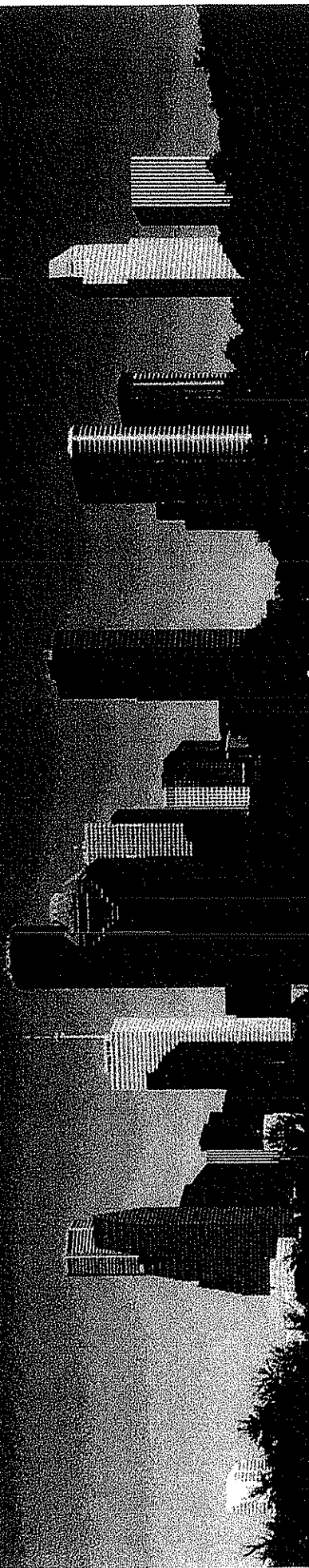
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## **EXHIBIT D**

houston public radio

# The University of Houston and KUHF

*Increasing Outreach to the Community  
with Two Public Radio Stations*



UNIVERSITY of **HOUSTON**



## Proposal to Purchase KTRU-FM to provide the University of Houston and KUHF

with multiple channels to serve the community:

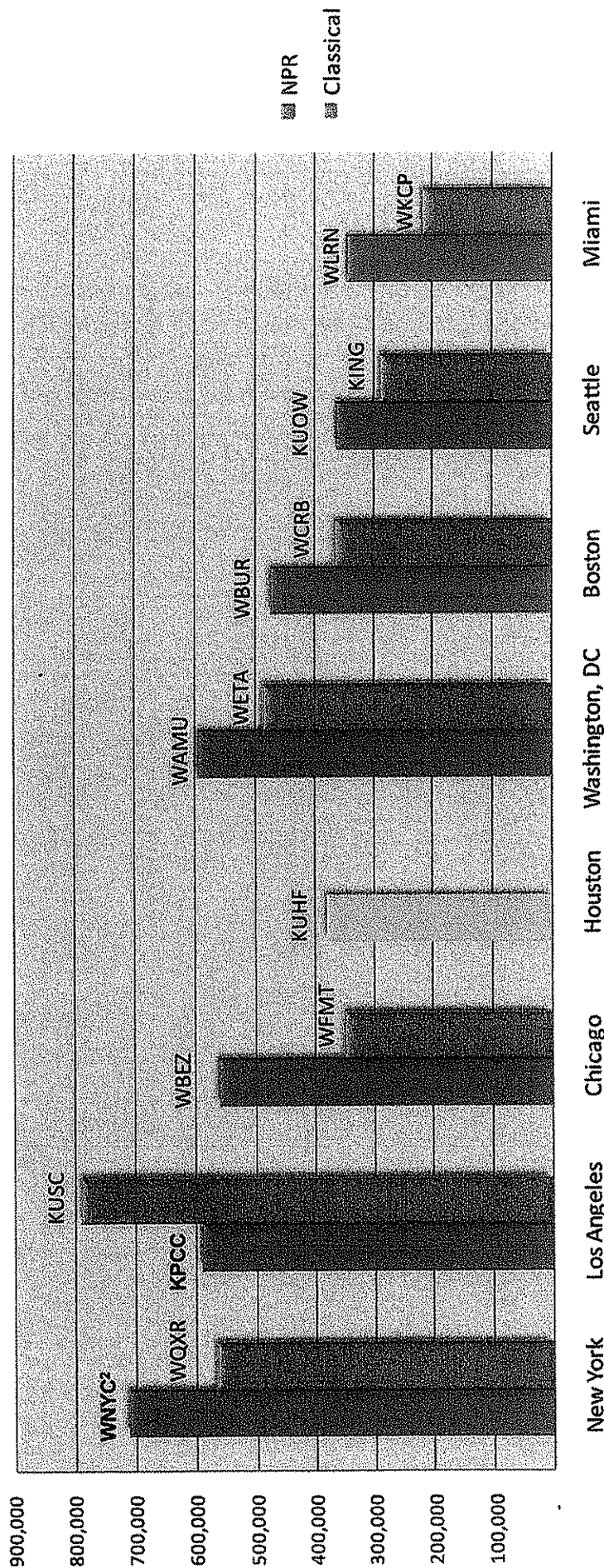
### *the case for two public radio stations serving Houston*

- Only two of the top 25 markets do not have a full-time NPR news public radio station (Houston and Pittsburgh)
- Only two of the top 25 markets do not have a full-time classical music public radio station (Houston and San Diego)
- Houston is the only top 10 city that has *neither* a full-time NPR news *nor* a full-time classical station.
- Acquisition of the second FM station will greatly increase community outreach, with a projected weekly audience of the two stations of 500,000 listeners – roughly 10% of Houston metro population.

## two formats build audience in major markets

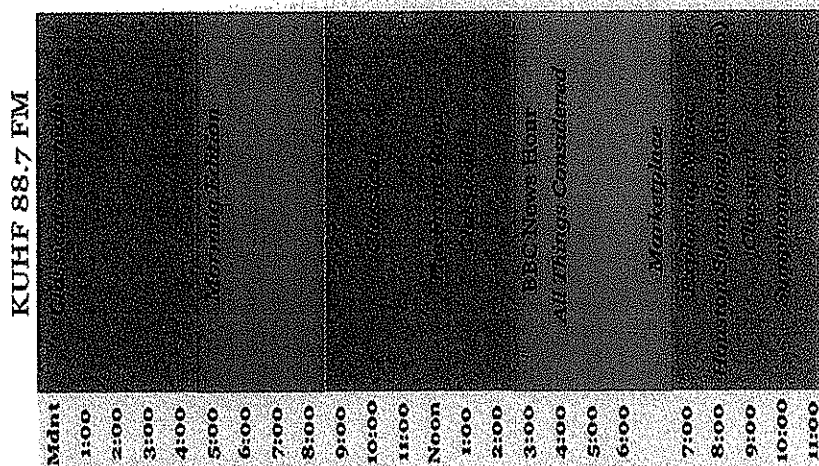
- Weekly listening to separate news and classical stations in select major markets, with KUHF mixed format for comparison

Full Time NPR & Full Time Classical CUME<sup>1</sup>

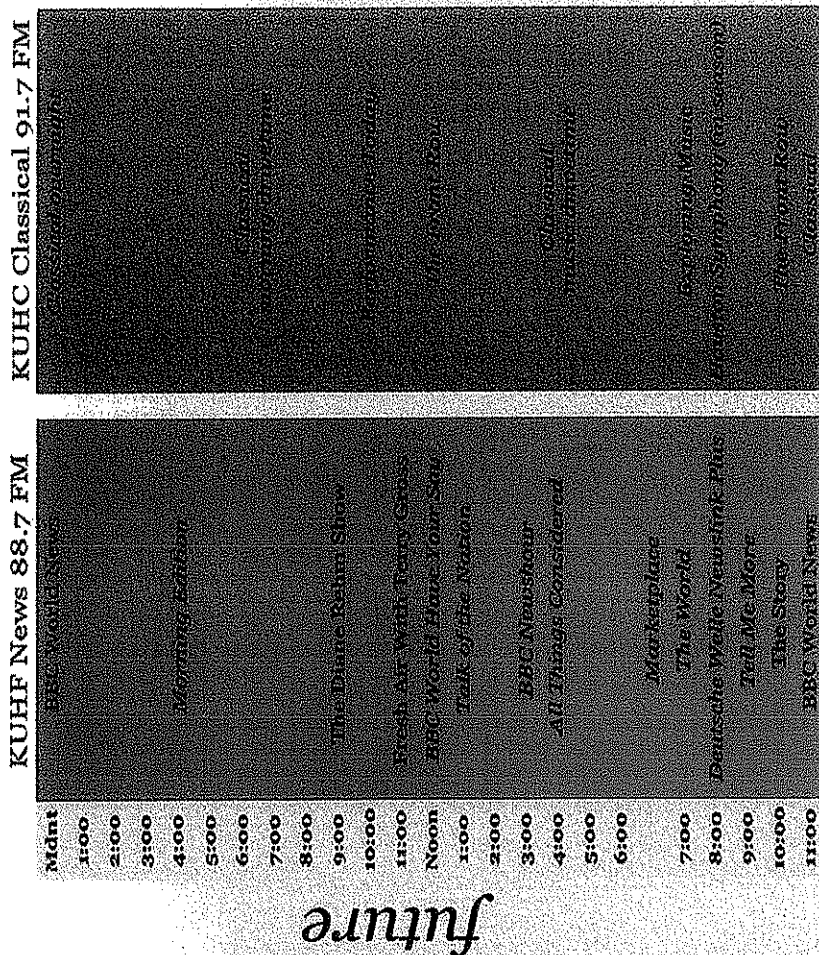


<sup>1</sup>Fall 2009 PPM CUME, Arbitron

## Two formats in Houston, with sample program grids and projected audience

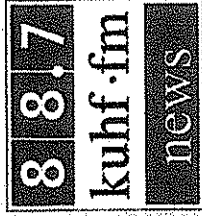


audience per week: KUH: 390,000



**KUHF: 500,000 (projected) KUHC: 100,000 (projected)**





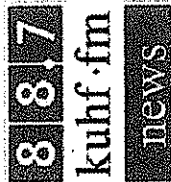
houston public radio

alignment of missions

## **University of Houston System Goal #3: *Community Advancement***

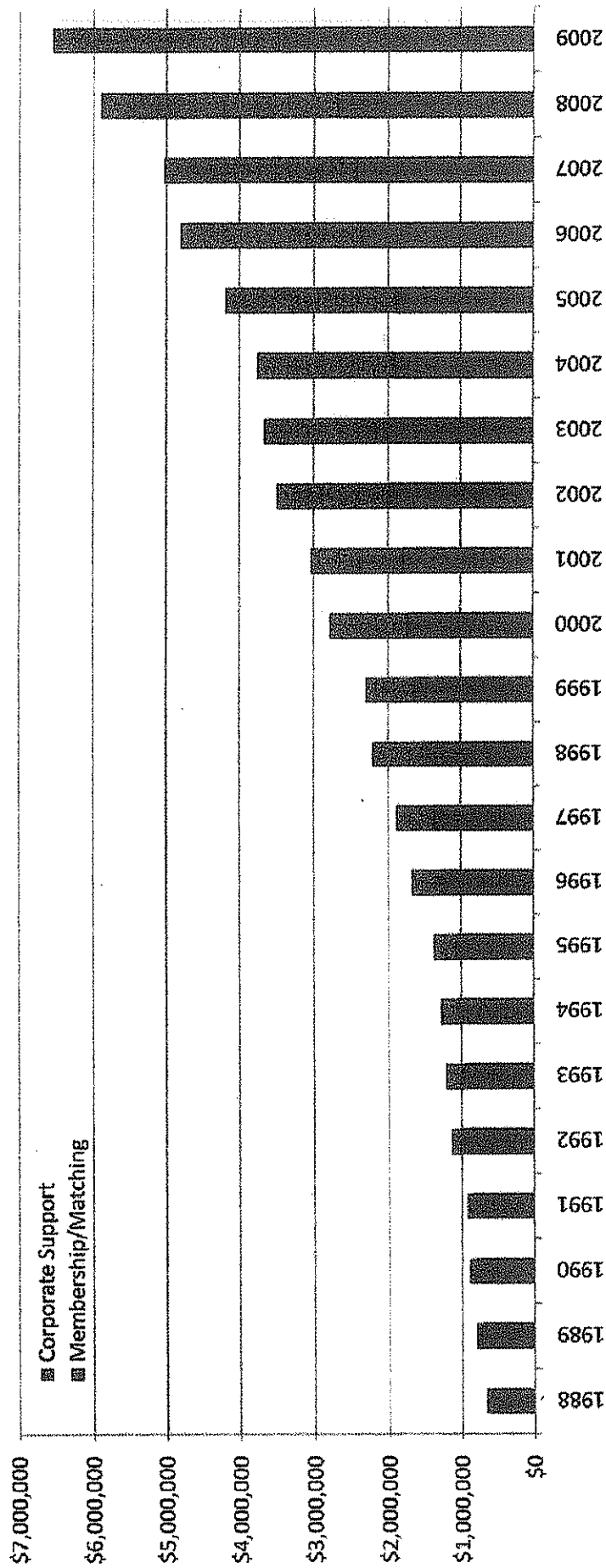
### **President Renu Khator's Vision for UH #3: *The UH Arts Initiative***

#### **The Role of KUHF Houston Public Radio**



# KUHF Houston Public Radio

22 Years of Financial Support from the Houston Community  
\$59.7 Million



## year on year revenue and expenditures

	KUHF	KUHF	KUHC	both stations	percentage change projected FY2010 to FY2011 total
	projected FY2010	News FY2011	Classical FY2011	(total) FY2011	
<b>REVENUES:</b>					
Individual Contributions	3,650,000	3,590,824	502,211	4,093,035	12.14%
Underwriting	3,150,000	3,641,508	234,936	3,876,444	23.06%
Corporation for Public Broadcasting	586,000	550,000		550,000	-6.14%
Special Events	617,000	300,000	200,000	500,000	-18.96%
Other Revenue	100,000	114,000	10,000	124,000	24.00%
Other Grants	100,000	100,000	50,000	150,000	50.00%
<b>KUHF Revenue</b>	<b>8,203,000</b>	<b>8,296,332</b>	<b>997,147</b>	<b>9,293,479</b>	<b>13.29%</b>

### EXPENDITURES:

Programming & Production	3,799,996	3,002,999	1,062,517	4,065,516	6.99%
Broadcasting, Engineering	891,933	750,834	236,229	987,063	10.67%
Interactive media & Outreach	457,215	232,274	232,274	464,548	1.60%
Fundraising/Membership	1,223,688	1,109,498	195,794	1,305,292	6.67%
Underwriting/Grant Writing	524,130	575,200	101,506	676,706	29.11%
Mgmt General	802,323	746,232	130,180	876,412	9.23%
Loan Payment		504,390		504,390	--
Capital Equipment		200,000		200,000	--
Net Surplus	503,715	213,552		213,552	-57.60%
<b>KUHF Expenditures</b>	<b>8,203,000</b>	<b>7,334,979</b>	<b>1,958,500</b>	<b>9,293,479</b>	<b>13.29%</b>



## Financial Considerations

- Purchase price significantly less than appraised market value
- Funds for purchase raised by KUHf



## business model

- ❑ In collaboration with UH and KUHF, Public Radio Capital prepared a comprehensive 10-year business model contemplating the acquisition of KTRU.
- ❑ The financing structure is a 20-year tax-exempt bond amortized over 25 years at 5%. This model does not assume any internal funding used towards the acquisition price.

## **EXHIBIT E**

## Salazar, Guicela

---

**From:** Bonnin, Richard J  
**Sent:** Wednesday, August 11, 2010 10:58 AM  
**To:** 'Linda Thrane'  
**Subject:** RE: one more thing  
**Attachments:** image002.gif; image003.jpg

I don't think her point of view will gain any traction.

Her questions were focused on the specific benefits to UH of operating two public radio stations. Her premise was that we should be able to get those same benefits and services from KUHF. She also noted that KUHF currently devotes only a small fraction of its programming to UH news and events.



**Richard Bonnin**

Director of Media Relations  
Office of University Communication  
129 E. Cullen Administration Building  
o: 713.743.8155

[rbonnin@uh.edu](mailto:rbonnin@uh.edu)

UH News on Facebook: <http://tinyurl.com/6qw9ht>

UH News on Twitter: [http://twitter.com/UH\\_News](http://twitter.com/UH_News)

**From:** Linda Thrane [<mailto:thrane@rice.edu>]  
**Sent:** Wednesday, August 11, 2010 10:46 AM  
**To:** Bonnin, Richard J  
**Subject:** RE: one more thing

Do you expect that regent to try to recruit others to his point of view ahead of the full board meeting? Can you give me a sense of what the questions were? Thanks, Linda

---

**From:** Bonnin, Richard J [<mailto:rjbonnin@Central.UH.EDU>]  
**Sent:** Wednesday, August 11, 2010 10:44 AM  
**To:** 'thrane@rice.edu'  
**Subject:** one more thing

The vote was not unanimous.  
One of our regents opposed the proposal and asked very pointed and probing questions.

It's fortunate that no media attended.



**Richard Bonnin**

Director of Media Relations  
Office of University Communication  
129 E. Cullen Administration Building  
o: 713.743.8155

[rbonnin@uh.edu](mailto:rbonnin@uh.edu)

*UH News on Facebook:* <http://tinyurl.com/6qw9ht>

*UH News on Twitter:* [http://twitter.com/UH\\_News](http://twitter.com/UH_News)

## **EXHIBIT F**

**From:** "[president@rice.edu](mailto:president@rice.edu)" <[president@rice.edu](mailto:president@rice.edu)>  
**Date:** August 17, 2010 8:17:19 AM CDT  
**To:** [jjy3@rice.edu](mailto:jjy3@rice.edu)  
**Subject:** News About KTRU  
**Reply-To:** [bounce@rice.edu](mailto:bounce@rice.edu)

<!-- @page { margin: 0.79in } P { margin-bottom: 0.08in } A:link { color: #0000ff } -->

Date: August 17, 2010

To: Rice students

I am writing to let you know that we have reached a preliminary agreement with the University of Houston System to purchase Rice's 50,000-watt radio frequency and broadcast tower for use by Houston's local public broadcasting station, KUHF. Rice's station, KTRU, will continue to operate a Web-based radio station at [www.ktru.org](http://www.ktru.org).

We made the decision to sell the radio tower and frequency for several reasons. The economic downturn which began two years ago has forced Rice -- and virtually all colleges and universities across the country -- to make hard choices to prioritize spending and maximize the use of our resources. As we have implemented necessary budget cuts over the past two years, our goal has been to focus on our core missions of teaching and research and, to the extent possible, to avoid layoffs. We have constantly asked, and will continue to ask, how we can best apply our resources to achieve our aspirations.

The KTRU tower stood out as one of the university's most underutilized resources. In an era when Internet radio is rapidly growing in popularity, it became apparent that the 50,000-watt radio station that broadcasts KTRU's programming is a valuable but

vastly underutilized resource that is not essential to providing our students the wide range of opportunities they need, including media opportunities.

A recent Arbitron report showed that KTRU's audience was so small that it did not even register in the ratings. Most college radio stations around the country have less than 5,000 watts, and since the late '90s a number of them have added the online format and moved to online only.

At the same time, KUHF, Houston's National Public Radio station, was looking for a way to provide both 24-hour all-news and all-classical music programming. Houston is the only major city in the country that lacks these dual services. To fill that gap, the University of Houston System expressed an interest in purchasing Rice's FM frequency and tower, and we eventually agreed on a price of \$9.5 million.

Some of the sale proceeds will go toward the cost of the new East Servery, which will be adjacent to Lovett and Will Rice residential colleges on the south campus. This will both provide one of the most desired improvements to the residential experience in the south colleges, as well as help us achieve our overall capital plan approved by our board of trustees. We also plan to form a committee including students to provide input on other uses of the proceeds, such as for scholarships, improvements to recreational facilities and enhancements to the online station and other student media facilities and programs.

KTRU will continue to serve its campus and external audience with student-managed programming via [www.ktru.org](http://www.ktru.org). The Internet already brings KTRU to national and global listeners, and there are

opportunities for that audience to grow. Will Robedee, the station's first general manager, will continue in that role.

KUHF plans to use the additional frequency to broadcast 24-hour classical music and fine arts programming on 91.7 FM; 88.7 FM will become its all-news channel. KUHF will raise funds to pay for the acquisition.

The sale must be approved by the UH Board of Regents at its meeting today, and then by the Federal Communications Commission.

We realize that some loyal fans of KTRU may lament these changes. It is important to remember that KTRU is not going away. Fans can still find KTRU's unique blend of music and programming online. Meanwhile, a greater number of students can benefit from the improvements in campus facilities and offerings made possible by the sale of the broadcast tower.

For more information about the KTRU plans, see the story and FAQs on [rice.edu](http://rice.edu).

I wish you great success in your studies this year.

Warm regards,

David W. Leebron

President, Rice University



## **EXHIBIT G**

**Declaration of Rachel Dornhelm**

1. My name is Rachel Dornhelm. I am a resident of Oakland, California. I was an undergraduate student at William Marsh Rice University from 1993 to 1997.
2. On my first day back at Rice my senior year I went to KTRU and asked the student station manager about doing my own public affairs program. The station manager immediately agreed, and, as a result, I produced and broadcast a series of public affairs programs during 1996 and 1997.
3. KTRU offered me a gateway to interact with the rich culture of Houston. While at KTRU, my student colleagues and I produced a series about immigration in Houston. In one story we interviewed Maria Jimenez in her East End office, a local activist at the time, who went on to become a national immigration reform leader and head of an immigration institute for the American Friends Service Committee. We later went to Houston's largest day labor center and conducted bilingual interviews with laborers.
4. We also interviewed seminal musicians from Houston including Lydia Mendoza. In fact, recently, National Public Radio (NPR) profiled the 50 most notable singers of the past century and ran a story about Ms. Mendoza. Since she passed away in 2007, the NPR reporter was only able to interview her friends. KTRU, however, conducted a long interview with her in her living room in the Houston Heights in the 1997.
5. The hands-on experience I gained at student-run KTRU also launched me into my current career as a public radio reporter.
6. I have worked as a reporter and producer in public radio since 2001. My work airs on the national newsmagazines All Things Considered and Morning Edition, as well as the business program Marketplace. I am also a frequent reporter for local and state programs at KQED in San Francisco. I have won awards for my reporting from both local and national press associations.
7. At KTRU I handled all aspects of creating the public affairs programs including developing the story ideas, conducting interviews, writing scripts, editing the program and broadcasting the final product. This experience went far beyond a prior experience I had as an intern at a public radio station.

I declare under the law of the United States that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed on this 2 day of December, 2010.

Signature:   
Rachel Dornhelm

## **EXHIBIT H**



Friends of KTRU <friends.of.ktru@gmail.com>

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## KTRU matters to me - Concerning files BALED-20101029ACX and BALFT-20101029ACY

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Christopher Hart <christopher@javaharts.com>

Thu, Nov 4, 2010 at 6:11 PM

To: Julius.Genachowski@fcc.gov, Sherrese.Smith@fcc.gov, Michael.Copps@fcc.gov, Joshua.Cinelli@fcc.gov, Robert.McDowell@fcc.gov, Rosemary.Harold@fcc.gov, Mignon.Clyburn@fcc.gov, Dave.Grimaldi@fcc.gov, MeredithAttwell.Baker@fcc.gov, Krista.Witanowski@fcc.gov, Friends.of.KTRU@gmail.com

I wish to record my protest against the proposed re-assignment of KTRU's 91.7 FM license in Houston.

I frequently listen to KUHF 88.7, the classical broadcast station in Houston that hopes to acquire KTRU's license. I am, in fact, a regular contributor to KUHF's funding campaigns. But I also find great pleasure tuning into the eclectic programming on Rice University's KTRU.

I feel the current KTRU serves a unique and very valuable purpose on the airwaves in Houston, and eliminating this refreshing alternative would be a disservice to the listening public. Several major cities have classical broadcast stations and NPR affiliates; startlingly few have such a consistently original and creative resource as KTRU.

Please note that I most frequently listen to the radio in my car, so the proposition that a modified KTRU could live on via internet streaming is of no value to me.

KTRU is more than an endangered species, it is very nearly the last of its kind.

I urge the FCC to let KTRU live on.

~ Christopher Hart  
4615 McKinney St.  
Houston, TX 77023  
832.860.4496

## **EXHIBIT I**



Friends of KTRU &lt;friends.of.ktru@gmail.com&gt;

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**BALED-20101029ACX and BALFT-20101029ACY**

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**Stephanie Hoogerwerf <bluemiaka@gmail.com>****Sat, Nov 6, 2010 at 11:12 AM**

To: Julius.Genachowski@fcc.gov, Sherrese.Smith@fcc.gov, Michael.Copps@fcc.gov, Joshua.Cinelli@fcc.gov, Robert.McDowell@fcc.gov, Rosemary.Harold@fcc.gov, Mignon.Clyburn@fcc.gov, Dave.Grimaldi@fcc.gov, MeredithAttwell.Baker@fcc.gov, Krista.Witanowski@fcc.gov  
Cc: Friends.of.KTRU@gmail.com

Dear FCC Chairman, Commissioners, and Media Advisors,

Please do not shut down KTRU. My name is Stephanie, and I am a UH alumni member and 26-year Houston-area resident. Over the years, KTRU has become to mean a lot to me.

Houstonians need a station like KTRU. I cannot imagine the long, monotonous drive to work without this radio station. Other stations play the same music over and over again. With KTRU, I never know exactly what I'm going to hear next, and that's great! KTRU's mission is "to educate the station membership, the greater Houston community, and the students of Rice University through its progressive and eclectic programming in the spirit of the station's non-commercial, educational license." Their job is to expose listeners to music and information we can't find on other radio stations.

The greater Houston community and the music world will lose out if KTRU is sold. Houston radio listeners would have less choice, less diversity, and less commitment to local and diverse artists. Artists, record labels, and clubs would no longer have this avenue in the U.S.'s 4th largest city to promote their work.

The internet is not good enough. Forcing KTRU to become an internet-only station would kill one of the last sources of local, independent, diverse programming left on Houston airwaves. Their ability to broadcast is what brings in the underexposed music and information they share with the greater Houston community. Without the FM frequency, bands won't visit the station to play in the studio, and record companies won't send them their new releases.

On the internet, people have to already know about KTRU to listen. But on the radio, people can discover KTRU as they navigate the dial. That's how I discovered it. An internet-only station can't reach an audience as diverse as with an on-air station. Plus, any argument about the internet being enough applies just as well to the classical music station UH is planning to replace KTRU with. As much as I love classical music, I know we don't need that! KUHF provides hours of quality classical music each day. This genre of music is easy for the public to find, whereas KTRU's music is not.

Please consider this request, not just as my request, but as the request of many listeners. Save KTRU.

Thank you for your time,  
Stephanie

--

Stephanie Hoogerwerf  
Piano Teacher  
[bluemiaka@gmail.com](mailto:bluemiaka@gmail.com)

## **EXHIBIT J**





Friends of KTRU <friends.of.ktru@gmail.com>

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## KTRU matters to me - Concerning files BALED-20101029ACX and BALFT-20101029ACY

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Laura Hermer <lhermer@comcast.net>

Fri, Nov 5, 2010 at 5:42 AM

To: Julius.Genachowski@fcc.gov, Sherrese.Smith@fcc.gov, Michael.Copps@fcc.gov, Joshua.Cinelli@fcc.gov, Robert.McDowell@fcc.gov, Rosemary.Harold@fcc.gov, Mignon.Clyburn@fcc.gov, Dave.Grimaldi@fcc.gov, MeredithAttwell.Baker@fcc.gov, Krista.Witanowski@fcc.gov, Friends.of.KTRU@gmail.com

I'm writing to request that the FCC deny Rice University's and the University of Houston's request for an assignment of KTRU's 91.7 FM license.

KTRU offers programming that is unavailable on any other radio station in the Houston area. It is entirely unique, and highly diverse. Its loss would be profound and, from the appearance of the radio landscape in Houston, irreparable.

Houston is replete with large, commercial radio stations with homogenized programming. While I'm a supporter of NPR, what the University of Houston and NPR are planning to do with 91.7 FM is not only undesirable but also duplicative of other offerings we already have in the Houston area.

If KTRU is lost, then, out of the numerous stations we have in Houston, we'll be down to only two other radio stations with primarily non nationally-syndicated programming: KPFT and KAZZ. And neither of these stations play the eclectic diversity of songs that KTRU does.

Please deny the request for assignment of KTRU's 91.7 FM license. KTRU needs to continue on the air in its current crucial, diverse, and eclectic form.

Sincerely,  
Laura Hermer  
Missouri City, Texas

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## **EXHIBIT K**



Friends of KTRU <friends.of.ktru@gmail.com>

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## KTRU matters to me - Concerning files BALED-20101029ACX and BALFT-20101029ACY

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Andrew Boyd <drewmac3@gmail.com>

Fri, Nov 5, 2010 at 6:26 PM

To: Julius.Genachowski@fcc.gov, Sherrese.Smith@fcc.gov, Michael.Copps@fcc.gov, Joshua.Cinelli@fcc.gov, Robert.McDowell@fcc.gov, Rosemary.Harold@fcc.gov, Mignon.Clyburn@fcc.gov, Dave.Grimaldi@fcc.gov, MeredithAttwell.Baker@fcc.gov, Krista.Witanowski@fcc.gov, Friends.of.KTRU@gmail.com

Dear Sir or Madame,

I am writing you to express my opposition to the sale of KTRU 91.7 by Rice University to the University of Houston.

Houston is a large, scattered city full of diversity and texture. I want you to think of a kind of fragile interconnectedness that a radio station such as KTRU provides to Houston and its surrounding communities. In such a large metropolis without many clearly-defined and centrally-located districts or spheres of activity like one might find in New York or other cities, we are trying our best as a community to hold this connection together. Currently, we have a number of very large stations affiliated with much larger parent companies that do little promote a local consciousness. We have very few radio stations that are accessible to the public for their use; that reflect Houston's culture, values and flavor back to the city; that create and sustain a kind of organic local awareness that listeners find in KTRU. This is the fundamental premise of my argument. In this age of large radio and television companies owning stations across markets or multiple stations within their own, local citizens are losing their ability and right to speak to themselves as they so often are spoken to by stations with a different set of priorities and obligations. We are losing the ability to listen to the kind of diverse programming that reflects the diversity of our population. This is a matter of democracy, of community, but most of all the right of cultural self-preservation. KTRU is the means by which students and citizens learn how to engage in dialogue with the community, it is the means by which they may be heard and listen to a broad spectrum of opinions, beliefs and passions. It provides programming not found anywhere else and thereby provides an invaluable and irreplaceable service to the community. We need exposure to the otherwise-unheard, the new and up-and-coming, even the odd in order to broaden our awareness of our community. KTRU fulfills this function like no other radio station. I do not think this sale is in the public interest and I ask you to please help us preserve KTRU as it is today--just the way we like it.

Thank you,  
Andrew Boyd

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## **EXHIBIT L**



Friends of KTRU <friends.of.ktru@gmail.com>

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## KTRU matters to me - Concerning files BALED-20101029ACX and BALFT-20101029ACY

1 message

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**George Langworthy** <g@georgelangworthy.com>  
To: Friends.of.KTRU@gmail.com

Fri, Nov 12, 2010 at 1:31 PM

Dear FCC,

With the consolidation of media taking place in the U.S. it is of the utmost importance that individual outlets exist to address the diverse tastes and concerns of the American public.

KTRU stands as a hallmark institution providing the citizens of Houston with news, music, commentary and community outreach vital to a thriving metropolis with a broad spectrum of racially, politically and economically diverse inhabitants.

Transferring the FM license of KTRU would be a serious blow to the cultural and political base of Houston as well as an indication that the FCC is no longer concerned with allowing diverse populations to have a voice in our broadcast media.

I sincerely hope you will at the very least stop to listen to the widespread outcry in opposition to this transfer - and consider the real factors that underly the sale of this radio station and the ramifications of yet more homogenization toward nationally syndicated programming.

Sincerely,

George Langworthy

--  
cell 323.868.8662  
home 323.568.1662  
[www.vanishingbees.com](http://www.vanishingbees.com)

"The best and most beautiful things in the world  
cannot be seen or even touched,  
they must be felt with the heart."

- Helen Keller

## **EXHIBIT M**

**Declaration of Nicholas Schlossman**

1. My name is Nicholas Schlossman. I am a resident of Katy, Texas. I am an alumnus of William Marsh Rice University, class of 2009. Capitalized terms, to the extent that they are not defined within this Declaration, are to have the meaning ascribed to them in the Friends of KTRU Petition to Deny, to which this Declaration is an exhibit.
2. On October 18, 2010 I visited KUHF and requested that KUHF make a photocopy reproduction of all documents contained within the public inspection file that all noncommercial educational stations are required to keep pursuant to 47 C.F.R. § 73.3527 (the "KUHF Public File"). I was informed by KUHF staff that the station would need a day or two to make the requested copies available to me via a commercial photocopying service.
3. On October 21, 2010, I returned to KUHF to retrieve the photocopies of the KUHF Public File. I was informed that that the photocopies provided to me at that time comprised a full photocopy reproduction of all documents contained within the KUHF Public File.
4. Shortly thereafter, I made the entirety of the KUHF Public File electronically available to Paul, Hastings, Janofsky & Walker LLP ("Paul Hastings"), counsel to Friends of KTRU. The electronic version provided to Paul Hastings is the true, correct and complete version of the KUHF Public File provided to me by KUHF on October 21, 2010.

I declare under the law of the United States that the foregoing statements are true and correct to the best of my knowledge, information and belief.

Executed on this 1st day of December, 2010.

Signature:   
Nicholas Schlossman

# **EXHIBIT N**



**Binetti, Emily S**

---

**From:** Speck, Brian R on behalf of Fraser, Debra J  
**Sent:** Monday, September 13, 2010 3:30 PM  
**To:** Bonnin, Richard J; Binetti, Emily S; Proffitt, John M  
**Subject:** FW: FM 91.7 reception

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**From:** Butler, Katie E [mailto:kbutler@kuhf.org] **On Behalf Of** KUHF Membership  
**Sent:** Monday, September 13, 2010 3:24 PM  
**To:** Fraser, Debra J  
**Subject:** FW: FM 91.7 reception

Member since 2005; currently at the \$50 level.

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**From:** Gayle Born [mailto:gayle@born.org]  
**Sent:** Friday, September 10, 2010 7:21 PM  
**To:** membership@kuhf.org  
**Subject:** FM 91.7 reception

I am very upset at plans to remove classical music from FM 88.7. In Sugar Land where I live and Rosenberg where I work, I receive absolutely no signal on FM 91.7 in my car or on radios in my house. It is not financially feasible for me to upgrade my car and home radios to HD.

I am bitterly disappointed in your plans for the only classical music station in the greater Houston area, and as a supporting member for many years, I can tell you I will not be contributing funds for a 24/7 news station – the air waves of both radio and TV are already filled with them!

Gayle Born  
Subscriber to KUHF, KUHT, and Houston Grand Opera.

9/13/2010

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**Binetti, Emily S**

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**From:** Speck, Brian R on behalf of Fraser, Debra J  
**Sent:** Wednesday, September 01, 2010 4:10 PM  
**To:** Bonnin, Richard J; Proffitt, John M; Binetti, Emily S  
**Subject:** FW: Changes

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**From:** Butler, Katie E [mailto:kbutler@kuhf.org] **On Behalf Of** KUHF Membership  
**Sent:** Wednesday, September 01, 2010 4:06 PM  
**To:** Fraser, Debra J  
**Subject:** FW: Changes

Member since 1988; currently at \$60 level.

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**From:** Martha Mills [mailto:mb.mills@att.net]  
**Sent:** Saturday, August 28, 2010 12:21 PM  
**To:** membership@kuhf.org  
**Subject:** Changes

Dear KUHF,

Please do not change the classical music and arts news to the KTRU station. We, in west Houston,, receive only static when trying to tune in this station. For many years KUHF broadcast almost entirely classical music. It was wonderful. Gradually you have introduced talk shows, quiz shows and others that are of little interest. When I heard that you were acquiring Rice's station and would only broadcast classical music, I was overjoyed. Then I read today that the classical music will be on the weak Rice station. What a blow for the arts, in particular classical music. If people want just news, quiz shows, talk, talk, talk there are many other stations they can tune in. Please put NPR, etc on the Rice station and leave the Classical music on 88.7. Houston deserves a good, strong classical music station and you are now in a position to deliver one.

Thank you,

Martha Mills

2126 Woodside Dr.  
Houston Texas 77062  
September 7, 2010

KUHF Public Radio

We live in Clear Lake City and listen to KUHF for the classical music. We understand that KUHF is proposing to buy ~~the~~ Rice's radio station, make it full-time classical music, and convert KUHF to full-time NPR. This concerns us because Rice's station does not have acceptable reception in Clear Lake City. This plan could very well leave us with no classical music radio here. Please make sure this does not happen. If it does, we would no longer have any reason to listen to or support KUHF.

Yours truly,

Jim & Ella Lee Stovall

## **EXHIBIT O**



## MEMORANDUM

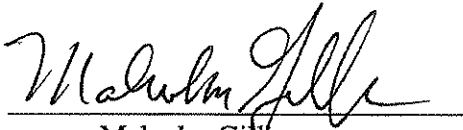
To: Rice Student Association and Student Station Management at KTRU

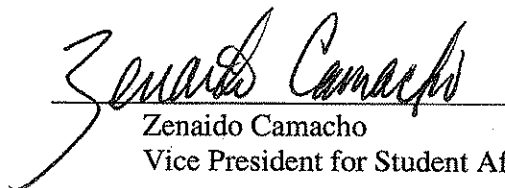
Date: March 22, 2001

Re: KTRU Operating Policy

This memorandum serves to confirm that the new KTRU Operating Policy, a copy of which is attached, will govern station operations in the future. We wish to commend all who worked on this policy, including the principal authors, Ben Horne, Sarah Pitre, and Alexei Angelides, as representatives of KTRU, and Lindsay Botsford, as President of the Student Association.

We all must recognize that KTRU is a radio station broadcasting under a noncommercial educational FCC license held by the University, that KTRU is operated by students on behalf of the entire University community, and that KTRU receives blanket tax and University funding support. Accordingly, the new operating policy addresses and balances these various concerns. We believe that the policy should help to make KTRU more accountable to the students through a station manager elected by the student body, more accountable to the Rice community through a broad-based programming committee, and more accountable to the University administration and trustees with respect to FCC compliance.

  
Malcolm Givis  
President

  
Zenaido Camacho  
Vice President for Student Affairs

## KTRU Operating Policy

KTRU, as a student-run radio station, is accountable to two bodies: the university as holder of the FCC license and the student body. KTRU, with a 50,000 Watt transmitter, serves Rice University and the Houston community as part of the local radio network. By FCC rules, the station must broadcast programming that serves the needs of the community. The city (community) of license is Houston, Texas. This policy acknowledges the Board of Governors' action dated June 12, 1970, delegating to the President the authority to determine station policies and operation. This operating policy will be incorporated into all relevant station policy. Through this operating policy the President delegates his authority as follows.

KTRU DJs must be responsible for their on air conduct and accountable to student station management in accordance with station policy as stated in the KTRU Constitution. In addition, KTRU DJs are accountable to the President of the University for violations of FCC regulations, and to the Assistant Dean for Judicial Affairs for violations of the Rice University Student Code of Conduct.

KTRU must have a General Manager who is a member of the Rice staff and reports to the Vice President for Student Affairs. The General Manager is responsible for ensuring compliance with applicable FCC rules and regulations and advising and supervising student station management regarding operations, all within applicable station policies and guidelines. The GM will also serve as a liaison to the administration of Rice University. Should the GM be in disagreement with the Station Manager regarding station compliance with policies and guidelines, the GM may appeal to the Student Association Senate. A final appeal may be made to the President of the University.

The undergraduate student body of Rice University must elect a Station Manager of KTRU through the SA general elections. The candidates for Station Manager are required to meet qualifications set forth in the SA Bylaws. The remaining internal structure of KTRU shall consist of any office deemed necessary to the operation of the station as determined by the KTRU Constitution and the student volunteers of the station.

Operational programming is to be determined by the student station management within the policy guidelines created by the KTRU Friendly Committee (KFC). Additional programming policy is to be determined by the KFC, which consists of the following voting members: the Station Manager; three undergraduate students (appointed by the SA Senate); three faculty members (nominated by the Faculty Committee on Committees and appointed by the President); one alumni required to have previous KTRU DJ experience (nominated by the President of the Alumni Association and appointed by the President of the University); one staff (appointed by the President); and the following non-voting members: the GSA President, the SA President, the General Manager, and the KTRU Faculty Advisor, who will serve as the non-voting chair of the Committee. A maximum of five additional non-voting student advisors may be appointed by the SA Senate. The

KFC must approve new programming in the spirit of the FCC non-commercial license and the educational mission of the University, and in accordance with the KTRU mission. The KFC must meet at least once a semester.

If students and/or faculty/staff have programming ideas or concerns, they may contact a member of the KFC who must bring it to the attention of the KTRU Faculty Advisor (as Chair of the KFC). The FA will place the concern on the agenda for the next meeting. A recommendation must be approved by at least six members in order to be passed by the KFC. If passed, the KFC resolution must be implemented by the Station Manager in a timely manner, as may be determined by the KFC. If a member of the student body or faculty/staff feels that the recommendation by the KFC does not represent student interest or the spirit of the station's non-commercial license and/or the educational mission of the University, they may appeal to the Student Association Senate. If a member of the student body or faculty/staff feels that a member of the KFC is not carrying out their responsibilities, that person may approach the SA Senate to express their concerns.

## **EXHIBIT P**



Shapiro, Ruth E

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From: Erik Langner [elangner@publicradiocapital.org]  
Sent: Monday, April 05, 2010 2:14 PM  
To: John Proffitt  
Cc: Shapiro, Ruth E; Miller, Margaret; Marc Hand  
Subject: Re: Asset Purchase Agreement

Hi John:

Generally, a buyer will want to accomplish five tasks during the letter of intent period:

1. Negotiate the APA;
2. Secure the necessary financing -- because this transaction is being financed internally, this is not an issue;
3. Prepare the communications strategy, including the press release and talking points;
4. Conduct the physical and legal due diligence on the station;
5. Because there is an interim LMA associated with this deal, KUHF will need to be ready to assume the operation of KTRU. So from a programming and engineering perspective, you will want to put your plan together for a seamless transition. The station can go dark for a few days if need be.

In the event UH still intends to have a third party perform an appraisal on the station and also look over the PRC business model, these will need to be accomplished as well.

Because both parties seem to be on the same page, I think the APA can be fully-negotiated in a matter of two weeks. The communications strategy and the due diligence can also be concluded during that two week time period. And if you are having a new appraisal done and our business model reviewed, that, too, is achievable in a two week time period.

To get to Meg's point because I do not think Rice is going to sell to a different entity, I think this strategy makes sense, and the "exclusivity" period is less important than on other deals. The longer we wait during the term of the LOI, the higher the likelihood that one of the "campus constituencies" causes a problem for Rice, which could disrupt the transaction.

I am happy to discuss this further with you if you would like.

All in all, this is all very positive.

-Erik

Erik Langner  
Director of Acquisitions | Public Radio Capital  
415 235 6923 | [www.publicradiocapital.org](http://www.publicradiocapital.org)

On Apr 5, 2010, at 12:58 PM, John Proffitt wrote:

A good question regarding whether an LOI is needed or not.

## **EXHIBIT Q**

## Shapiro, Ruth E

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**From:** Erik Langner [elangner@publicradiocapital.org]  
**Sent:** Tuesday, May 04, 2010 9:14 AM  
**To:** Shapiro, Ruth E  
**Subject:** Fwd: KTRU Diligence Update

Erik Langner  
Director of Acquisitions | Public Radio Capital  
415 235 6923 | [www.publicradiocapital.org](http://www.publicradiocapital.org)

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Begin forwarded message:

**From:** Erik Langner <elangner@publicradiocapital.org>  
**Date:** May 3, 2010 9:16:26 AM MDT  
**To:** Greg Guy <greg@palcomm.com>  
**Subject:** KTRU Diligence Update

Hi Greg:

Essentially, there has been no progress on the KTRU due diligence. In order to move this forward, two things will need to occur in very short order:

1. We recognize that Rice is going to have a hard time generating a complete list of assets without some of the station's personnel's input, and we agree that tipping off some of those individuals may not be advisable. So, in the short term, instead of having Rice produce an entire list, we need them to produce a complete legal description of the real property comprising the transmitter site, including its physical parameters, easements, access, utilities, and liens, if any. We have heard anecdotally that access to the site is across private property, which may not be permitted if private land is to be transferred to the state. Thus the need for legal clarity on all aspects of the transmitter site. This needs to be done ASAP. And Rice, through its OGC, Treasurer's Office, Budget Office, etc. should have access to this information.

2. We request that Rice provide a cover story for an independent 3rd party engineering consultant, to be chosen by UH, to perform an inspection of the transmitter building, transmitter equipment, transmission line, tower and antenna. Rice should actually hire the consultant we specify, so there will be no question as to the source of the inspection, which of course will have to be coordinated with the station engineer somehow. Rice can use any reason it chooses, some of which include change of insurance, inventory needs, or any other plausible explanation. UH will reimburse Rice for the cost of the inspection, or pay the PE directly. This, too, needs to be coordinated ASAP.

If, while you are on vacation, you would like me to coordinate this with Susan, please just let me know.

Thanks,  
Erik

Erik Langner  
Director of Acquisitions | Public Radio Capital  
415 235 6923 | [www.publicradiocapital.org](http://www.publicradiocapital.org)

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# **EXHIBIT R**

# KUHF Purchase

## Introduction



# Proposal

- The University of Houston System and KUHF Houston Public Radio have proposed the purchase of KTRU-FM 91.7 from Rice University.
- KUHF 88.7 FM will become full-time NPR news and information.
- KTRU, to be renamed KUHC, will become full-time classical music and fine arts.
- Within the public broadcasting industry, the **NPR News and Information format** and the **Classical Music format** are the two most successful in fundraising and audience building.

# Value

- The appraised value of KTRU is \$12 million; source valuations done by Public Radio Capital and Satterfield & Perry
- The negotiated purchase price is \$9.5 million, this includes the license and transmitter.



# Station Valuation

Reserved band FM licenses in the top 30 markets command higher prices and price per person figures.

- KVTX FM in Dallas, Texas (5thlargest radio market) was sold for \$18 million (or \$3.09 per person covered) in June 2009.
- WKCP FM in Miami, Florida (12thlargest radio markets) was sold for \$20 million (or \$6.43 per person) in September 2007.
- KVOD FM in Denver, Colorado (22ndlargest radio market) was sold for \$8.2 million (or \$2.99 per person) in July 2008.
- KUOP FM in Stockton, California (20thlargest radio market) was sold for \$4.7 million (or \$3.22 per person) in September 2008.

Based upon recent comparable sales data, KTRU is worth approximately \$12 million (or \$3.10 per person).

# Business Plan

- KUHF will service 100% of the debt through its fundraising from the community. No state funds, UH funds or tuition funds will be used in this transaction. The projection is that the transaction will be revenue positive.
- The KUHF mixed format of NPR news and classical music and has about 390,000 listeners each week.
- The all-news KUHF will have about 400,000 listeners each week
- The all-classical KUHC, 100,000.
- Two stations, one operating staff.
- Together KUHF/KUHC will reach about 500,000 listeners each week, or 10% of the population of greater Houston.

**Source:** These projections are based on comparable case studies over time in major metropolitan areas around the country.

# Business Plan

In collaboration with KUHF management, PRC prepared a comprehensive 10-year business model contemplating the acquisition of KTRU under three different scenarios. The assumptions in the model are based upon KUHF's historical audits and listener data. In addition, comparable listener, membership, revenue, and expense data from public radio news and classical radio services serving similarly sized markets was used. A variety of scenarios were analyzed.

- **Base Case Scenario:** Assumes modest growth in revenues and expenses, key revenue and expense assumptions similar to figures for comparable stations
- **Better Case Scenario:** Slightly higher penetration rates and higher fundraising revenues, reflects Houston KUHF history compared to the base case
- **Worse Case Scenario:** Slightly lower penetration rates and lower fundraising revenues, based on the average for all stations in the class

# Pro Forma

- Cash flow projections
  - Assumes \$9.8 million bond amortized over 25 years at 5%
  - Sufficient to cover debt service under three sensitivity analyses
- Debt coverage ratios for three cases

	FY11	FY12	FY13	FY14	FY15
Base Case	1.45x	1.82x	1.59x	1.77x	1.84x
Better Case	1.73x	2.18x	1.91x	2.13x	2.19x
Worse Case	1.08x	1.32x	1.15x	1.29x	1.41x