

# Station Information

## WMFO Public File

- Station Information
  - o License Renewal Authorization
  - o Station License Certificate
  - o Certification of Public Notice
- Applications and exhibits, FCC decisions
  - o App exhibits include contour maps
- Ownership report Form 323-E
  - o Updated bylaws amended 2006

Records of Political Candidate use

- *The Public And Broadcasting* manual

Public comments and suggestions

- Community Issues coverage

### Items not included:

- Citizen agreements – none in effect as of September 2009
- Candidate requests for broadcast time – none received
- EEO report – not required, station has fewer than 5 FT employees
- FCC investigations or complaint – none received
- Time Brokerage agreements – none in effect as of September 2009

# Applications and Exhibits, FCC Decisions

# WMFO, Medford 91.5FM Station Information

Call Sign:	WMFO
Facility Id:	68320
Community of License:	MEDFORD, MA
Service:	FM
Fac Type:	NON-COMMERCIAL EDUC. FM
Status:	LICENSED
Status Date:	
Frequency:	91.5 MHz
Channel:	218
Digital Status:	
Lic Expir:	04/01/2014
Licensee:	TUFTS UNIVERSITY
Address:	BALLOU HALL - 3RD FLOOR
Address 2:	ATTN: OFFICE OF UNIVERSITY COUNSEL
City:	MEDFORD
State:	MA
Zip Code:	02155 -
Phone Number:	(617) 527-3337

## Engineering Data:

Channel	A
File No.	218
Application ID	BMLED-20050809ACP
	1071002

## Antenna Information:

Latitude:	N 42° 24' 27 "
Longitude:	W 71° 7' 15 "
	Horizontal Vertical
ERP:	0.125 0.125 kw
HAAT:	41 41 m
RCAMSL:	70 70 m
RCAGL:	26 26 m

Antenna ID:	13504
Make:	ODD
Model:	ODD820928AO

## FRN Information:

FRN	0005201934
File Number	BTCEd 20011205AAE



## TUFTS UNIVERSITY

Trustees of Tufts College

TO WHOM IT MAY CONCERN,

I, Linda J. Dixon, certify **that** I am the duly elected, qualified and acting **Secretary** of Tufts University.

I **further** certify that Randolph Williams has been designated as the Chief Operator of WMFO, Medford 91.5 FM, **effective** immediately. His term **of service will** be for an indefinite period, and **shall** not **terminate** until a new designation of chief Operator is made by the **Trustees** of Tufts University.

Linda J. Dixon  
**Secretary of the Corporation**  
**Trustees of Tufts University**  
December **10**, 2001

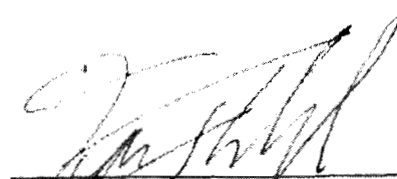


May 20<sup>th</sup>, 2008

WMFO Tufts Freeform Radio 91.5FM  
P.O. Box 65  
Medford, MA 02155

Randolph Williams, Chief **Operator** of WMFO 91.5FM, Tufts Freeform Radio, selects Drew Frankel, **General Manager**, as alternative Chief Operator in Williams's absence.

  
\_\_\_\_\_  
Randolph Williams – Chief Operator

  
\_\_\_\_\_  
Drew Frankel – General Manager

FEDERAL COMMUNICATIONS  
 COMMISSION  
 WASHINGTON, D. C. 20541

THIS IS TO NOTIFY YOU THAT YOUR  
APPLICATION FOR RENEWAL OF LICENSE  
BRED-19990603YA, WAS GRANTED ON  
01/11/2006 FOR A TERM EXPIRING ON  
04/01/2006.

FACILITY ID#8320

TUFTS UNIVERSITY  
44 PROFESSORS ROW  
ROOM 110  
MEDFORD, MA 02155

ANY

02135-8A07 27

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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2	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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5	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81																			





United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
NON-COMMERCIAL EDUCATIONAL  
FM BROADCAST STATION LICENSE

File No. BLED-820928A0

Call Sign: WMFO

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this license, the LICENSEE

TUFTS UNIVERSITY

is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broadcasting for the term ending 3 a.m. Local Time:

April 1, 1991

The licensee shall use and operate said apparatus only in accordance with the following terms:

1. Frequency (MHz) ..... 91.5
2. Transmitter output power ..... 0.073
3. Effective radiated power ..... 0.125 kw (H)
4. Antenna height above  
average terrain (feet) ..... 136 feet (41 meters) (H&V)
5. Hours of operation ..... Unlimited
6. Station location ..... Medford, Massachusetts
7. Main studio location ..... 3rd floor Curtis Hall, Tufts  
Medford, Massachusetts
8. Remote Control point ..... 3rd floor Curtis Hall, Tufts  
Medford, Massachusetts
9. Antenna & supporting structure : North Latitude: 42° 24' 27"  
West Longitude: 71° 07' 15"  
TELREX LABS CR78-98 two sections horizontally polarized side mounted at the 85 foot  
(26 meter) level (C/R-AGL) on a 40 foot guyed rohn tower atop a 60 foot building.  
OHAG: 100 feet (30 meters) (without obstruction lighting).
10. Transmitter location ..... Ballou Hall, 4th floor, Tufts University  
Medford, Massachusetts
11. Transmitter(s) (See Sections 73.1660, 73.1665 and 73.1670 of Commission's Rules) ..... Type Accepted
12. Obstruction markings specifications in accordance with the following paragraphs of FCC Form 715: None required
13. Conditions:

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by section 606 of the Communications Act of 1934.

✓ This license consists of this page and pages

Dated: May 28, 1985

FEDERAL  
COMMUNICATIONS  
COMMISSION



FCC Form 352-A  
January 1980



**United States of America**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION LICENSE**

Authorizing Official:

Official Mailing Address:

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TUFTS UNIVERSITY

OFFICE OF THE UNIVERSITY  
COUNSEL

BALLOU HALL

MEDFORD MA 02155

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Facility Id: 68320

Call Sign: WMFO

License File Number: BMLED-20050809ACP

This license modifies license no.: BLED-19820928AO

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George H. Gwinn

Supervisory Engineer

Audio Division

Media Bureau

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Grant Date: August 19, 2005

This license expires 3:00 a.m.  
local time, April 01, 2006.

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Call sign: WMFO

License No.: BMLFD-20050809ACP

Name of Licensee: TUFTS UNIVERSITY

Station Location: MA-MEDFORD

Frequency (MHz): 21.5

Channel: 21.8

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted See Sections 72.1660, 72.1665 and 72.1670 of the Commission's Rules.

Transmitter output power: .053 kW

Antenna type: Directional

Description: KAT K53 32 18768

Antenna Coordinates: North Latitude: 42 deg 24 min 27 sec

West Longitude: 71 deg 07 min 15 sec

Horizontally Polarized Antenna	Vertically Polarized Antenna
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Effective radiated power in the Horizontal Plane (kW)

125

25

Height of radiation center above ground (Meters):

Height of radiation center above mean sea level (Meters):	70	70
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Height of radiation center above average terrain (Meters):	41	41
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Antenna structure registration number: Not Required

Special operating conditions or restrictions:

- 1 The relative field strength of neither the measured horizontally nor vertically polarized radiation component shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by construction permit BPED-19791228AZ.

A relative field strength of 1.0 on the composite radiation pattern herein authorized corresponds to the following effective radiated power (ERP):

0.125 kilowatt.

principal minima and their associated ERP limits:

010 degrees True: 8.45 watts

170 degrees True: 8.45 watts

270 degrees True: 1.51 watts.

Callsign: WMFO

License No.: BMLED-20050809ACP

Special operating conditions or restrictions:

- 2 The licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*





LICENSE RENEWAL AUTHORIZATION

THIS IS TO NOTIFY YOU THAT YOUR  
APPLICATION FOR RENEWAL OF LICENSE  
WAS GRANTED ON 08-29-91 FOR A TERM  
EXPIRING ON 04-01-98.

FREQUENCY: 91.5MHZ

THIS IS YOUR LICENSE RENEWAL  
AUTHORIZATION FOR STATION WMFO

LOCATION: MEDFORD, MA

THIS ALSO IS THE RENEWAL CERTIFICATE  
FOR YOUR CURRENTLY AUTHORIZED  
AUXILIARY SERVICES.

THIS CARD MUST BE POSTED WITH THE  
STATION'S LICENSE CERTIFICATE AND ANY  
SUBSEQUENT MODIFICATIONS.

FCC 372 (7/87) NOTIFICATION

FEDERAL COMMUNICATIONS  
COMMISSION  
WASHINGTON, D.C. 20554

OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE \$300



POSTAGE AND FEES PAID  
FEDERAL COMMUNICATIONS  
COMMISSION  
FCC 615

TUFTS UNIVERSITY  
WMFO NON-COMMERCIAL EDUC. FM  
BALLOU HALL, 4TH FLR  
MEDFORD, MA 02155



**LICENSE RENEWAL AUTHORIZATION**

THIS IS TO NOTIFY YOU THAT YOUR APPLICATION  
FOR RENEWAL OF LICENSE, BRED-20051201BWW,  
WAS GRANTED ON 03/28/2006 FOR A TERM  
EXPIRING ON 04/01/2014.

THIS IS YOUR LICENSE RENEWAL AUTHORIZATION  
FOR STATION WMFO.

FACILITY ID: 68320

LOCATION: MEDFORD, MA

THIS CARD MUST BE POSTED WITH THE STATION'S  
LICENSE CERTIFICATE AND ANY SUBSEQUENT  
MODIFICATIONS.

TUFTS UNIVERSITY  
BALLOU HALL - 3RD FLOOR  
ATTN: OFFICE OF UNIVERSITY COUNSEL  
MEDFORD, MA 02155



Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-01 10 (September 2009)	FOR FCC USE ONLY
<b>FCC 303-S</b>		
<b>APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE</b>		FOR COMMISSION USE ONLY FILE NO.
Read INSTRUCTIONS Before Filling Out Form		BRED - 20051201BWW

**Section I - General Information- TO BE COMPLETED BY ALL APPLICANTS**

1.	Legal Name of the Applicant <b>TUFTS UNIVERSITY</b>						
	Mailing Address BALLOU HALL - 3RD FLOOR ATTN: OFFICE OF UNIVERSITY COUNSEL						
	City MEDFORD	State or Country ZIP Code (if foreign)					
	Telephone Number (include area code) 6176273337		E-Mail Address (if available)				
	FCC Registration Number: 0005201934	Call Sign WMFO	Facility Identifier 68320				
2.	Contact Representative (if other than Applicant) MARISSA G. REPP		Firm or Company Name HOGAN & HARTSON L.L.P.				
	Mailing Address 555 - 13TH STREET., N.W.						
	City WASHINGTON	State or Country (if foreign address) DC	Zip Code 20004 -				
	Telephone Number (include area code) 2026376845		E-Mail Address (if available) MGREPP@HHLAW.COM				
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="radio"/> Governmental Entity <input checked="" type="radio"/> Noncommercial Educational Licensee <input type="radio"/> Other <input type="radio"/> NIA (Fee Required)						
4.	<b>Purpose of Application</b> <input checked="" type="radio"/> Renewal of license <input type="radio"/> Amendment to pending renewal application If an amendment, submit as an exhibit a listing by Section and Item Number the portions of the [Exhibit 1] pending application that are being revised.						
5.	<b>Facility Information:</b> <input type="radio"/> Commercial <input checked="" type="radio"/> Noncommercial Educational						
6.	<b>Service and Community of License</b> a. <input type="radio"/> AM <input checked="" type="radio"/> FM <input type="radio"/> TV <input type="radio"/> FM Translator <input type="radio"/> LPFM <input type="radio"/> TV Translator <input type="radio"/> Low Power TV <input type="radio"/> Class A TV <table border="1" data-bbox="256 1655 1019 1730"> <tr> <td colspan="2" style="text-align: center;">Community of License /Area to be Served</td> </tr> <tr> <td>City: MEDFORD</td> <td>State: MA</td> </tr> </table> b. Does this application include one or more FM translator station(s), or TV translator station(s), LPTV station(s), in addition to the station listed in Section I question 1? (The callsign(s) of any associated FM translators, TV translators or LPTVs will be requested in Section V). <input type="radio"/> Yes <input checked="" type="radio"/> No			Community of License /Area to be Served		City: MEDFORD	State: MA
Community of License /Area to be Served							
City: MEDFORD	State: MA						



7.	<b>Other Authorizations.</b> List call signs, facility identifiers and location(s) of any FM booster or TV booster station(s) for which renewal of license is also requested.	[Exhibit 2]
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**Section II - Legal - TO BE COMPLETED BY ALL APPLICANTS**

1.	<b>Certification.</b> Licensee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application, instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="radio"/> No
2.	<b>Character Issues.</b> Licensee certifies that the neither the licensee nor any party to the application has or has had any interest in, or connection with:	
	a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 3]
	b. any pending broadcast application in which character issues have been raised.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
3.	<b>Adverse Findings.</b> Licensee certifies that, with respect to the licensee and each party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 5]
4.	<b>FCC Violations during the Preceding License Term.</b> Licensee certifies that, with respect to the station(s) for which renewal is requested, there have been no violations by the licensee of the Communications Act of 1934, as amended, or the rules or regulations of the Commission during the preceding license term. If No, the licensee must submit an explanatory exhibit providing complete descriptions of all violations.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 6]
5.	<b>Alien Ownership and Control.</b> Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 7]
6.	<b>Anti-Drug Abuse Act Certification.</b> Licensee certifies that neither licensee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing STEVEN S. MANOS	Typed or Printed Title of Person Signing EXECUTIVE VICE PRESIDENT
Signature	Date 12/01/2005

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT





The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this report. We will use the information you provide to determine if the benefit requested is consistent with the public interest. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your request may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your request may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection. If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized. If you do not provide the information requested on this report, the report may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authority. We have estimated that each response to this collection of information will average 3 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0110), Washington, D. C. 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0110.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

### Section III - TO BE COMPLETED BY AM and FM LICENSEES ONLY

1.	<b>Biennial Ownership Report:</b> Licensee certifies that the station's Biennial Ownership Report (FCC Form 323 or 323-E) has been filed with the Commission as required by 47 C.F.R. Section 73.3615.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 8]
2.	<b>EEO Program:</b> Licensee certifies that: a. The station's Broadcast EEO Program Report (FCC Form 396) has been filed with the Commission, as required by 47 C.F.R. Section 73.2080(f)(1).  Specify FCC Form 396 File Number : B396 - 20051201BWP b. The station has posted its most recent Broadcast EEO Public File Report on the station's website, as required by 47 C.F.R. Section 73.2080(c)(6).	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 9]  <input type="radio"/> Yes <input type="radio"/> No N/A  See Explanation in [Exhibit 10]
3.	<b>Local Public File.</b> Licensee certifies that the documentation, required by 47 C.F.R. Section 73.3526 or 73.3527, as applicable, has been placed in the station's public inspection file at the appropriate times.	<input type="radio"/> Yes <input checked="" type="radio"/> No  See Explanation in [Exhibit 11]
4.	<b>Discontinued Operations.</b> Licensee certifies that during the preceding license term, the station has not been silent for any consecutive 12-month period.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 12]
5.	<b>Silent Station</b> Licensee certifies that the station is currently on the air broadcasting programming intended to be received by the public.	<input checked="" type="radio"/> Yes <input type="radio"/> No
6.	<b>Environmental Effects.</b> Licensee certifies that the specified facility complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments. Unless the licensee can determine compliance through the use of the RF worksheets in the Instructions to this Form, an Exhibit is required.  By checking "Yes" above, the licensee also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.	<input checked="" type="radio"/> Yes <input type="radio"/> No  See Explanation in [Exhibit 13]
7.	<b>Radio/Newspaper Cross-Ownership.</b> Licensee certifies that neither the applicant nor any party	



to this application has an attributable interest in a newspaper which: (1) is published four or more days per week, (2) is in the dominant language in the market, and (3) is published in a community entirely encompassed by:	
the 1 mV/m contour of one of the FM station(s)?	<input type="radio"/> Yes <input type="radio"/> No
the 2 mV/m contour of one of the AM station(s)?	<input type="radio"/> Yes <input type="radio"/> No
If No to either Question 7.a or 7.b, has the Commission made a finding pursuant to Section 310 (d) of the Communications Act that the newspaper/broadcast combination is in the public interest?	<input type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]

## Exhibits

### Exhibit 1

**Description:** CERTIFICATION PERIOD

THE LAST RENEWAL APPLICATION FOR THE STATION WAS GRANTED ON JANUARY 14,2000. SEE FCC FILE NO. BRED-19990603YA. CONSEQUENTLY, THE CERTIFICATIONS IN THIS RENEWAL APPLICATION AND ASSOCIATED FORM 396 RELATING TO THIS STATION COVER THE PERIOD SINCE THAT LAST RENEWAL WAS GRANTED.

### Attachment 1

### Exhibit 10

**Description:** EXHIBIT 10

THE STATION HAS LESS THAN FIVE FULL-TIME EMPLOYEES; CONSEQUENTLY, IT IS NOT REQUIRED TO PREPARE AN ANNUAL EEO PUBLIC FILE REPORT.

### Attachment 10

### Exhibit 11

**Description:** LOCAL, PUBLIC FILE

WHEN INSPECTED IN CONNECTION WITH THIS RENEWAL APPLICATION, THE STATION DID NOT HAVE A COPY OF THE FCC PUBLICATION, 'THE PUBLIC AND BROADCASTING.' A COPY HAS NOW BEEN PLACED IN THE STATION'S PUBLIC FILE. ALSO, THE MATERIALS FORMING THE LOCAL PUBLIC FILE WERE AVAILABLE AT THE STATION BUT WERE NOT ALL TOGETHER IN ONE FILE LOCATION; THEY HAVE NOW BEEN ORGANIZED IN ONE FILE AT THE STATION.

### Attachment 11



**United States of America**  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST STATION LICENSE**

Authorizing Official:

Official Mailing Address:

---

TUFTS UNIVERSITY  
BALLOU HALL - 3RD FLOOR  
ATTN: OFFICE OF UNIVERSITY COUNCIL  
MEDFORD MA 02155

---

---

George H. Gwinn  
Supervisory Engineer  
Audio Division  
Media Bureau

---

Facility Id: 68320

Call Sign: WMFO

License File Number: BMLED-20050809ACP

Grant Date: August 19, 2005

This license expires 3:00 a.m.  
local time, April 01, 2006.

This license modifies license no.: BLED-19820928AO

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.



Callsign: WMFO

License No.: BMLED-20050809ACP

Name of Licensee: TUFTS UNIVERSITY

Station Location: MA-MEDFORD

Frequency (MHz): 91.5

Channel: 218

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: .053 kW

Antenna type: Directional

Description: KAT K53 32 18768

Antenna Coordinates: North Latitude: 42 deg 24 min 27 sec

West Longitude: 71 deg 07 min 15 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	.125	.125
Height of radiation center above ground (Meters):	26	26
Height of radiation center above mean sea level (Meters):	70	70
Height of radiation center above average terrain (Meters):	41	41
Antenna structure registration number:	Not Required	

Special operating conditions or restrictions:

- 1 The relative field strength of neither the measured horizontally nor vertically polarized radiation component shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by construction permit BPED-19791228AZ.

A relative field strength of 1.0 on the composite radiation pattern herein authorized corresponds to the following effective radiated power (ERP):

0.125 kilowatt.

Principal minima and their associated ERP limits:

010 degrees True: 8.45 watts

170 degrees True: 8.45 watts

270 degrees True: 1.51 watts.





Callsign: WMFO

License No.: BMLD-20050809ACP

Special operating conditions or restrictions:

- 2 The licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*



**LICENSE RENEWAL AUTHORIZATION**

THIS IS TO NOTIFY YOU THAT YOUR APPLICATION  
FOR RENEWAL OF LICENSE, BRED-19990603YA, WAS  
FILED ON 01/14/2000 FOR A TERM EXPIRING ON  
01/2006.

THIS IS YOUR LICENSE RENEWAL AUTHORIZATION  
FOR STATION WMFO

FACILITY ID: 68320

LOCATION: MEDFORD, MA

THIS CARD MUST BE POSTED WITH THE STATION'S  
LICENSE CERTIFICATE AND ANY SUBSEQUENT  
MODIFICATIONS.

License App  
Term 2000-2006

TUFTS UNIVERSITY  
44 PROFESSORS ROW  
ROOM 110  
MEDFORD, MA 02155

HOGAN & HARTSON  
LLP

91.5000

68320

RECEIVED  
JUN 7 3 20 PM '99  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

June 3, 1999

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1100  
TEL (202) 637-5600  
FAX (202) 637-5910

M. MARISSA G. REPP  
PARTNER  
OFFICE PHONE (202) 637-6645  
E-MAIL MGR@DC2.HHLLAW.COM

BY HAND DELIVERY

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
The Portals -- Room TW-325  
445 12th Street, S.W.  
Washington, DC 20554

Attention: Audio Services Division, Mass Media Bureau

Re: Application (Form 303-S) for Renewal of License  
Tufts University  
Noncommercial Educational Radio Station  
WMFO(FM), Medford, Massachusetts

Dear Ms. Salas:

On behalf of Tufts University ("Tufts"), enclosed for filing is an original plus one copy of FCC **Form 303-S** for the renewal of the license to operate noncommercial educational radio station **WMFO(FM)**, Medford, Massachusetts (the "**Station**"). Please **note** that being filed concurrently is a petition for reconsideration seeking the reinstatement of the Station's license, which was terminated by the Commission on April 30, 1999.

Please **direct** communications concerning this matter to the undersigned counsel, in addition to Tufts.

Respectfully submitted,

HOGAN & HARTSON LLP.

By:

Marissa G. Repp

Attorneys for Tufts University

BRUSSELS BUDAPEST LONDON MOSCOW PARIS PRAGUE WARSAW

WASHINGTON, DC 20004-1100  
BETHESDA, MD 20814  
COLORADO SPRINGS, CO 80902  
DENVER, CO 80202  
LOS ANGELES, CA 90001  
MCLEAN, VA 22101

\*Affiliated Office

**HOGAN & HARTSON L.L.P.**

**Ms. Magalie S. Salas**

**June 3, 1999**

**Page 2**

**cc: WMFO(FM) Public Inspection File  
Peter H. Doyle, Esq., FCC  
Penelope Dade, FCC**

**FCC 303-S**  
**APPLICATION FOR**  
**RENEWAL OF LICENSE**  
**FOR AM, FM, TV,**  
**TRANSLATOR OR**  
**LPTV STATION**

FOR  
FCC  
USE  
ONLY

RECEIVED

JUN 03 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

FOR COMMISSION USE ONLY

FILE NO.

990603 YA

AM, **FM** and TV APPLICANTS MUST COMPLETE AND SUBMIT SECTIONS I, II, III AND V ONLY.

FM TRANSLATOR, TV TRANSLATOR and **LPTV** APPLICANTS MUST COMPLETE AND SUBMIT SECTIONS I, II, IV AND V ONLY.

IF APPLICATION IS FOR RENEWAL OF LICENSES FOR BOTH A PRIMARY STATION and A CO-OWNED TRANSLATOR WHICH REBROADCASTS THE PRIMARY STATION'S **SIGNAL**, APPLICANT MUST COMPLETE AND SUBMIT SECTIONS I, II, III, IV AND V.

**SECTION I (FEE INFORMATION) - TO BE COMPLETED BY ALL APPLICANTS**

I. PAYOR NAME (Last, First, Middle Initial)

Wufts University

MAILING ADDRESS (Line 1) (Maximum 35 characters)

Office of Student Activities

MAILING ADDRESS (Line 2) (Maximum 35 characters)

44 Professors Row, Room 110

CITY

Medford

STATE OR COUNTRY (if foreign address)

MA

ZIP CODE

02155

TELEPHONE NUMBER (include area code)

(617) 627-3212

CALL LETTERS

WMFO (FM)

OTHER FCC IDENTIFIER (IF APPLICABLE)

2. A. Is a fee submitted with his application?

☐ Yes ☒ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

☐ Governmental Entity

☒ Noncommercial educational licensee

☐ Other (Please explain):

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for his application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)										
FEE TYPE CODE	FEE MULTIPLE	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
(1) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$ <table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)										
			FOR FCC USE ONLY									
(2) <table border="1"><tr><td></td><td></td><td></td></tr></table>				<table border="1"><tr><td></td><td></td><td></td><td></td></tr></table>					\$ <table border="1"><tr><td></td></tr></table>		<table border="1"><tr><td></td></tr></table>	

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) AND (2), AND ENTER THE TOTAL HERE.

THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

TOTAL AMOUNT  
REMITTED WITH THIS  
APPLICATION

\$

FOR FCC USE ONLY

## SECTION II - TO BE COMPLETED BY ALL APPLICANTS

1. NAME OF LICENSEE OF AM, FM OR TV STATION <b>ufts University</b>		NAME OF LICENSEE OF FM OR TV TRANSLATOR OR LOW POWER TV STATION	
MAILING ADDRESS <b>Office of Student Activities, 44 Professors Row, Room 110</b>			
CITY <b>Medford</b>		STATE <b>MA</b>	ZIP CODE <b>02155</b>

2. This application is for: ☐ Commercial ☒ Noncommercial

(a) ☐ AM ☒ FM ☐ TV

Call Letters <b>WMFO</b>	Community of License	
	City <b>Medford</b>	State <b>MA</b>

(b) ☐ FM Translator ☐ TV Translator ☐ Low Power W

Call Letters	Area Licensed to Serve	
	City	State
Call Letters	Area Licensed to Serve	
	City	State

3. Attach as an Exhibit an identification of any FM booster or W booster station for which renewal of license is also requested.

Is the applicant in compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens **and** foreign governments?

If No, attach as an Exhibit an explanation.

Exhibit No.  
N/A

Yes ☐ No ☐

Exhibit No.  
N/A

5. Since the filing of the applicant's **last** renewal application or any other application for the subject **station(s)**, has an adverse finding been made or final action been taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law relating to the following: any felony; mass media related antitrust or unfair competition; **fraudulent** statements to another governmental unit; or discrimination?

If the answer is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition **of the** litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section **1.65(c)**, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case **of an** application, the call letters **of the** station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

Exhibit No.  
N/A

6. Would a Commission grant of this application come within 47 **C.F.R.** Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF electromagnetic fields exceeding identified health and safety guidelines adopted by the FCC?

NOTE: Licensees of FM translator stations operating with an effective radiated power (ERP) of 100 **watts** or less are excluded **from** the RF exposure requirements in 47 C.F.R. Section 1.1307. All other requirements of the rule must be met.

If Yes, attach as an Exhibit an Environmental Assessment, as required by 47 **C.F.R.** Section 1.1311.

If No, explain briefly why not.

Yes ☐ No ☒

Exhibit No.

☒ Explanation  
attached

**SECTION III: TO BE COMPLETED BY COMMERCIAL AND NONCOMMERCIAL AM, FM and TV APPLICANTS ONLY**

**1. Have the following reports been filed with the Commission:**

(a) The Broadcast Station Annual Employment Reports (FCC Form 395-B), as required by 47 C.F.R. Section 73.3612?

☒ Yes ☐ No

Exhibit No.

If No, attach as an Exhibit an explanation.

(b) The applicant's Ownership Report (FCC Form 323 or 323-E), as required by 47 C.F.R.

☐ Yes ☒ No

**Section 73.3615? Ownership Report is being prepared and will be filed upon completion.**

If No, give the following information:

Date last ownership report was filed: 11/30/90

Call letters of station for which it was filed: WMFO

**2. Has the applicant placed in its public inspection file at the appropriate times the documentation required by 47 C.F.R. Section 73.3526 and 73.3527?**

☐ Yes ☐ No

If No, attach as an Exhibit a complete statement of explanation.

Exhibit No.

N/A

**3. FOR COMMERCIAL AM, FM AND TV APPLICANTS ONLY: N/A**

Is the station currently on the air?

☐ Yes ☐ No

If No, attach as an Exhibit a statement of explanation, including the steps the applicant intends to take to restore service to the public.

Exhibit No.

N/A

**4. FOR COMMERCIAL AND NONCOMMERCIAL TV APPLICANTS**

Attach as an Exhibit a summary of written comments and suggestions received from the public, if any, that comment on the station's programming and characterize that programming as constituting violent programming.

Exhibit No.

**5. FOR COMMERCIAL TV APPLICANTS ONLY: N/A**

(a) For the period of time covered by this report, has the applicant complied with the limits on commercial matter as set forth in 47 C.F.R. Section 73.670? (The limits are no more than 12 minutes of commercial matter per hour on weekdays, and no more than 10.5 minutes of commercial matter per hour during children's programming on weekends. The limits also apply pro rata to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming.)

☐ Yes ☐ No

(b) If No, submit as Exhibit a list of each segment of programming 5 minutes or more in duration designed for children 12 years old and under and broadcast during the license period which contained commercial matter in excess of the limits. For each programming segment so listed, indicate the length of the segment, the amount of commercial matter contained therein, and on explanation of why the limits were exceeded.

Exhibit No.



## SECTION V: TO BE COMPLETED BY ALL APPLICANTS

FOR AM, FM OR TV APPLICANTS ONLY: Applicant has **attached** Sections I, **II, III**, and V only.

☒ Yes ☐ No

FOR FM TRANSLATOR, TV TRANSLATOR OR LPTV APPLICANTS ONLY: Applicant has attached Sections I, **II, IV** and V only.

☐ Yes ☐ No

FOR CO-OWNED TRANSLATOR AND PRIMARY STATION APPLICANTS ONLY:  
Applicant has attached Sections **I, II, III**, IV and V.

☐ Yes ☐ No

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

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

## CERTIFICATION

1. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section **1.2002(b)**. ☒ Yes ☐ No
2. I certify that the statements in this application are true, complete, **and** correct to the best of my knowledge and belief, and are made in good faith.

Name Tufts University	Signature <i>Steven S. Mann</i>
Title <i>Exec. V.P.</i>	Date <i>6/2/99</i>

WILLFUL FALSE STATEMENTS MADE ON THIS FORM **ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT** (U.S. CODE, TITLE 18, SECTION **1001**), **AND/OR** REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION **PERMIT** (U.S. CODE, TITLE 47, SECTION **312(a)(1)**), **AND/OR** FORFEITURE (U.S. CODE, TITLE 47, SECTION 503))

STATION WMFO LICENSE **RENEWAL** APPLICATION  
DETERMINATION OF COMPLIANCE **WITH** RFR EXPOSURE GUIDELINES  
AND RESPONSE TO QUESTION SIX

I. Introduction

This exhibit was prepared by Michael **LeClair**, Engineering Consultant, on behalf of station WMFO as supplemental information regarding Question Six on the WMFO license renewal application. Specific information regarding RFR measurements is taken from a previously conducted engineering study that **was** completed in July of **1991**. As the transmission facilities of station WMFO have not changed in any way since that date, the previously measured data was re-examined to determine compliance with the Maximum Permissible Exposure Limits for both **Occupational/Controlled** exposure and General **Population/Uncontrolled** exposure as detailed in OET Bulletin 65, Edition 97-01 (Evaluating Compliance with FCC Guidelines for Human Exposure to **Radiofrequency** Electromagnetic Fields). Additionally, the General Environmental Worksheet included in Appendix C of the **license** renewal booklet was used to evaluate other environmental requirements of 47 **CFR 1.1307**.

II. WMFO Antenna Site

The WMFO antenna, located in Medford, Massachusetts, is a directional FM radiator (corner reflector type) comprised of two independently driven elements mounted on a **12**-meter tall steel triangular tower on the rooftop of Ballou Hall. The center of radiation height is 8 meters above the rooftop level. The transmitter, transmission line, and rooftop tower are all located in areas that are locked and not accessible to the public. Signs indicating a potential RFR hazard are posted at the entrance to the rooftop area.

III. Methodology

The **1991** Engineering Study made two sets of measurements to completely characterize the RFR conditions at this site. The first set of measurements was made in public areas, such as the grounds around Ballou Hall and the **hallway/office** areas adjacent to the transmitter. These measurements were analyzed for compliance using the more restrictive standard for General **Population/Uncontrolled** exposure.

The second set of measurements was made in the direct vicinity of the **WMFO** tower structure on the Ballou Hall rooftop. These measurements were analyzed under the less restrictive standard for Occupational **Exposure/Controlled** exposure limits. Areas that constituted a hazard for RFR were clearly identified.

The WMFO transmitter was operating at full power during all of these tests.

#### IV. Summary of Results

The new analysis of the WMFO transmission site found that it was in compliance for the Maximum Permissible Exposure Limits for General **Population/Uncontrolled** exposure in all areas below the Ballou Hall **rooftop**, which are publicly accessible.

Additionally, the analysis showed that the limits for **Occupational/Controlled** exposure were not exceeded outside a distance of approximately 2 meters **from the WMFO** antenna, which requires climbing the **WMFO** tower.


A copy of this Engineering Study is on file at the licensee of WMFO and is available on request. Included in the Study is the written operational plan for limiting exposure to workers requiring access to the tower for necessary maintenance. The plan describes the appropriate procedures required to avoid exceeding the FCC Guidelines for Occupational Exposure as detailed in OET Bulletin 65, Edition **97-01**. No changes to these procedures are required under the new standards.

Based on the above results, WMFO is in compliance with the applicable FCC Guidelines for radio **frequency** exposure for both the **General** Population and Occupational standards.

Furthermore, under **careful** examination of the Commission's environmental requirements in **47 CFR** Section **1.1307** as outlined in Appendix C to the License Renewal Booklet, it is apparent that the operation of station **WMFO** will not have a significant **environmental** impact as defined by Section **1.1307**.

Accordingly, the answer to Question Six is found to be **"No."**

I certify that the above information was prepared by me and that I **fully** understand the contents of FCC bulletin OET 65 which was used to evaluate the **RFR** measurement data **from** the **1991** Study.

  
Michael **LeClair**  
Engineering Consultant  
MPL Engineering

5/19/99

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

Jun 8 6 48 AM '99

JWR

In the Matter of )  
)  
**Termination of Authority to** )  
**Operate and Deletion of** )  
**Call Letters for Noncommercial** )  
**Educational FM Broadcast Station** )  
**WMFO(FM), Medford, MA** )

License No. BLED-820928AO

**RECEIVED**

JUN 03 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Audio Services Division, Mass Media Bureau

**PETITION FOR RECONSIDERATION**

Tufts University ("Tufts"), the licensee of noncommercial educational radio station WMFO(FM), 91.5 **MHz**, Medford, Massachusetts (the "Station"), by its attorneys, hereby files this petition for reconsideration by the Audio Services Division, Mass Media Bureau, of its action of April 30, 1999 (the "Division Action") terminating Tufts's authority to operate the Station and deleting the Station's call letters. 1/

The Division Action letter stated that the license to operate the Station was being terminated and the **call** letters deleted because the Commission had no record of receiving a license renewal application for the Station and the license had expired by its own terms on April 1, 1998.

---

1/ Public Notice of the Division Action was issued on May 5, 1999 (Report No. 24480); consequently, this petition is timely **filed** pursuant to Sections **1.4(b)** and **1.106(f)** of the Commission's Rules.

Contemporaneously with the filing of this petition, Tufts is filing its renewal application for the Station, and requests that the Commission reconsider the Division Action so that it may consider such renewal application. As set forth in the attached Declaration, the failure to timely file a renewal application for the Station was inadvertent. The former mailing address for FCC correspondence to the Station was for the Station's student-staffed studio, and the school administration never received the original renewal application forms and booklet sent by the FCC. After an internal routing delay, the school administration **did** receive in January 1999, the Commission's letter of November 19, 1998, notifying the Station of the need to promptly file the Station's renewal application. In response, the Associate Director of Student Activities at Tufts contacted the FCC to request renewal forms and instructions and to submit an address change listing the address of the **Office** of Student Activities. After receipt of the forms, the Associate Director prepared a draft of the renewal application and ownership report, which drafts were under review at the University's offices when the Division Action was taken. Following receipt of the Division Action letter, Tufts retained communications counsel to assist in finalizing the renewal application, which has resulted in its completion and filing. <sup>21</sup> Counsel for Tufts has also filed with the Commission **Tufts's** request for special temporary authority to continue operations of the Station under its call letters until such time as the Commission acts on this petition and the Station's renewal application.

---

<sup>21</sup> Tufts is still in the process of finalizing its ownership report on Form 323-E, and will **file** such report upon its completion.

Contemporaneously with the **filing** of this petition, Tufts is filing its renewal application for the Station, and requests that the Commission reconsider the Division Action so that it may consider such renewal application. As set forth in the attached Declaration, the failure to timely **file** a renewal application for the Station was inadvertent. The former mailing address for FCC correspondence to the Station was for the Station's student-staffed studio, and the school administration never received the original renewal application forms and booklet sent by the FCC. After an internal routing delay, the school administration did receive in January 1999, the Commission's letter of November 19, 1998, notifying the Station of the need to promptly file the Station's renewal application. In response, the **Associate** Director of Student Activities at Tufts contacted the FCC to request renewal forms and instructions and to submit an address change listing the address of the Office of Student Activities. After receipt of the forms, the Associate Director prepared a draft of the renewal application and ownership report, which drafts were under review at the University's offices when the Division Action was taken. Following receipt of the Division Action letter, Tufts retained communications counsel to assist in finalizing the renewal application, which has resulted in its completion and filing. 2/ Counsel for Tufts has also filed with the Commission Tufts's request for special temporary authority to continue operations of the Station under its **call** letters until such time as the Commission acts on this petition and the Station's renewal application.

---

2/ Tufts is **still** in the process of finalizing its ownership report on Form **323-E**, and **will** e such report upon its completion.

In sum, the renewal application for the Station was not filed in a timely manner due to inadvertence and internal routing difficulties. Tufts has corrected the mailing address for the Station and has completed and filed its renewal application. The renewal application establishes the basis for renewal of the Station's authorization. So that the Station's renewal application may be acted on by the Commission, it is respectfully submitted that the Division Action should be reconsidered. Consequently, the Commission should reinstate Tufts' authority to operate the Station, reinstate the Station's call letters, and upon consideration of the renewal application, renew Tufts's license to operate the Station until April 1, 2006.

Respectfully submitted,

**TUFTS UNIVERSITY**

By:   
Marissa G. Repp

**HOGAN & HARTSON L.L.P.**  
555 Thirteenth Street, NW  
Washington, DC 20004-1109  
(202) 637-6845

Its Attorneys

June 3, 1999

## DECLARATION

I, Ralph Perrotto, do hereby declare under penalty of perjury, that the following statements are true and accurate to the best of my personal knowledge, information and belief:

1. I am Associate Director of Student Activities, at Tufts University, **Medford**, Massachusetts. Among my duties is the coordination of filings with the Federal Communications Commission ("FCC") relating to Station **WMFO(FM)**, Medford, Massachusetts (the "Station").

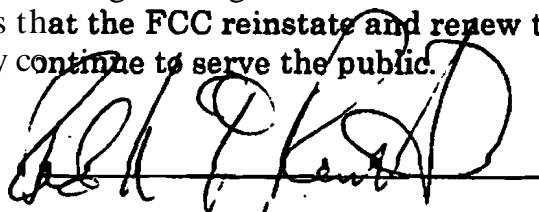
2. Prior to February 1999, the mailing address on the FCC's records for the Station was for the Station's student-staffed studio. Consequently, it appears that FCC mailings were not always forwarded to the school administration. In February 1999, I submitted to the FCC a change of mailing address form for the Station, **specifying** the address for the Office of Student Activities.

3. The administration of the University has no record of receiving the renewal packet that the **FCC** would have sent to the Station prior to the Station's license expiration. The November 19, 1998 letter sent to the Station by the FCC was forwarded to the University's administrative offices sometime in January 1999. At that time, I made several calls to the FCC in an effort to obtain the renewal forms and instructions for the Station's renewal. Eventually, I learned about their availability on the FCC's web-site and obtained the forms from that site.

4. I prepared the Form **303-S** (renewal application), and obtained a draft statement from the Station's consulting engineer establishing RF radiation compliance. I also prepared an initial draft of the Form 323-E (ownership report). I had forwarded the renewal application and ownership report to the Trustee's office for their review, completion and signature. That process was underway when the University received the FCC's letter of April 30, 1999, regarding the cancellation of the Station's license. Shortly thereafter, the University retained communications counsel in Washington, D.C. to assist in finalizing the renewal application and to request reinstatement of the Station's license.

5. I anticipate now that FCC correspondence is going directly to the University's administrative offices, that the University will be able to timely respond to FCC correspondence and **filing** requirements.

6. The Station provides a unique and fulfilling experience for the University's students and broadcasts programming serving the needs and interests of the community. The University requests **that the FCC reinstate and renew the Station's operating authority so that it may continue to serve the public.**

  
5/28/99



**APPLICATION FOR CONSTRUCTION PERMIT FOR  
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION**  
(Carefully read instructions before filing form) Return Only form to FCC

**RECEIVED**

**Section I - GENERAL INFORMATION**

**AUG 6 1992**

For Commission Use Only

BPED-

File No. ~~BPED~~-920806IA

1. Name of Applicant <b>Trustees of Tufts College</b>			Send notices and communications to the following person at the address below:		
Street Address or PO Box <b>Ballou Hall, 4th Floor, Tufts University</b>			Name <b>Kurt Maitland, General Manager, WMFO</b> <b>and</b> <b>John Grebe, Operations Director</b>		
			Street Address or PD. Box <b>P.O. Box 65</b>		
City <b>Medford</b>	State <b>MA</b>	ZIP Code <b>02155</b>	City <b>Medford</b>	State <b>MA</b>	ZIP Code <b>02153</b>
Telephone No. (Include Area Code) <b>(617) 627-3320</b>			Telephone No. (Include Area Code) <b>(617) 625-0800</b>		

2. This application is for:

☐

AM

☒

FM

☐

TV

(a) Channel No. or Frequency <b>91.5</b>
---

(b) Principal Community	City	State
	<b>Medford</b>	<b>MA</b>

(c) Check one of the following boxes:

☐

Application for NEW station

☐

MAJOR change in licensed facilities; call sign: \_\_\_\_\_

☒

MINOR change in licensed facilities; call sign: \_\_\_\_\_

**WMFO**

☐

MAJOR modification of construction permit; Call sign: ..

File No. of construction permit: ..

☐

MINOR modification of construction permit; call sign: ..

File No. of construction permit: ..

☐

AMENDMENT to pending application; application file number: ..

**NOTE:** It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

☐

Yes

☒

No

If Yes, state:	Call letters	Community of License	
		City	State

## Section II - LEGAL QUALIFICATIONS

Name of Applicant

1. Applicant is: (check one box below)

☐ (a) governmental or public educational agency, board or institution

☒ (b) private nonprofit educational institution.

☐ (c) Other (specify)

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.

N/A

3. For applicants 1(c) applying for a new noncommercial educational television station Only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and ckk segments of the principal community to be served.

Exhibit No.

N/A

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 CFR. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.

N/A

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or Other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1930, as amended?

☐ Yes ☒ No

If Yes, provide particulars in a Exhibit.

Exhibit No.

### CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II)

☐ Yes ☒ No

(b) Will any funds, credits or Other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

☐ Yes ☒ No

If the answer to (b) above is Yes, attach a Exhibit giving full disclosure concerning this assistance.

Exhibit No.

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

☐ Yes ☒ No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

☐ Yes ☒ No

If the answer to (a) and/or (b) above is Yes, attach a Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and fib numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

PARTIES TO APPLICATION

Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 60 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es)  (a)	Office Held  (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (d)
		YES	NO	
		(c)		
See attached list of trustees				

**Officers of the Corporation**

Nelson S. Gifford, Chair  
**Roslyn S. Berenberg** (Mrs. Arnold), Vice  
 Chair  
 Jean Mayer, President of the University  
 Sol **Gittleman**, Senior W and Provost  
 Steven S. **Manos**, Executive VP and  
 Treasurer  
 Thomas W. **Murnane**, Senior VP  
 Peter C. **McKenzie**, VP Finance and  
 Associate Treasurer  
 David B. Moffatt, VP **Operations**  
 Marianne Rusk, W Human Resources  
 Joseph J. Lambert, Overseer and Secretary  
 of the Corporation  
 Sarah Walsh **Kiely**, Assistant Secretary of  
 the Corporation

**Members of the Board of Trustees**

Nelson S. Gifford, Chair  
**Roslyn S. Berenberg** (Mrs. Arnold), Vice  
 Chair  
**Placido Arango**  
 Fred G. Arragg  
 John G.L. **Cabot**  
 Robert S. **Cohen**  
 William S. **Cummings**  
 Henry L. Foster, extra **ordinem**  
 Nathan **Gantcher**  
 Leslie H. **Gelb**  
**Maurene** L. Golden  
 Frederick H. Hauck  
 Jean Mayer, ex officio  
 Edward H. **Merrin**  
 William G. **Meserve**  
 Joseph E. **Neubauer**  
 Thomas **O'Brien**  
 Brian **O'Connell**  
 John T. **O'Neill**

Jane **Redfern**  
**Inez** Smith Reid  
 D. Kenneth Richardson  
 Barbara Ann **Payne Rockett**  
 Jill Sackler  
 William L. **Saltonstall**  
 William W. Sellers  
**JoAnn Giffuni** Sher  
 Ira **Stepanian**  
 James A. Stern  
 Jonathan M. Tisch  
 Ione **Dugger Vargas**  
 Paul I. Wren

**Trustees Emeriti**

Charles F. **Adams** (1974-1980)  
 John **Baronian** (1972-1982)  
 Louis **Berger** (1969-1984)  
 Irene **Eisenman Bernstein** (1971-1981)  
 Harvey Brooks (1981-1987)  
 Paul A. Brown (1980-1990)  
 Barbara B. Burn (1982-1987)  
 Matthew J. Bums (1973-1987)  
**Allan D. Callow** (1971-1986)  
 Warren E. **Carley** (1964-1981)  
 William J. **Halligan** (1964-1974)  
**Weston Howland** (1963-1989)  
**Kenneth F.** Leach (1981-1990)  
 Jacob **Lewiton** (1961-1979)  
 Earl F. **Littleton** (1974-1982)  
 Ursula Bailey Marvin (1975-1985)  
 Alexander N. **McFarlane** (1959-1979)  
 William A. **McMahon** (1970-1980)  
 Robert W. **Meserve** (1955-1979)  
 John M. **Mugar** (1963-1989)  
 Ruth L. **Remis** (1980-1990)  
**Hester** Lloyd Sargent (1964-1979)  
 Moms Tanenbaum (1977-1986)  
 Malcolm **Toon** (1981-1987)

- Section II - LEGAL QUALIFICATIONS (Page 3)

9. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

☐ Yes ☒ No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

☐ Yes ☒ No

(c) a broadcast application which has been denied by the Commission?

☐ Yes ☒ No

(d) a broadcast station, the license of which has been revoked?

☐ Yes ☒ No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

☐ Yes ☒ No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

## SECTION III - FINANCIAL QUALIFICATIONS

Note: If this application is for a change in an operating facility, DO NOT fill out this Section.

N/A

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration? ☐ Yes ☐ No

2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision? ☐ Yes ☐ No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2 you must advise the F.C.C. when the funds are committed or appropriated. This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without additional funds. ☐ Yes ☐ No

## SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area

Exhibit No.

NOTE: No program service statement need be filed where the proposed station's programming would be wholly "instructional" as that type of programming is defined in the instructions to this Section.

See File BLED 820928A0

ORIGINAL

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

ASB Referral Date \_\_\_\_\_

Referred by \_\_\_\_\_

me of Applicant

Tufts University

Call letters (if issued)

WMFO

Is this application being filed in response to a window? ☐ Yes ☐ No

If Yes, specify closing date: \_\_\_\_\_

Purpose of Application: (check appropriate box(es))

☐ Construct a new (main) facility

☐ Construct a new auxiliary facility

☐ Modify existing construction permit for main facility

☐ Modify existing construction permit for auxiliary facility

☒ Modify licensed main facility

☐ Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

☐ Antenna supporting-structure height

☐ Effective radiated power

☐ Antenna height above average terrain

☐ Frequency

☐ Antenna location

☐ Class

☐ Main Studio location

☒ Other (Summarize briefly) Modify directional antenna

File Number(s) BLED-820928AO

1. Allocation:

Channel No.	Principal community to be served:		
	City	County	State
218	Medford	Middlesex	MA

Class (check only one box below)

☒ A ☐ B1 ☐ B ☐ C3  
☐ C2 ☐ C1 ☐ C ☐ D

Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

Ballou Hall, Tufts University Campus, Medford, Middlesex County, Massachusetts.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array.

Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude	42°	24'	27"	Longitude	71°	07'	15"
----------	-----	-----	-----	-----------	-----	-----	-----

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?

☐ Yes ☒ No

If Yes, give call letter(s) or file number(s) or both.

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.

N/A

4. Does the application propose to correct previous site coordinates?

☐ Yes ☒ No

If Yes, list Old coordinates.

Latitude	0	'	"	Longitude	0	'	"
----------	---	---	---	-----------	---	---	---

5. Has the FAA been notified of the proposed construction?

☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.  
N/A

Date \_\_\_\_\_ Office where filed \_\_\_\_\_

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	Logan International Airport	8.0	120
(b)			

7. (a) Elevation: (to the nearest meter)

(1) of site above mean sea level;

44 meters

(2) of the top of supporting structure above ground (Including antenna, all other appurtenances, and lighting, if any); and

30 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)]

74 meters

(b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground

26 meters (H)

26 meters (V)

(2) above mean sea level [(aX1) + (bX1)]

70 meters (H)

70 meters (V)

(3) above average terrain

41 meters (H)

41 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No.  
Eng Fig. 1

9. Effective Radiated Power:

(a) ERP in the horizontal plane

0.125 kw (HM) 0.125 kw (VM)  
(Max-DA) (Max-DA)

(b) Is beam tilt proposed?

☐ Yes ☒ No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.  
N/A

\_\_\_\_\_ kw (HM) \_\_\_\_\_ kw (VM)

\*Polarization



10. Is a directional antenna proposed?

☒ Yes ☐ No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.  
Eng. Figs.  
364

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

☒ Yes ☐ No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

☐ Yes ☒ No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(d) and 71.118.1)

Exhibit No.  
N/A

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.  
Eng. Fig. 2

14. Attach as an Exhibit (show the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.  
Eng. Fig. 6

(a) the proposed transmitter location, and the radials along with profile graphs have been prepared;

(b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and

(c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km) and population (latest census) within the predicted 1 mV/m contour.

Area 89 sq. km.

Population 361.855

16. Attach as an Exhibit a map (Sectional Aeronautical charts where obtainable) showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.  
Fig. 6

Enter the following from Exhibit above:

Gain Area 6.6 sq. mi. (17 sq. km)  
Loss Area 0 sq. mi.

Percent change (gain area plus loss area as percentage of present area) 24 %.

If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

17. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No. N/A
--------------------

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 CFR. Section 73.1675. (File No.: \_\_\_\_\_)

18. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 71.1111).

Source of terrain data: (check only one box below)

☐ Linearly interpolated 30-second database

☐ 75 minute topographic map

(Source: \_\_\_\_\_)

Other (briefly summarize) Taken from BLED-820928A0 in feet and converted to the nearest meter.

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances. ** to the 1 mV/m contour (kilometers)
0	33	3.3
45	34	4.6
90	60	8.5
135	68	6.5
180	58	4.5
225	47	6.4
270	9*	4.3
315	22*	2.9

\* 30 meters used.

\*\* Directional antenna employed. See Figure 5 for effective radiated powers in specific directions.

Allocation Studies

(See Subpart C of O.C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

☐ Yes ☒ No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 106 MHz band.

Exhibit No. N/A
--------------------

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada?

☒ Yes ☐ No

If Yes, attach as an Exhibit a Showing of compliance with all provisions of the Working Agreement for Allocation Of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947.

Exhibit No.  
Eng.

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of Prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

Exhibit No.  
Fig. 7

- (a) The normally protected Interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation Study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ *separation requirements involving intermediate frequency (i.f.) interference*.

Exhibit No.  
Eng.

23(a) Is the proposed operation on Channel 218, 219, or 220?

☒ Yes ☐ No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 CFR. Section 73.207?

☒ Yes ☐ No

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ *regarding separation requirements* with respect to stations on Channels 221, 222 and 223. See Engineering Statement.

Exhibit No.  
Eng.

(d) If the answer to (b) is no, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.  
N/A

1/ A Showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, Proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

Exhibit No.

N/A

- (e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identify\* call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The Official title(s) of the map(s) used in the exhibit(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 8 station(s) as defined in 47 CFR. Section 73.525?

☒ Yes ☐ No

If Yes, attach as an Exhibit either a TV Channel 8 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 8 station

Exhibit No.  
Eng.

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1 - 107.9 MHz)?

☐ Yes ☒ No

If Yes, attach as an Exhibit information required in 1/. (Except for Class D (secondary) proposals.)

Exhibit No.  
N/A

26. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact?

☐ Yes ☐ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.131 1.


Exhibit No.

If No, explain briefly why not.

The proposed construction is categorically excluded from environmental processing pursuant to Section 1.1306(b) of the Rules. See Engineering Statement.

## CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) Bernard R. Segal	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) 1725 De Sales Street, NW, Suite 600 Washington, DC 20036
Date August 10, 1990	Telephone NO. (Include Area Code) (202 659-3707

**SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

1. Does the applicant propose to employ five or more full-time employees?

☐ Yes ☒ No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 398-A).

**SECTION VII - CERTIFICATION**

1. Has or will the applicant comply with the public notice requirements of 47 CFR. Section 73.3580?

☒ Yes ☐ No

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

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant <b>WMFO (Steven S. Manos)</b>	Title <b>Executive Vice Pres., Tufts College</b>
Signature <i>Steven S. Manos</i>	Date <b>4/30/92</b>

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it, as its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 76 to 80 hours with an average of 78 hours 04 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3080-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 6 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

JULES COHEN & ASSOCIATES. P.C.  
CONSULTING ELECTRONICS ENGINEERS  
WASHINGTON, D.C. 20036

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ENGINEERING EXHIBIT  
APPLICATION FOR CONSTRUCTION PERMIT  
TUFTS UNIVERSITY  
STATION WMFO  
MEDFORD, MASSACHUSETTS

CH 218A      125 W(MAX-DA, H&V)      41 METERS

August 10, 1990

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ENGINEERING EXHIBIT  
APPLICATION FOR CONSTRUCTION PERMIT  
TUFTS UNIVERSITY  
STATION WMFO  
MEDFORD, MASSACHUSETTS  
CH 218A 125 W(MAX-DA, H&V) 41 METERS

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Engineering Statement

The engineering exhibit of which this statement is part was prepared in accordance with the Rules and Regulations of the Federal Communications Commission and pursuant to the provisions of Section V-B of **FCC** Form 340 on behalf of Tufts University (hereafter, Tufts), in support of an application for construction permit to modify the antenna system for station WMFO, **Medford**, Massachusetts. Station WMFO operates on **channel 218A** with a directional antenna which produces a maximum effective radiated power of 125 watts (H&V) along an axis of 90 degrees true. The antenna radiation center height above average terrain is 41 meters. By means of the instant proposal, Tufts seeks to add another antenna which will permit improved coverage toward the southwest, a region of suppressed radiation from the existing antenna. Specifically, a Scala, model HDCA-5, Yagi-type antenna would be added such that the center line of the main lobe of radiation would be oriented 240 degrees true.

Authorization of the construction proposed herein would be categorically excluded from environmental processing pursuant to the provisions of Section 1.1306 of the Rules. A discussion concerning this matter is presented in later paragraphs. Since the proposed construction will not increase the height of the existing antenna supporting structure, notification to the Federal Aviation Administration has not been made. As will be **demonstrated elsewhere herein, the instant proposal is one for a minor change.**



### Proposed Equipment

As earlier mentioned, Tufts proposes to add a Scala, model HDCA-5, **Yagi-type antenna** with the main lobe of radiation oriented 240 degrees true to the existing antenna supporting structure. Figure 1 is a vertical plane sketch showing the antenna supporting structure and elevation data for both the present and proposed antennas. Figure 2 is a map showing the **transmitter** site and vicinity. The existing Telrex Laboratories (hereafter, Telrex), model CR78-98, antenna consists of two bays: one horizontally polarized and the other vertically polarized. The bays are mounted **colinearly** and are oriented such that the main beam of radiation for each is along an axis of 90 degrees true. Each Telrex antenna bay has a maximum gain of 4.32 and the current authorization is for a maximum effective radiated power of 125 watts (H&V). No change in that antenna is proposed. A **50%/50%** power splitter feeds each antenna bay with power of 29 watts so as to produce maximum effective radiated power of 125 watts along the 90-degree true bearing. The new antenna, a Scala, model HDCA-5, will be installed on the opposite side of the tower so as to produce maximum radiation along an azimuth of 240 degrees true. The maximum power gain for the Scala antenna is 5.6. The antenna input power will be 14.3 watts, resulting in a maximum effective radiated power of 80 watts for the Scala antenna.

The Telrex and Scala antennas will be fed power in phase. Because of the manner of mounting of the Telrex and **Scala** antennas and the high degree of radiation suppression each antenna has in the direction of the other, little interaction is expected. However, in the interest of conservatism and taking into account the 90-degree space phase lag that one antenna pattern will have with respect to the other, a composite pattern has been developed for best-case coverage and for **worst-case** allocation consideration scenarios. Figure 3 is a tabulation of data for the horizontal radiation patterns for each

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antenna separately and for the derived composite pattern with the composite pattern given in terms of relative field and in terms of effective radiated power in decibels referenced to one kilowatt. Figure 4, Sheet 1, shows the individual antenna radiation patterns in terms of relative field and the composite pattern derived by vector addition taking into account the 90-degree space phase lag of the Scala antenna with respect to the Telrex antenna. Figure 4, Sheet 2, shows the composite pattern in terms of **dBk** for convenient use in the coverage and allocation studies provided herein.

The transmitter power output will be fed by means of 75 feet of Cablewave, type FCC **12-50J**, transmission line to an 82-percent/**18-percent** power splitter. Eighty-two percent of the power will be fed to the Telrex antenna and **18** percent will be fed to the Scala antenna. The 82-percent power to the Telrex antenna will again be split so as to feed equal amounts of power to the horizontally polarized and vertically polarized antenna elements. The following table shows the power budget for the system.

<u>Item</u>	<u>Power</u>	
	<u>Input</u> (watts)	<u>Output</u> (watts)
Transmitter	---	100
75' Cablewave <b>FCC12-50J</b> transmission line (efficiency: 88.8%)	100	88.8
82%-18% power splitter (efficiency: 90%)	88.8	79.9 (65.4/14.5)
10' Cablewave, <b>FCC 12-50J</b> , transmission line to Scala antenna (efficiency: 98.4%)	14.5	14.3
Scala antenna ( <b>max.</b> power gain: 5.6)	14.3	80 (ERP)

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<u>Item</u>	<u>Power</u>	
	<u>Input</u> (watts)	<u>Output</u> (watts)
5' Cablewave, FCC 12-505, transmission line (efficiency: 99.2%)	65.4	64.9
50%-50% power splitter (efficiency: 90%)	64.9	58.4
5' Cablewave, FCC <b>12-50J</b> , transmission line to Telrex (H.P.) antenna (efficiency: 99.2%)	29.2	29
Telrex (H.P.) antenna (max. power gain: 4.32)	29	125 (ERP)
5' Cablewave, FCC 12-505, transmission line to Telrex (V.P.) antenna (efficiency: 99.2%)	29.2	29
Telrex ( <b>V.P.</b> ) antenna (max. power gain: 4.32)	29	125 (ERP)

Note: Some adjustments in transmission line lengths may be needed to achieve in-phase power distribution to the **Scala** and Telrex antennas.

**Coverage Contours**

Figure 5 is a tabulation of elevation data and distances to the present and proposed 1 **mV/m** contours for WMFO. Those contours are plotted on Figure 6. The present WMFO 1 **mV/m** contour includes 72 square kilometers. With the addition of the Scala antenna, the new 1 **mV/m** contour includes 89 square kilometers, for a net gain of 17 square kilometers. The change in 1 **mV/m** area is 24 percent referenced to the 1 **mV/m** area for the present operation. According to FCC criteria, the proposed change is considered "minor."

### Allocation Considerations

In the design of the **modified** antenna system, consideration **has** been given to allocation factors involving close-by stations on the same channel as WMFO and on channels within plus and minus 600 kilohertz of **WMFO's** channel 218 (91.5 megahertz). No concern arises regarding stations 53 and 54 channels removed from channel **218**. Also, consideration has been given to prospective interference to channel 6 television station WLNE, New **Bedford**, Massachusetts, and to the impact of the proposal with regard to the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under the Canada-United States FM Agreement of 1947, since WMFO is within 320 kilometers of the common border between the United States and Canada.

Turning first to cochannel and adjacent channel allocation concerns, Figure 7 is a map showing the complete 60 **dBu F(50,50)**, 54 **dBu F(50,10)**, and 40 **dBu F(50,10)** contours for the proposed WMFO operation based on the composite pattern of Figure 4, Sheet 2. The map shows also the appropriate contour arcs for other stations close enough to merit consideration with respect to the proposed WMFO operation, except for station WBUR, Boston, Massachusetts. The map of Figure 7 demonstrates that the proposed operation will neither cause nor receive interference from any station.

With respect to station WBUR, which operates on channel **215B** with maximum effective radiated power of **7.2 kW** and antenna radiation center height above average terrain of **305 meters**, the proposed WMFO operation will result in slightly increased overlap of specified contours over that currently occurring. Stations WMFO and WBUR are separated 14 kilometers from one another. The WBUR signal strength at the WMFO transmitter site is 83.5 **dBu** based on a maximum effective radiated power of 7.2 kW and antenna radiation **center height above average terrain of 323 meters in the WMFO direction, 37**

degrees true. The WMFO new Scala antenna will produce increased overlap of the undesired 123.5 **dBu** contour with the WBUR desired 83.5 **dBu** contour within an angular range of approximately 100 degrees centered on 240 degrees true. The maximum effective radiated power within the bracket angle will be 85 watts (-10.7 **dBk**). Assuming free-space propagation, the 123.5 **dBu** (1.5 **V/m**) contour extends outward, at most, 43 **meters**, or less than 150 feet from the antenna. At that distance, the contour does not extend beyond the campus green of the **University**. Hence, no actual interference to WBUR will occur. In the event a waiver of the FCC's Rule in this regard is required, a waiver is requested. Figure 8 is a tabulation of the data employed in preparing the allocation study map of Figure 7.

Station WMFO is located within the Grade B contour of channel 6 station WLNE, New **Bedford**, Massachusetts. The increased radiation proposed in the southwesterly direction will result in increased interference according to the criteria established in Section **73.525(e)** of the Rules. However, the interference area is entirely outside the Providence-New **Bedford** area of dominant influence (ADI) in which WLNE is located, and completely outside the Grade A field strength contour for station WLNE. Also, the interference area is within the predicted City Grade field strength contour of station WNEV, Boston, channel 7, which has the same network affiliation, CBS, **as** does station WLNE. Figure 9 depicts the Providence-New **Bedford** ADI, the WLNE Grade A and Grade B contours, and the City Grade contour for station WNEV.

The projected interference from WMFO is based on a simplified assumption of uniform radiation of 125 watts in all directions using a maximum possible undesired to desired ratio of 32.5 dB as **determined** from Figure 2 of Section 73.599 of the Rules. The coarse assumptions made overstate the interference area, but since the area involved is too small for precise definition, and, in any event, Section **73.525(e)(3)(iii)** permits the entire

interference population to be excluded from the 3000-person limit otherwise permitted. a precise demarcation of the interference zone is unnecessary. In other words, the exact definition of the area and the exact number of **persons** involved are not critical since all the persons involved are deductible. With all the tests having been met for nonviewership of WLNE in the vicinity of the WMFO transmitter, no actual interference occurs now, or would occur if the instant proposal is implemented.

With respect to the provisions of the Working Agreement for Allocation of FM Broadcast Stations on Channels 201-300 under the **Canada-United States FM Agreement** of 1947, the instant proposal is in compliance. The proposed antenna addition will not result in any measurable increase in radiation toward the Canadian boundary. Hence, insofar as Canada is concerned, the proposal has no impact.

#### Environmental Impact considerations

The proposed construction is categorically excluded from environmental processing pursuant to the provisions of Section **1.1306(b)** of the Rules. Since the only new construction involved is the addition of an antenna to an existing antenna supporting structure, the concerns of Section **1.1306(b)(1)** and (2) are not involved. Only the provision of sub-section (3) concerning radio-frequency radiation exposure merits attention.

The WMFO antenna supporting tower is mounted atop the roof of Ballou Hall on the Tufts University Campus. The lowest antenna element is 64 **meters** above the rooftop level. Assuming maximum effective radiated power for all three antennas concentrated in the lowest antenna element; **i.e., 335** watts, all the energy directed downward, and a 1.6 reflection coefficient. the 1 milliwatt per square centimeter maximum allowed under the FCC's

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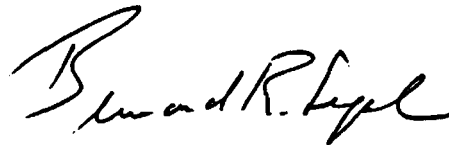
Engineering Statement  
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adopted ANSI C95.1-1982 guideline occurs at a distance of 3.4 meters below the lowest antenna element. With the lowest antenna element being 6.4 meters above the rooftop, a clearance of three **meters**, or roughly ten feet, from the rooftop level results. Hence no person on the rooftop or at any location below the rooftop would experience excessive radiation.

Warning signs will be placed on the antenna supporting tower so that any worker who may have occasion to climb the tower will be forewarned of possible exposure hazard and will be able to coordinate his work effort in a manner which will not result in excessive exposure.

Based on the foregoing, the proposed construction is categorically excluded from environmental processing according to the FCC's rules implementing the Environmental Policy Act of 1969.

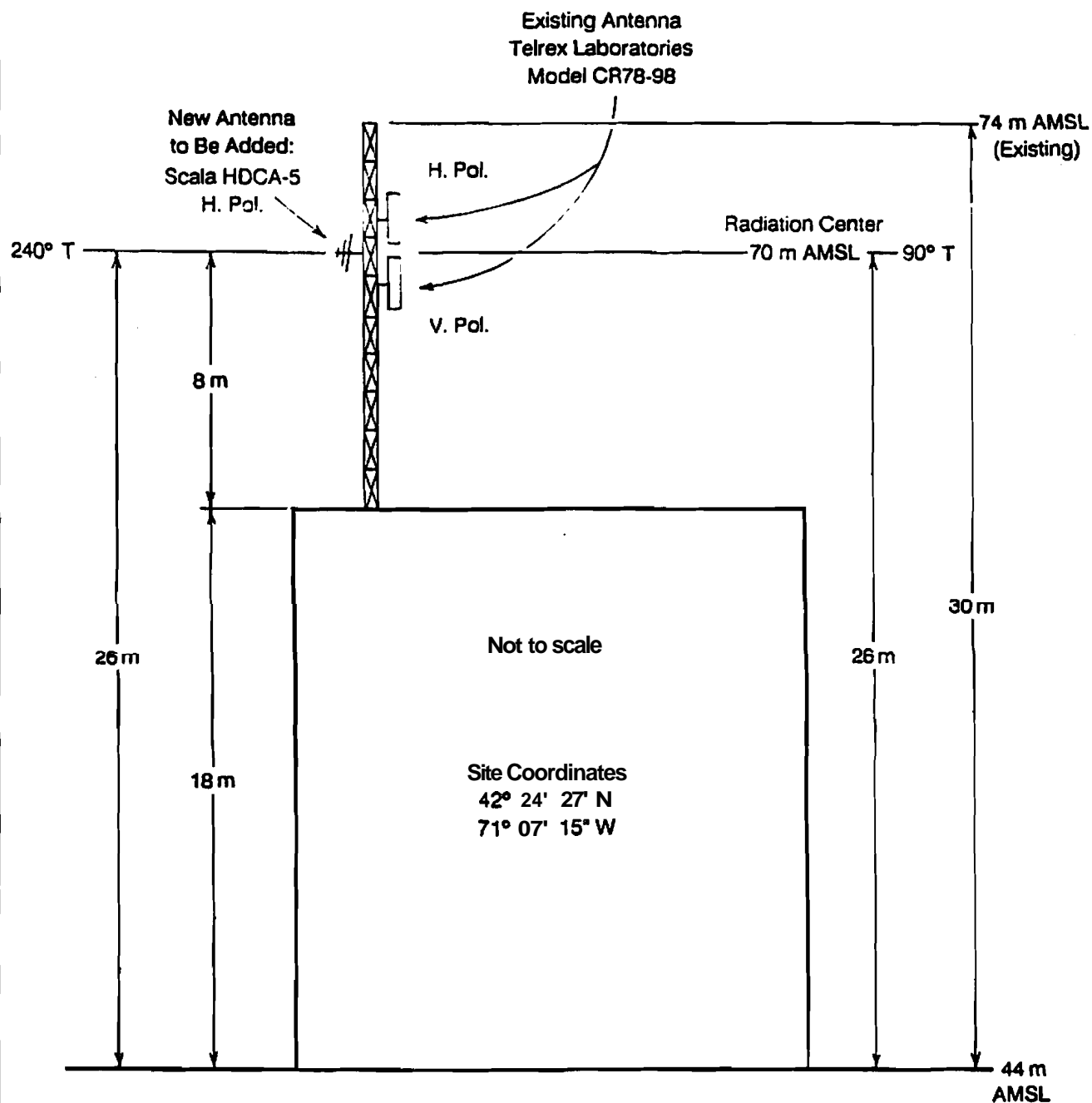


Bernard R. **Segal**, P.E.

August 10, 1990

Figure 1

AUGUST 1990

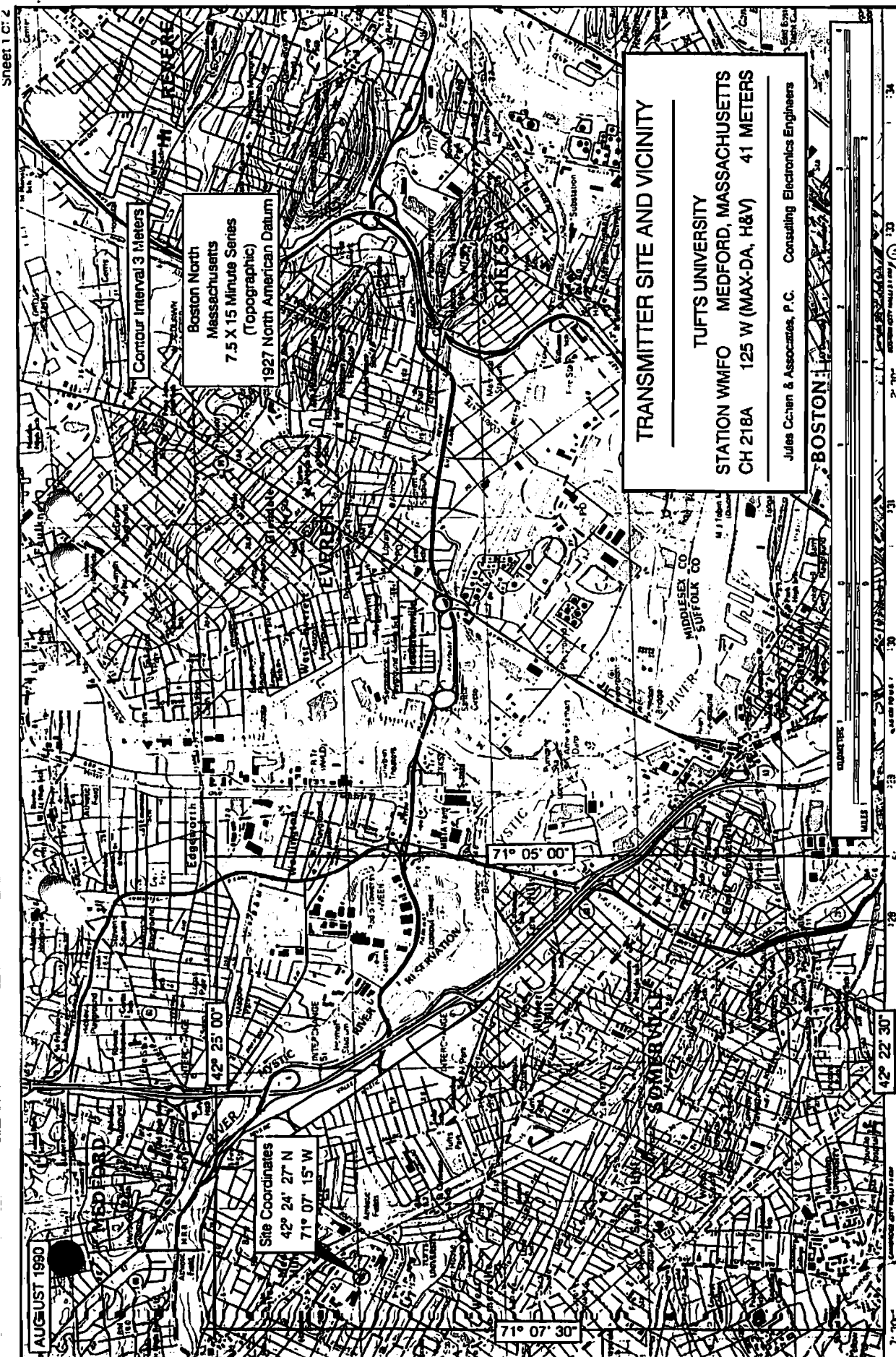


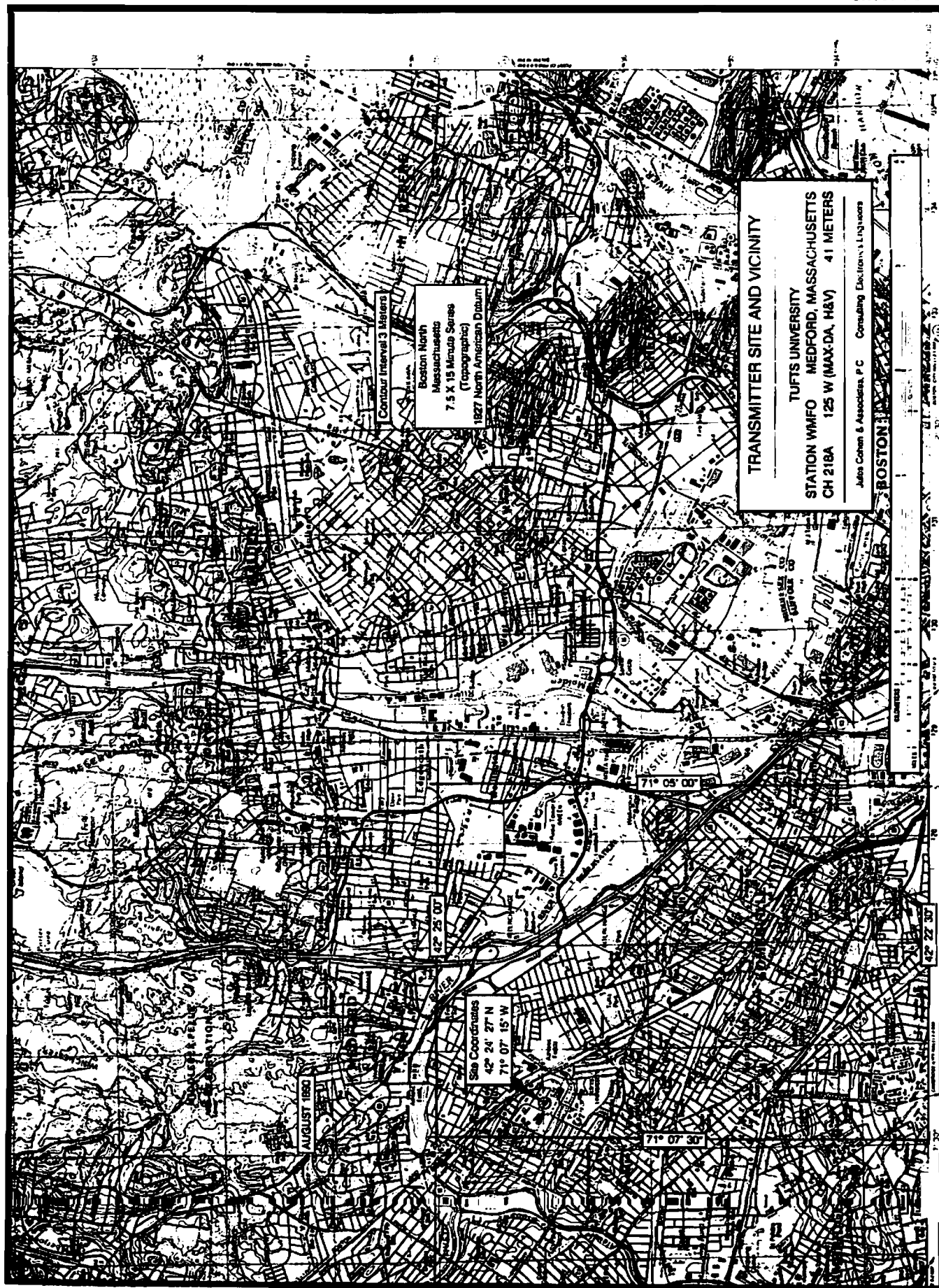
## ANTENNA AND SUPPORTING STRUCTURE

TUFTS UNIVERSITY  
STATION WMFO MEDFORD, MASSACHUSETTS  
CH 218A 125 W (MAX-DA, H&V) 41 METERS

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TUFTS UNIVERSITY  
STATION WMFO  
MEDFORD, MASSACHUSETTS  
CH 218A 125 W(MAX-DA, H&V) 41 METERS

Tabulation of Antenna Horizontal Plane Pattern Data

<u>Azimuth</u>	<u>E<sub>T</sub>, Telrex Hor. Pol. Rel. Field</u>	<u>E<sub>S</sub>, Scala Rel. Field</u>	<u>Composite* E<sub>rel</sub></u>	<u>Composite ERP (dBk)</u>
0	0.280	0.032	0.282	-20.0
10	0.260	0.088	0.274	-20.2 (min.)
20	0.290	0.098	0.306	-19.3
30	0.355	0.098	0.368	-17.3
40	0.460	0.098	0.470	-15.6
50	0.595	0.098	0.603	-13.4
60	0.735	0.110	0.743	-11.6
70	0.885	0.098	0.890	-10.0
80	0.975	0.098	0.980	-9.2
90	1.00	0.098	1.00	-9.0 (max.)
100	0.975	0.098	0.980	-9.2
110	0.885	0.088	0.889	-10.1
120	0.740	0.032	0.741	-11.6
130	0.595	0.016	0.595	-13.5
140	0.465	0.014	0.465	-15.7
150	0.360	0.016	0.360	-17.9
160	0.290	0.016	0.290	-19.8
170	0.255	0.030	0.257	-20.8 (min.)
180	0.280	0.080	0.291	-19.8
190	0.320	0.232	0.395	-17.1
200	0.300	0.369	0.476	-15.5

NOTE: See Sheet 2 for footnote.

<u>Azimuth</u>	<u>E<sub>T</sub>, Telrex Hor. Pol. Rel. Field</u>	<u>E<sub>S</sub>, Scala Rel. Field</u>	<u>Composite* E<sub>rel</sub></u>	<u>Composite ERP (dBk)</u>
210	0.290	0.514	0.590	-13.6
220	0.245	0.652	0.697	-12.2
230	0.220	0.756	0.787	-11.1
240	0.195	0.800	0.823	-10.7 (max.)
250	0.170	0.756	0.775	-11.2
260	0.145	0.652	0.668	-12.5
270	0.110	0.514	0.526	-14.6
280	0.145	0.369	0.396	-17.1
290	0.170	0.232	0.288	-19.8
300	0.195	0.080	0.211	-22.5 (min.)
310	0.220	0.030	0.222	-22.1
320	0.245	0.016	0.246	-21.2
330	0.290	0.016	0.290	-19.8
340	0.300	0.014	0.300	-19.5
350	0.320	0.016	0.320	-18.9 (max.)

$$* \quad E_{rel} = \sqrt{[E_T + E_S \cos(90^\circ \cos \theta)]^2 + [E_S \sin(90^\circ \cos \theta)]^2}$$

Where:  $E_{rel}$  = composite relative field

$E_T$  = relative field for Telrex antenna

$90^\circ$  = space phase displacement of Scala antenna relative to Telrex antenna

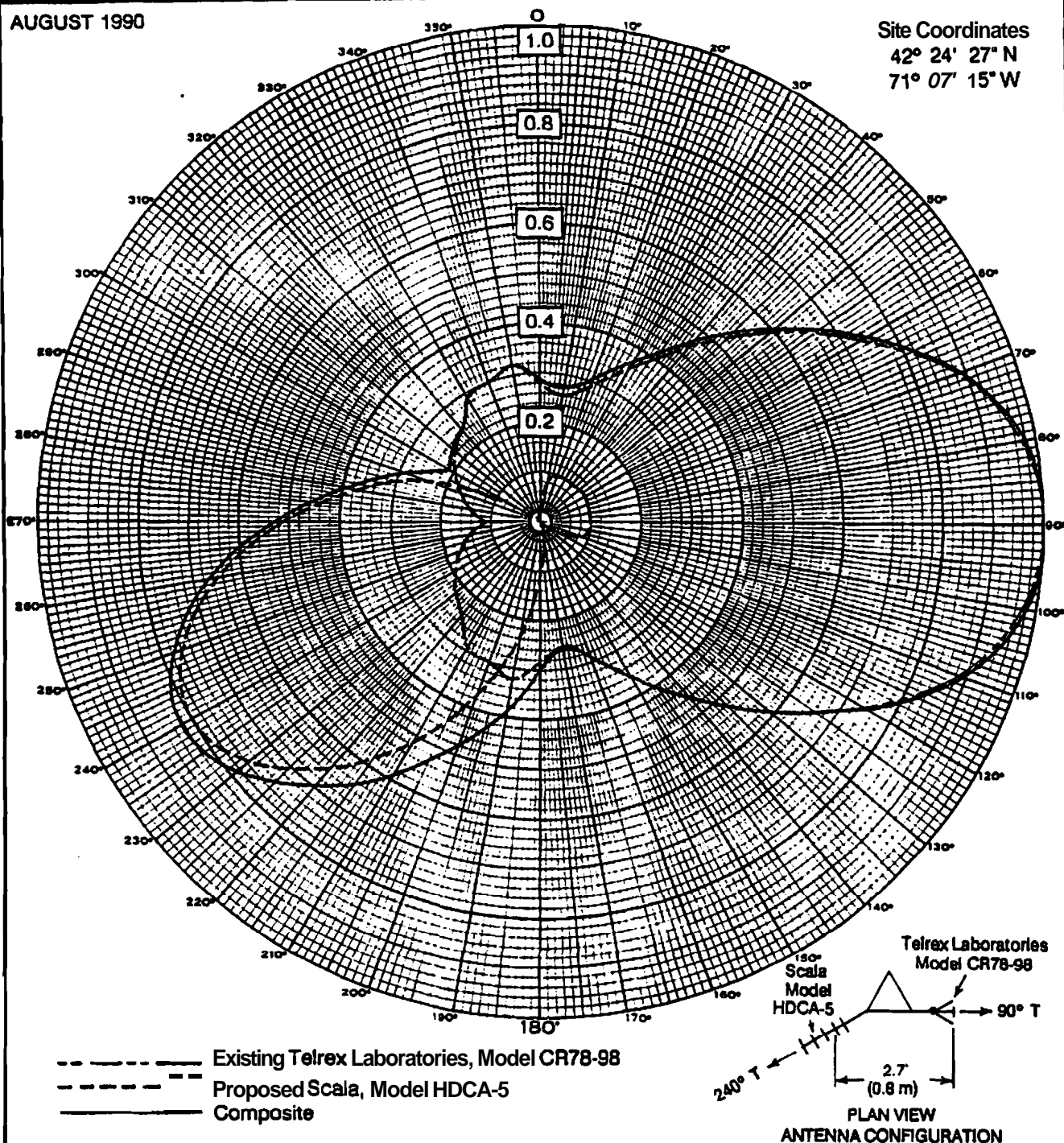
$\theta$  = displacement angle with respect to reference angle.  
For the instant case,  $\theta = 0$  at each azimuthal angle.

$$\text{Hence,} \quad E_{rel} = \sqrt{(E_T)^2 + (E_S)^2}$$

Note: The antennas will be fed energy in phase.

AUGUST 1990

Site Coordinates  
42° 24' 27" N  
71° 07' 15" W

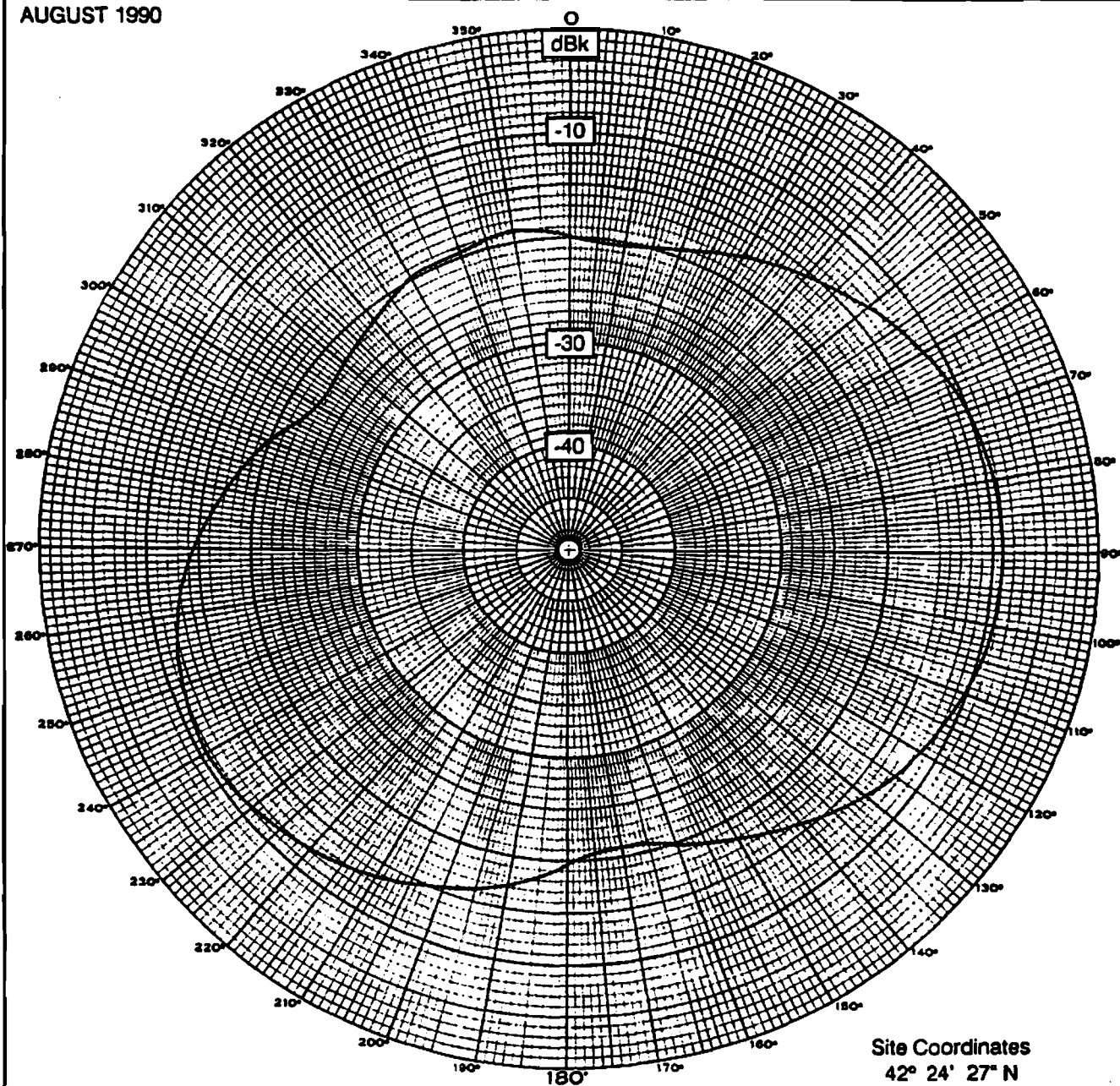


## ANTENNA HORIZONTAL PLANE RADIATION PATTERNS (RELATIVE FIELD)

TUFTS UNIVERSITY  
STATION WMFO MEDFORD, MASSACHUSETTS  
CH 218A 125 W (MAX-DA, H&V) 41 METERS

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AUGUST 1990



Note: Pattern is the composite for the existing Telrex Laboratories, Model CR78-98,  
and proposed Scala, Model HDCA-5 antennas.

### ANTENNA HORIZONTAL PLANE RADIATION PATTERN (EFFECTIVE RADIATED POWER - dBk)

TUFTS UNIVERSITY  
STATION WMFO MEDFORD, MASSACHUSETTS  
GH 218A 125 W (MAX-DA, H&V) 41 METERS

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**CH 218A    125 W(MAX-DA, H&V)    41 METERS**

Tabulation of Elevation Data and  
Distances to Present and **Proposed** 1 mV/m Contours

<u><b>Azimuth</b></u> (degrees)	Antenna Radiation Center Height Above <u><b>Average Terrain</b></u> (meters)	<u><b>Present WMFO</b></u>		<u><b>Proposed WMFO</b></u>	
		<u><b>ERP</b></u> (dBk)	<u><b>1 mV/m</b></u> (km)	<u><b>ERP</b></u> (dBk)	<u><b>1 mV/m</b></u> (km)
0	33 <sup>1</sup>	-20.1	3.3	-20.0	3.3
15	33	-20.4	3.2	-20.0	3.3
30	34	-18.0	3.7	-17.3	3.9
45	34 <sup>1</sup>	-14.7	4.5	-14.4	4.6
60	43	-11.7	6.1	-11.6	6.1
75	51	-9.7	7.5	-9.7	7.5
90	60 <sup>1</sup>	-9.0	8.5	-9.0	8.5
105	63	-9.7	8.4	-9.6	8.4
120	65	-11.7	7.5	-11.6	7.5
135	68 <sup>1</sup>	-14.7	6.4	-14.6	6.5
150	65	-17.9	5.3	-17.9	5.3
163	61	-20.2	4.5	-20.7	4.4
180	58 <sup>1</sup>	-20.1	4.4	-19.8	4.5
195	54	-19.0	4.5	-16.2	5.3
210	51	-19.8	4.2	-13.6	6.0
225	47 <sup>1</sup>	-21.8	3.6	-11.7	6.4
240	34	-23.2	2.8	-10.7	5.7
255	22 <sup>2</sup>	-25.0	2.4	-11.8	5.1
270	9 <sup>1, 2</sup>	-28.2	2.0	-14.6	4.3
285	13 <sup>2</sup>	-25.0	2.4	-18.4	3.5
300	18 <sup>2</sup>	-23.2	2.7	-22.5	2.8
315	22 <sup>1, 2</sup>	-21.8	2.9	-21.8	2.9
330	26 <sup>2</sup>	-19.8	3.2	-19.8	3.2
345	29 <sup>2</sup>	-19.0	3.4	-19.2	3.3

<sup>1</sup> Converted to metric from English value in **BPED-791228AZ** and rounded to the nearest meter. All other elevations were obtained by interpolation.

<sup>2</sup> 30 meters has been assumed for the calculations of distances to the present and proposed 1 mV/m contours.



Figure 6

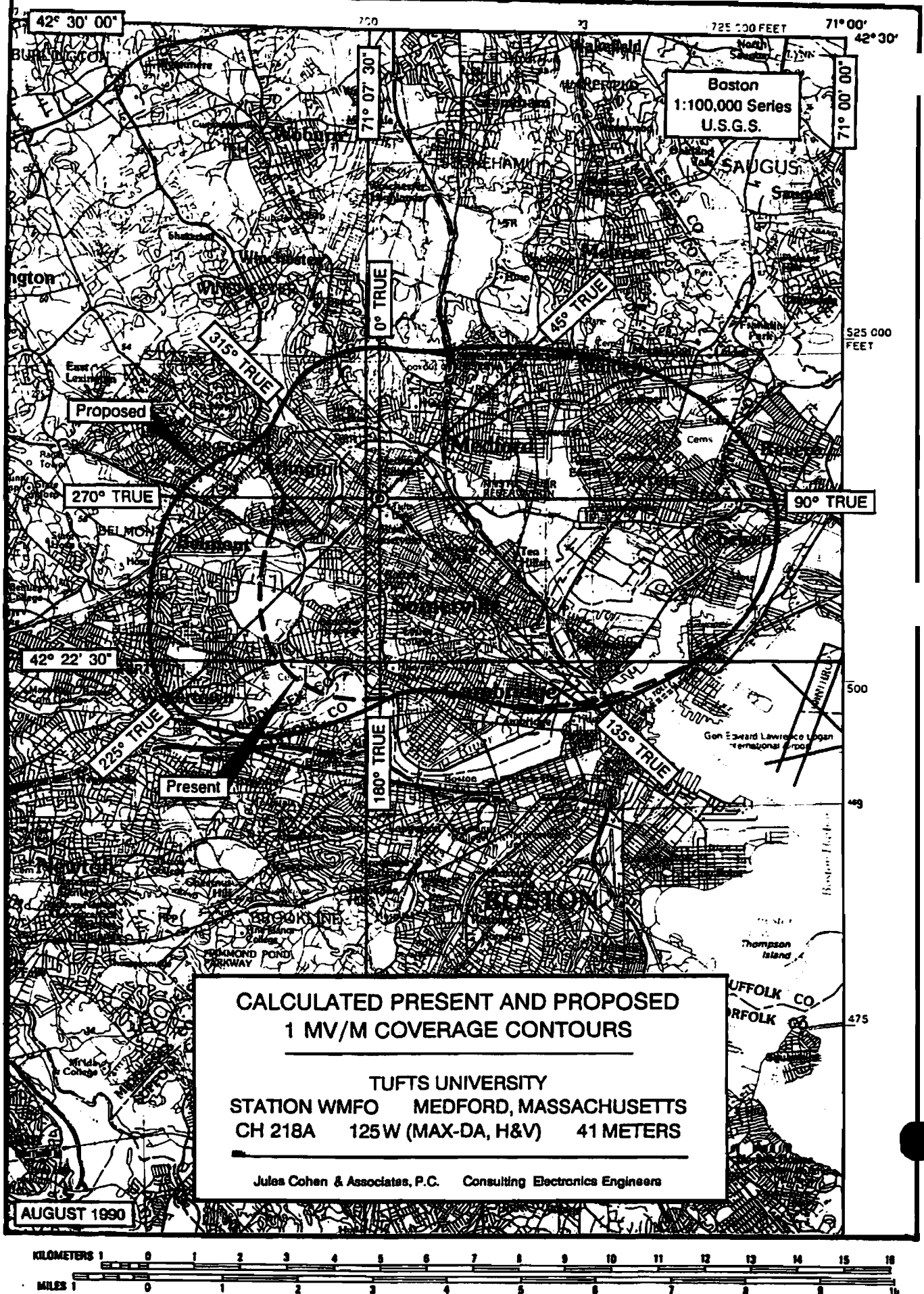
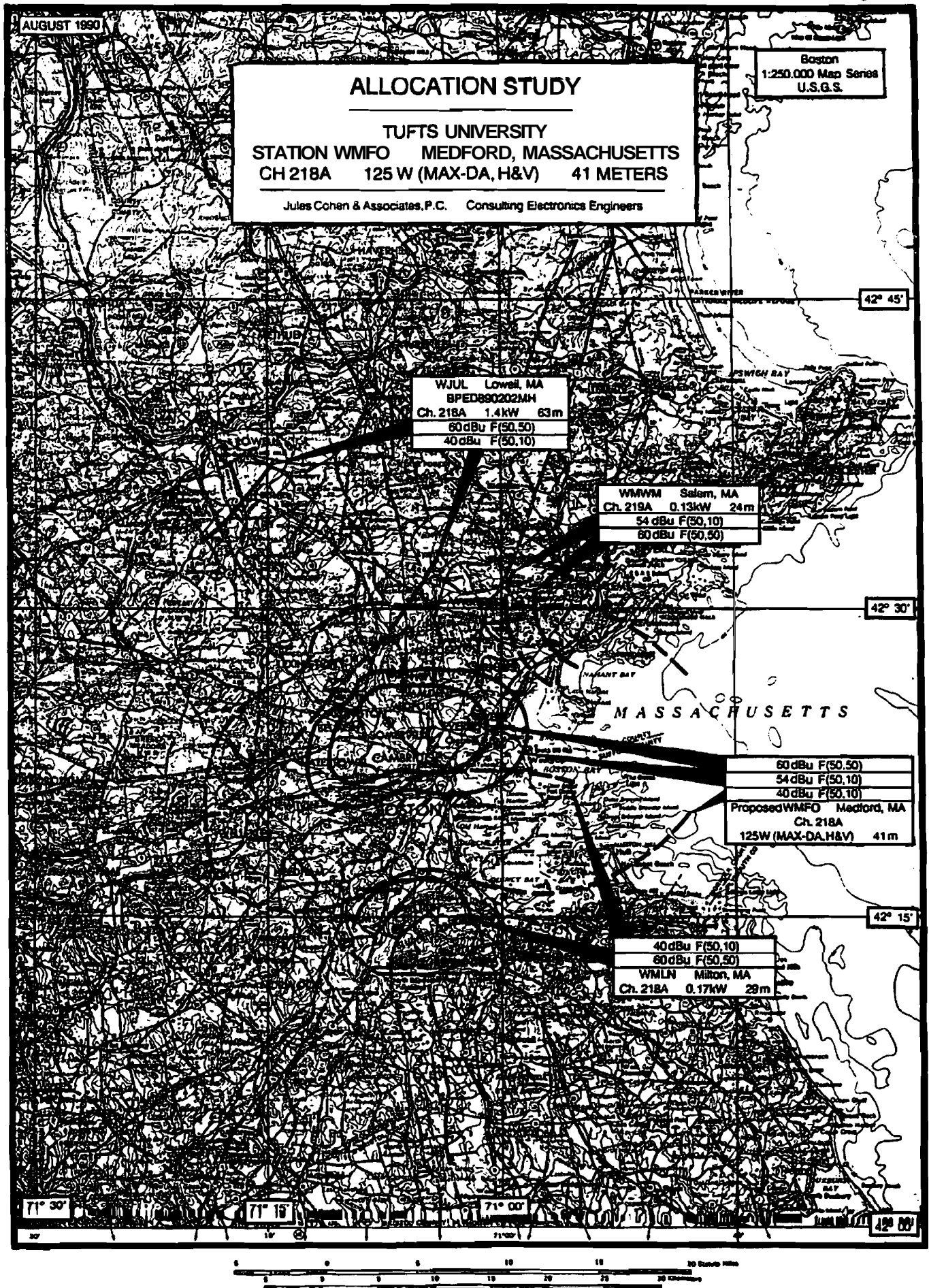




Figure 7



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CH 218A 125 **W(MAX-DA, H&V)** 41 **METERS**

Tabulation of Data Used In Allocation Study

WMFO, Medford, Massachusetts  
Ch. 218A, 125 W(Max-DA, H&V), 41 meters

<u>Azimuth</u> (degrees)	Antenna Radiation Center Height Above <u>Average Terrain</u> (meters)	Proposed <u>ERP</u> (dBk)	<u>Distance to</u>	
			<u>54 dBu</u> <u>F(50,10)<sup>3</sup></u> (km)	<u>40 dBu</u> <u>F(50,10)<sup>3</sup></u> (km)
0	33 <sup>1</sup>	-20.0	4.6	10.6
15	33	-20.0	4.6	10.6
30	34	-17.3	5.5	12.5
45	34 <sup>1</sup>	-14.4	6.5	14.6
60	43	-11.6	8.8	20.4
75	51	-9.7	10.7	25.0
90	60 <sup>1</sup>	-9.0	12.0	28.2
105	63	-9.6	11.9	27.8
120	65	-11.6	10.8	25.2
135	68	-14.6	9.3	21.7
150	65	-17.9	7.4	17.3
165	61	-20.7	6.1	17.3
180	58 <sup>1</sup>	-19.8	6.3	14.1
195	54	-16.2	7.5	16.9
210	51	-13.6	8.5	19.2
225	47 <sup>1</sup>	-1.7	9.1	20.5
240	34	-10.7	8.1	18.4
255	22 <sup>2</sup>	-11.8	7.2	16.3
270	9 <sup>1, 2</sup>	-14.6	6.1	13.8
285	13 <sup>2</sup>	-18.4	4.9	11.2
300	18 <sup>2</sup>	-22.5	3.9	8.8
315	22	-21.8	4.0	9.6
330	26 <sup>2</sup>	-19.8	4.5	10.4
345	29 <sup>2</sup>	-19.2	4.7	10.7

<sup>1</sup> Converted to metric from English value in **BPED-791228AZ** and rounded to the nearest meter.

<sup>2</sup> 39 meters has been assumed for the calculation of distances to the contours.

<sup>3</sup> **F(50,50)** propagation curves have been employed for distances under 15 kilometers.

**WJUL, Lowell, MA**  
**Ch. 218A (CP), 1.4 kW (Max-DA), 63 m**

Site Coordinates: 42" 39' **07"** NL  
71" 19' 15" WL

<u><b>Azimuth</b></u> (deg. T)	3-16 km Terrain <u><b>Average</b></u> (m. AMSL)	Rad. Ctr. Height Above Average Terrain (meters)	Relative <u><b>Field</b></u>	<u><b>ERP</b></u> (kW)	<u>Distance to</u>	
					(60 <b>dBu</b> ) <u><b>F(50,50)</b></u> (km)	(40 <b>dBu</b> ) <u><b>I50</b></u> (km)
90	46.0	68.0	0.178	0.044	7.1	23.8
120	41 <sup>1</sup>	73	0.180	0.045	7.2	23.9
135	38	76	0.182	0.046	7.3	24.6
150	41 <sup>1</sup>	73	0.212	0.063	7.8	26.0
160	44 <sup>1</sup>	70	0.265	0.098	8.6	28.5
170	46 <sup>1</sup>	68	0.333	0.155	9.6	31.7
180	48	66	0.419	0.246	10.6	35.8

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<sup>1</sup> Interpolated value

NOTE: Terrain elevation data and antenna radiation data obtained from BPED-890202MH.

WMLN. Milton, MA  
Ch. 218A. 0.172 kW (Max-DA). 29 m

Site **Coordinates:** 42° 14' 27" NL  
71° 06' 52" WL

<u>Azimuth</u> (deg. T)	3-16 km Terrain <u>Average</u> (m. AMSL)	Rad. Ctr. Height Above Average Terrain (meters)	Relative <u>Field<sup>1</sup></u>	<u>ERP</u> (kW)	<u>Distance to</u>	
					(60 dBu) <u>F(50,50)</u> (km)	(40 dBu) <u>F(50,10)</u> (km)
270	58	7 <sup>2</sup>	0.355	0.022	3.9	12.4 <sup>3</sup>
280		30 <sup>2</sup>	0.325	0.018	3.7	11.8 <sup>3</sup>
290		30 <sup>2</sup>	0.320	0.018	3.7	11.8 <sup>3</sup>
300		30 <sup>2</sup>	0.320	0.018	3.7	11.8 <sup>3</sup>
310		30 <sup>2</sup>	0.314	0.017	3.6	11.6 <sup>3</sup>
315	42	23 <sup>2</sup>	0.312	0.017	3.6	11.6 <sup>3</sup>
320		26 <sup>2,4</sup>	0.310	0.017	3.6	11.6 <sup>3</sup>
330		33 <sup>4</sup>	0.305	0.016	3.7	11.9 <sup>3</sup>
340		39 <sup>4</sup>	0.290	0.014	3.9	12.4 <sup>3</sup>
350		46 <sup>4</sup>	0.255	0.011	4.0	12.7 <sup>3</sup>
0	13	52	0.240	0.010	4.2	13.2 <sup>3</sup>
10		54 <sup>4</sup>	0.255	0.011	4.4	13.8 <sup>3</sup>
20		56 <sup>4</sup>	0.300	0.015	4.8	15.5

<sup>1</sup> Data from **BPED-830919AJ**.

<sup>2</sup> 30 meters assumed as per Section **73.313(e)**.

<sup>3</sup> **F(50,50)** propagation curves used for distances less than **15** km.

<sup>4</sup> Interpolated value.

WMWM, Salem, MA  
**Ch. 219A 0.13 kW 24 m**

Site Coordinates: **42° 30' 14" NL**  
**70° 53' 26" WL**

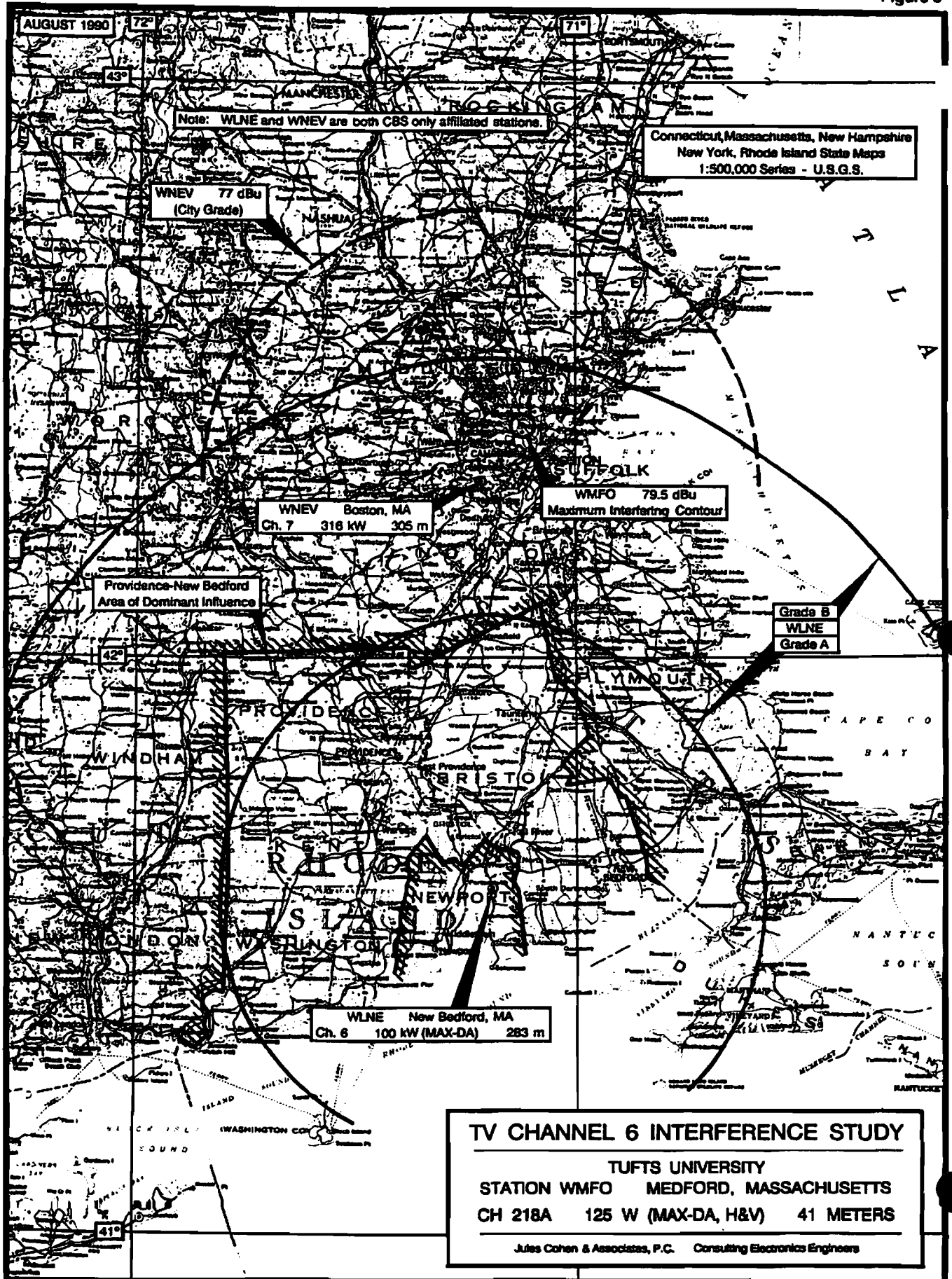
<u>Azimuth</u> (deg. T)	<b>3-16 km</b> Terrain <u><b>Average</b></u> (m. <b>AMSL</b> )	Rad. Ctr. Height Above Average Terrain (meters)	<u><b>ERP</b></u> (kW)	<u>Distance to</u>	
				<u>(60 dBu)</u> <b>F(50.50)</b> (km)	<u>(54 dBu)</u> <b>F(50.10)</b> (km)
<b>180</b>	<b>10</b>	<b>31</b>	<b>0.13</b>	<b>6.1</b>	<b>8.7</b>
<b>225</b>	<b>11</b>	<b>30</b>	<b>0.13</b>	<b>6.1</b>	<b>8.7</b>
<b>270</b>	<b>40</b>	<b>1<sup>a</sup></b>	<b>0.13</b>	<b>6.1</b>	<b>8.7</b>

Above based on data from BPED-2332. Elevations for average terrain and **HAAT** converted from feet to meters and rounded to nearest meter.

---

<sup>a</sup> 30 meters assumed.

Figure 9



JULES COHEN & ASSOCIATES, P.C.  
CONSULTING ELECTRONICS ENGINEERS  
WASHINGTON, D.C. 20036

---

ENGINEERING EXHIBIT  
APPLICATION FOR CONSTRUCTION PERMIT  
TUFTS UNIVERSITY  
STATION WMFO  
MEDFORD, MASSACHUSETTS  
CH 218A 125 W(MAX-DA, H&V) 41 METERS

Affidavit

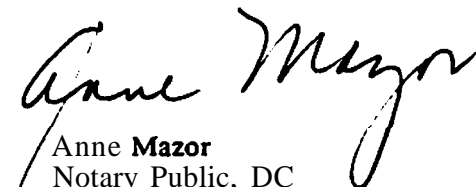
WASHINGTON )  
DISTRICT OF COLUMBIA )

ss:

Bernard R. Segal, being first duly sworn, says that he is president of Jules Cohen & Associates, P.C., consulting electronics engineers with offices in Washington, DC; that he is a professional engineer registered in the District of Columbia; that his qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission; that the foregoing exhibit was prepared by him and under his direction; and that the statements contained therein are true of his own personal knowledge except those stated to be on information and belief and, as to those statements, he verily believes them to be true and correct.

  
Bernard R. Segal, P.E.

Subscribed and sworn to before me this 10th day of August, 1990.

  
Anne Mazor  
Notary Public, DC

My commission expires  
October 31, 1991

(SEAL)





R1C

**FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554**

**IN REPLY REFER TO:**

**AUG 09 1999**

**1800B3-JWR**

Marissa G. Repp, Esquire  
Hogan & **Hartson**, LLP  
555 13th Street, NW  
Washington, DC 20004-1109

In re: **WMFO(FM)**, Medford, MA  
Facility No. 68320  
File No. BLED-820928AO

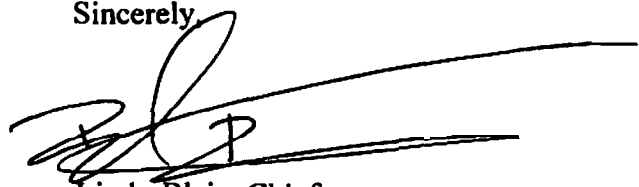
Petition for Reconsideration

Dear Ms. Repp:

We have on file Tufts University's ("Tufts") petition for reconsideration of the April 30, 1999, staff action terminating authority to operate the above-referenced station and deleting the call sign. Pursuant to 1.106 of the Commission's rules reconsideration IS GRANTED and the **WMFO(FM)** call sign IS REINSTATED. Additionally, Tufts' June 3, 1999, renewal application (File No. **BRED-990603YA**) IS ACCEPTED FOR FILING and Special Temporary Authority IS GRANTED to **allow** continued operation pending consideration and final action on the license renewal application.

We remind Tufts that Commission policy encourages the submission of complete information at an early stage to ensure administrative orderliness and to minimize the need for reconsideration proceedings. See, e.g., Carolyn Hagedorn, 11 FCC **Rcd** 1659 (1996); see generally *Colorado Radio Corp. v. FCC*, 118 **F.2d** 24, 26 (D.C. Cir. 1941). However, under the circumstances where an operating station continues to serve the community, we find that the applicant has made a sufficient showing that the public interest warrants grant of reconsideration. We note that the actions taken in this letter are without prejudice to whatever further action the Commission may deem appropriate in connection with the late-filed renewal application.

Sincerely,

  
for Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau

Ref Rm

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

APR 30 1999

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

TUFTS UNIVERSITY  
44 PROFESSORS ROW  
MAYER CAMPUS CENTER  
MEDFORD, MA 02155

ID # 68320

IN RE: WMFO (FM)  
MEDFORD, MA  
BLED-820928AO

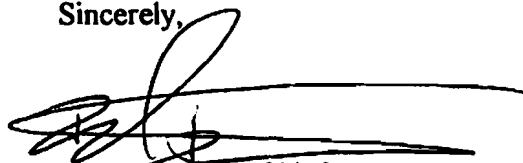
Dear Licensee:

Your license for the above-referenced station expired on April 1, 1998. An application for renewal of this station's license should have been filed by December 1, 1997. By letter of November 19, 1998, you were informed that failure to file a license renewal application by December 9, 1998, could result in action terminating your authority to operate the station and deletion of your station's call letters.

To date, we have no record of receiving a license renewal application for the **above-referenced station** and your license has expired by its own terms. Accordingly, your authority to operate WMFO, MEDFORD, MA IS TERMINATED and your call letters ARE DELETED.

Finally, it is imperative to the safety of air navigation that you maintain the prescribed painting and **illumination** of your tower until it **is** dismantled. Accordingly, you ARE HEREBY DIRECTED, pursuant to 47 U.S.C. Section 303(q), to maintain the tower of the above-referenced station in the manner prescribed by our rules and the terms of your expired license. See, 47 C.F.R. Sections 17.1 **et.seq.** and 73.1213.

Sincerely,



*LB*  
Linda B. Blair, Chief  
Audio Services Division  
Mass Media Bureau

cc: EIC

FCC Call Sign Desk

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

In the Matter of )

Termination of Authority to )  
Operate and Deletion of )  
Call Letters for Noncommercial )  
Educational FM Broadcast Station )  
**WMFO(FM), Medford, MA** )

License No. BLED-820928AO

To: Chief, Audio Services Division, Mass Media Bureau

**POSTED**  
6/9/99

**RECEIVED**

JUN 3 1999

FEDERAL COMMUNICATIONS COMMISSION  
OF THE SECRETARY

**PETITION FOR RECONSIDERATION**

Tufts University ("**Tufts**"), the licensee of noncommercial educational radio station **WMFO(FM)**, 91.5 MHz, Medford, Massachusetts (the "Station"), by its attorneys, hereby files this petition for reconsideration by the Audio Services Division, Mass Media Bureau, of its action of April 30, 1999 (the "Division Action") terminating Tufts's authority to operate the Station and deleting the Station's call letters. 1/

The Division Action letter stated that the license to operate the Station was being terminated and the call letters deleted because the Commission had no record of receiving a license renewal application for the Station and the license had expired by its own terms on April 1, 1998.

1/ Public Notice of the Division Action was issued on May 5, 1999 (Report No. 24480); consequently, this petition is timely filed pursuant to Sections **1.4(b)** and **1.106(f)** of the Commission's Rules.

Contemporaneously with the **filing** of this petition, Tufts is **filing** its renewal application for the Station, and requests that the Commission reconsider the Division Action so that it may consider such renewal application. As set forth in the attached Declaration, the failure to timely file a renewal application for the Station was inadvertent. The former mailing address for FCC correspondence to the Station was for the Station's student-staffed studio, and the school administration never received the original renewal application forms and booklet sent by the FCC. After an internal routing delay, the school administration did receive in January 1999, the Commission's letter of November 19, 1998, notifying the Station of the need to promptly file the Station's renewal application. In response, the Associate Director of Student Activities at Tufts contacted the FCC to request renewal forms and instructions and to submit an address change listing the address of the Office of Student Activities. After receipt of the forms, the Associate Director prepared a draft of the renewal application and ownership report, which drafts were under review at the University's offices when the Division Action was taken. Following receipt of the Division Action letter, Tufts retained communications counsel to assist in finalizing the renewal application, which has resulted in its completion and filing. 2/ Counsel for Tufts has also filed with the Commission Tufts's request for special temporary authority to continue operations of the Station under its call letters until such time as the Commission acts on this petition and the Station's renewal application.

---

21 **Tufts is still in the process of finalizing its ownership** report on Form 323-E, and will file such report upon its completion.

In sum, the renewal application for the Station was not **filed** in a timely manner due to inadvertence and internal routing difficulties. Tufts has corrected the mailing address for the Station and has completed and filed its renewal application. The renewal application establishes the basis for renewal of the Station's authorization. So that the Station's renewal application may be acted on by the Commission, it is respectfully submitted that the Division Action should be reconsidered. Consequently, the Commission should reinstate Tufts' authority to operate the Station, reinstate the Station's call letters, and upon consideration of the renewal application, renew Tufts's license to operate the Station until April 1, 2006.

Respectfully submitted,

**TUFTS UNIVERSITY**

By: 

Marissa G. Repp

**HOGAN & HARTSON L.L.P.**  
555 Thirteenth Street, NW  
Washington, DC 20004-1109  
(202) 637-6845

Its Attorneys

June 3, 1999

## DECLARATION

I, Ralph **Perrotto**, do hereby declare under penalty of **perjury**, that the following statements are true and accurate to the best of my personal knowledge, information and belief:

1. I am Associate Director of Student Activities, at Tufts University, Medford, Massachusetts. Among my duties is the coordination of filings with the Federal Communications Commission ("FCC") relating to Station **WMFO(FM)**, Medford, Massachusetts (the "Station").

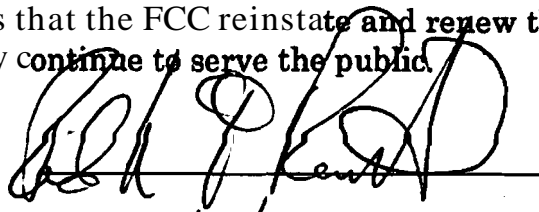
2. Prior to February 1999, the mailing address on the FCC's records for the Station was for the Station's student-staffed studio. Consequently, it appears that FCC mailings were not always forwarded to the school administration. In February 1999, I submitted to the FCC a change of mailing address form for the Station, specifying the address for the Office of Student Activities.

3. The administration of the University has no record of receiving the renewal packet that the FCC would have sent to the Station prior to the Station's license expiration. The November 19, 1998 letter sent to the Station by the FCC was forwarded to the University's administrative offices sometime in January 1999. At that time, I made several calls to the FCC in an effort to obtain the renewal forms and instructions for the Station's renewal. Eventually, I learned about their availability on the FCC's web-site and obtained the forms from that site.

4. I prepared the Form **303-S** (renewal application), and obtained a draft statement from the Station's consulting engineer establishing RF radiation compliance. I also prepared an initial draft of the Form 323-E (ownership report). I had forwarded the renewal application and ownership report to the Trustee's office for their review, completion and signature. That process was underway when the University received the FCC's letter of April 30, 1999, regarding the cancellation of the Station's license. Shortly thereafter, the University retained communications counsel in Washington, D.C. to assist in finalizing the renewal application and to request reinstatement of the Station's license.

5. I anticipate now that FCC correspondence is going directly to the University's administrative offices, that the University will be able to timely respond to FCC correspondence and filing requirements.

6. The Station provides a unique and fulfilling experience for the University's students and broadcasts programming serving the needs and interests of the community. The University requests that the FCC **reinstate and renew the** Station's operating authority so that it may **continue to serve the public**.



5/28/99



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

RECEIVED - FCC  
JUN 10 2004  
Federal Communication Commission  
Bureau / Office

**CHANGE IN OFFICIAL MAILING ADDRESS FOR  
BROADCAST STATION**

Mall to: **Federal Communications Commission**  
**Mass Media Bureau**  
**Audio/Video Services Division**  
**Washington, D. C. 20554**

1. Licensee's Name:

**Tufts University**

2. Street Address of Post Office Box:

**Office of the University Counsel, Ballou Hall**

3. City, State, and ZIP Code:

**Medford, Massachusetts 02155**

4. Call Sign and Type of Service:

**WMFO(FM), Medford, Massachusetts, FAC ID 68320**

**47 C.F.R. Section 1.5 requires a permittee/licensee to keep the Commission informed of any change in mailing address in order that the station may be served documents or other official papers without delay.**

**Only one mailing address can be maintained for each broadcast station.**

**Due to lack of space the mailing address cannot contain an individual name (unless the licensee is an individual).**

FCC 5072  
February 1995

HOGAN & HARTSON  
L.L.P.

OWNERSHIP  
Report

MARISSA G. REPP  
PARTNER  
(202) 637-6845  
MGREPP@HHLAW.COM

April 7, 2004

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 697-5910

*BY HAND DELIVERY*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED

APR - 7 2004

Attention: **Ownership Section  
Media Bureau**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: **Tufts University  
FRN 0005-2019-34  
Noncommercial Educational Station WMFO(FM), Medford, MA  
FCC Facility ID No. 68320  
Request for Extension of Time for Filing  
Biennial Ownership Report on Form 323-E**

Dear Ms. Dortch:

On behalf of Tufts University, the licensee of noncommercial educational broadcast station **WMFO(FM)**, Medford, Massachusetts, this letter is to request a further 60-day extension of time for the filing of the biennial ownership report on FCC Form **323-E** which was originally due on December 8, 2003. This extension until June 7, 2004, is requested so that Tufts University may complete its efforts to update the information to be provided to the Commission on Form **323-E**.

If there are any communications regarding this request, please contact the undersigned counsel in addition to the licensee.

**Respectfully** submitted,

HOGAN & HARTSON L.L.P.

By: 

Marissa G. Repp

cc: **WMFO Station Public Inspection File**

**Attorneys for Tufts University**



HOGAN & HARTSON  
L.L.P.

MARISSA G. REPP  
PARTNER  
(202) 637-6848  
MGREPP@HHLAW.COM

April 7, 2004

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910

*BY HAND DELIVERY*

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED

APR - 7 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Attention: Ownership Section  
Media Bureau

Re: Tufts University  
**FRN 0005-2019-34**  
Noncommercial Educational Station **WMFO(FM)**, Medford, MA  
FCC Facility ID No. 68320  
Request for Extension of Time for Filing  
Biennial Ownership Report on Form 323-E

Dear Ms. Dortch:

On behalf of **Tufts** University, the licensee of noncommercial educational broadcast station **WMFO(FM)**, Medford, Massachusetts, this letter is to request a further 60-day extension of time for the filing of the **biennial** ownership report on **FCC** Form 323-E which was originally due on December 8, 2003. This extension until June 7, 2004, is requested so that Tufts University may complete its efforts to update the information to be provided to the Commission on Form 323-E.

If there are **any** communications regarding this request, please contact the undersigned counsel in addition to the licensee.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:

Marissa G. Repp

cc: **WMFO Station Public Inspection File**

Attorneys for Tufts University

BRUSSELS BUDAPEST LONDON MOSCOW PARIS\* PRAGUE\* WARSAW

WASHINGTON, DC BALTIMORE, MD COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA McLEAN, VA NEW YORK, NY ROCKVILLE, MD

\*Affiliated Office

**HOGAN & HARTSON**  
**L.L.P.**

**MARISSA G. REPP**  
**PARTNER**  
**(202) 637-6845**  
YGUPPOHHIAW.COM

**COLUMBIA SQUARE**  
**555 THIRTEENTH STREET, NW**  
**WASHINGTON, DC 20004-1109**

**TEL (202) 637-5600**  
**FAX (202) 637-5910**  
**WWW.HHLAW.COM**

December 4, 2003

**RECEIVED**

**BY HAND DELIVERY**

**DEC - 4 2003**

Marlene H. **Dortch**, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, **S.W.**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Attention: Ownership Section**  
**Media Bureau**

**Re: Tufts University**  
**FRN 0005-2019-34**  
**Noncommercial Educational Station WMFO(FM), Medford, MA**  
**FCC Facility ID No. 68320**  
**Request for Extension of Time for Filing**  
**Biennial Ownership Report on Form 323-E**

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On behalf of **Tufts** University, the licensee of noncommercial educational broadcast station WMFO(FM), Medford, Massachusetts, this letter is to request a 60-day extension of time from the current deadline (December 8, 2003) for the filing of the biennial ownership report on FCC Form 323-E. This extension until February 6, 2003, is requested so that Tufts University may complete its efforts to update the information to be provided to the Commission on the Form 323-E.

If there are any communications regarding this request, please contact the undersigned counsel in addition to the licensee.

**Respectfully** submitted,

**HOGAN & HARTSON L.L.P.**

By: 

Marissa G. Repp

**cc: WMFO Station Public Inspection File**

Attorneys for Tufts University

HOGAN & HARTSON  
L.L.P.

MARISSA G. REPP  
PARTNER  
(202) 637-6645  
MGREPP@HHLAW.COY

December 4, 2003

COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109  
TEL (202) 637-5600  
FAX (202) 637-5910  
WWW.HHLAW.COM

RECEIVED

DEC - 4 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BY HAND DELIVERY

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
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HOGAN & HARTSON L.L.P.

By: 

Marissa G. Repp

cc: WMFO Station Public Inspection File

Attorneys for Tufts University

BRUSSELS BUDAPEST LONDON MOSCOW PARIS PRAGUE WARSAW

WDC - 9402/0011 BOSTON, MA BOSTON, MD BOULDER, CO COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA MCLEAN, VA NEW YORK, NY

\*Affiliated Office



UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

(FOR CHIEF AUDIO SERVICES DIVISION, MASS MEDIA BUREAU)

H. J. [Signature]  
12/20/01

☐ CONSENT TO ASSIGNMENT:

☐ CONSENT TO TRANSFER:

FROM: FORMER BOARD OF TRUSTEES

TO: CURRENT BOARD OF TRUSTEES

Licensee/Permittee: TUFTS UNIVERSITY  
(for transfer only)

CLASS	CALL SIGN	FACILITY ID	FILE#	STATION LOCATION	AUXILIARY STATIONS
FM	WMFO	68320	BTCED-20011205AAE	MEDFORD, MA	ALL CURRENTLY AUTHORIZED AUXILIARY STATIONS

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained a. or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 90 days from the date hereof, and notice in letter form thereof shall promptly be furnished to the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

FCC Form 323. Ownership Report, must be filed within 30 days after consummation, by the licensee/permittee or assignee.

**ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:**

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee. It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.



UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

(FOR CHIEF AUDIO SERVICES DIVISION, MASS MEDIA BUREAU)

H. J. [Signature]  
12/20/01

<input type="checkbox"/> CONSENT TO ASSIGNMENT:	FROM: FORMER BOARD OF TRUSTEES
<input checked="" type="checkbox"/> CONSENT TO TRANSFER:	TO: CURRENT BOARD OF TRUSTEES
Licensee/Permittee: TUFTS UNIVERSITY (for transfer only)	

CALL CLASS	SIGN	FACILITY ID	FILE #	STATION LOCATION	AUXILIARY STATIONS
FM	WMFO	68320	BTCD-20011205AAE	MEDFORD, MA	ALL CURRENTLY AUTHORIZED AUXILIARY STATIONS

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

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**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

**POSTED**  
6/9/99

In the Matter of )

Termination of Authority to )  
Operate and Deletion of )

Call Letters for Noncommercial )

Educational FM Broadcast Station )

**WMFO(FM), Medford, MA** )

License No. BLED-820928AO

**RECEIVED**

JUN 3 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

68320

To: Chief, Audio Services Division, Mass Media Bureau

**PETITION FOR RECONSIDERATION**

Tufts University ("Tufts"), the licensee of noncommercial educational radio station **WMFO(FM), 91.5 MHz**, Medford, Massachusetts (the "Station"), by its attorneys, hereby files this petition for reconsideration by the Audio Services Division, Mass Media Bureau, of its action of April 30, 1999 (the "Division Action") terminating Tufts's authority to operate the Station and deleting the Station's call letters. **1/**

The Division Action letter stated that the license to operate the Station was being terminated and the call letters deleted because the Commission had no record of receiving a license renewal application for the Station and the license had expired by its own terms on April 1, 1998.

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**11** Public Notice of the Division Action was issued on May 5, **1999** (Report No. 24480); consequently, this petition is timely filed pursuant to Sections **1.4(b)** and **1.106(f)** of the **Commission's** Rules.

Contemporaneously with the filing of this petition, Tufts is filing its renewal application for the Station, and requests that the Commission reconsider the Division Action so that it may consider such renewal application. As set forth in the attached Declaration, the failure to timely file a renewal application for the Station was inadvertent. The former mailing address for FCC correspondence to the Station was for the Station's student-staffed studio, and the school administration never received the original renewal application forms and booklet sent by the FCC. After an internal routing delay, the school administration did receive in January 1999, the Commission's letter of November 19, 1998, notifying the Station of the need to promptly file the Station's renewal application. In response, the Associate Director of Student Activities at Tufts contacted the FCC to request renewal forms and instructions and to submit an address change listing the address of the Office of Student Activities. After receipt of the forms, the Associate Director prepared a draft of the renewal application and ownership report, which drafts were under review at the University's offices when the Division Action was taken. Following receipt of the Division Action letter, Tufts retained communications counsel to assist in finalizing the renewal application, which has resulted in its completion and filing. 2/ Counsel for Tufts has also filed with the Commission Tufts's request for special temporary authority to continue operations of the Station under its call letters until such time as the Commission acts on this petition and the Station's renewal application.

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21 Tufts is still in the process of finalizing its ownership report on Form 323-E, and will file such report upon its completion.

In sum, the renewal application for the Station was not filed in a timely manner due to inadvertence and internal routing difficulties. Tufts has corrected the mailing address for the Station and has completed and filed its renewal application. The renewal application establishes the basis for renewal of the Station's authorization. So that the Station's renewal application may be acted on by the Commission, it is respectfully submitted that the Division Action should be reconsidered. Consequently, the Commission should reinstate Tufts' authority to operate the Station, reinstate the Station's call letters, and upon consideration of the renewal application, renew Tufts's license to operate the Station until April 1, 2006.

Respectfully submitted,

**TUFTS UNIVERSITY**

By:  \_\_\_\_\_  
Marissa G. Repp

**HOGAN & HARTSON L.L.P.**  
555 Thirteenth Street, NW  
Washington, DC 20004-1109  
(202) 637-6845

Its Attorneys

June 3, 1999



## DECLARATION

I, Ralph Perrotto, do hereby declare under penalty of perjury, that the following statements are true and accurate to the best of my personal knowledge, information and belief:

1. I am Associate Director of Student Activities, at Tufts University, Medford, Massachusetts. Among my duties is the coordination of **filings** with the Federal Communications Commission ("FCC") relating to Station **WMFO(FM)**, Medford, Massachusetts (the "Station").

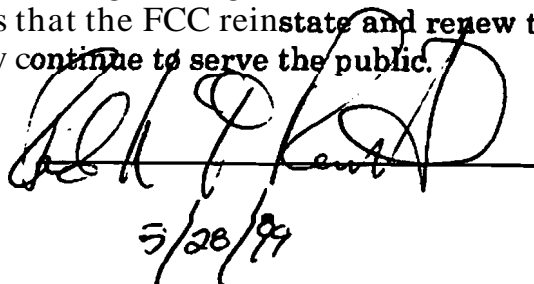
2. Prior to February 1999, the mailing address on the FCC's records for the Station was for the Station's student-staffed studio. Consequently, it appears that FCC mailings were not always forwarded to the school administration. In February 1999, I submitted to the FCC a change of mailing address form for the Station, **specifying** the address for the Office of Student Activities.

3. The administration of the University has no record of receiving the renewal packet that the FCC would have sent to the Station prior to the Station's license expiration. The November 19, 1998 letter sent to the Station by the FCC was forwarded to the University's administrative **offices** sometime in January 1999. At that time, I made several calls to the FCC in an effort to obtain the renewal forms and instructions for the Station's renewal. Eventually, I learned about their **availability** on the FCC's web-site and obtained the forms from that site.

4. I prepared the Form **303-S** (renewal application), and obtained a draft statement from the station's consulting engineer establishing RF radiation compliance. I also prepared an initial draft of the Form **323-E** (ownership report). I had forwarded the renewal application and ownership report to the Trustee's office for their review, completion and signature. That process was underway when the University received the FCC's letter of April 30, 1999, regarding the cancellation of the Station's license. Shortly thereafter, the University retained communications counsel in Washington, D.C. to assist in finalizing the renewal application and to request reinstatement of the Station's license.

5. I anticipate now that FCC correspondence is going directly to the University's administrative offices, that the University will be able to timely respond to FCC correspondence and filing requirements.

6. The Station provides a unique and **fulfilling** experience for the University's students and broadcasts programming serving the needs and interests of the community. The University requests that the FCC **reinstate and renew the** Station's operating authority so that it may **continue to serve the public.**



5/28/99

239

FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

May 7 11 51 AM '93

MAY 3 1993

IN REPLY REFER TO:  
1800B3-TDNDISP Trustees of Tufts College  
Ballou Hall, 4th Floor  
Medford, MA 02155In re: WMFO (FM), Medford, MA  
Trustees of Tufts College  
BPED-920806IA

Dear Applicant:

This letter is in reference to the above-captioned minor change application to add a directional antenna to the existing directional antenna.

An engineering study has revealed that your proposal would receive objectional interference, based on contour overlap, from the licensed facility (BLH-982) of co-channel Class A FM station WJUL, Lowell, Massachusetts. The enclosed computerized contour overlap study shows that WMFO's proposed protected (60 dBu) contour would overlap WJUL's licensed interfering (40 dBu) contour by as much as 0.58 kilometers between the 250' and 290' radials (relative to WMFO). Therefore, your proposal is in violation of 47 CFR. § 73.509. This prohibited overlap, which was not addressed in your application, renders it unacceptable for filing pursuant to 47 CFR. § 73.3566(a).<sup>1</sup>

In addition, your proposal would cause increased objectional interference, based on contour overlap, to the licensed facility (BLED-870518KC) of third-adjacent Channel Class B FM station WBUR, Boston, Massachusetts. Specifically, your proposal's interfering (100 dBu) contour would increase the overlap caused to WBUR's protected (60 dBu) contour. Therefore, your proposal is in violation of 47 CFR. § 73.509.

You state that the proposed WMFO operation will result in slightly increased overlap of WMFO's undesired 123.5 dBu contour with WBUR's desired 83.5 dBu contour. You further state that "...the contour does not extend beyond the campus green of the University. Hence, no actual interference to WBUR will occur." Finally, you state that in the event a waiver of the FCC's Rule is required, a waiver is requested.

When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. Columbia Communications Corp. v. FCC, 832 F.2d 189,192 (D.C. Cir. 1987) (quoting Rio Grand Family Radio Fellowship, Inc. v. FCC), 406 F.2d 644,666 (D.C. Cir. 1968) (per curiam)). In

1

Our study further reveals that there would be no overlap between your proposal and WJUL's construction permit File No. BPH-890202MH. However, until a license to cover that construction permit is filed, your proposal must consider WJUL's licensed facility (BLH-982) as well as WJUL's permit facility.

this regard, you have failed to identify the rule for which waiver is sought. Specifically, you have failed to recognize the violation of Section 73.509. Accordingly, your request does not constitute a colorable request for waiver.

Section 73.509 specifies that, with respect to third-adjacent channel stations, the protected contour is the 60 dBu contour and the interfering contour is the 100 dBu contour not the 83.5 dBu contour and the 123.5 dBu contour, respectively, as stated in your proposal. As stated above, our study shows that your licensed interfering (100 dBu) contour is totally encompassed by WBUR's protected (60 dBu) contour. Since your proposed interfering (100 dBu) contour would extend beyond your licensed 100 dBu contour, the present overlap caused to WBUR's facilities would be increased in contravention of 47 C.F.R. S 73.509. This also renders your application unacceptable for filing.

Even if you had properly requested waiver of 47 C.F.R. S 73.509, while you state in your proposal that the interfering contour would not extend beyond the University campus lawn, you did not provide any information regarding the area of predicted interference gained or the number of persons affected. Instead, the basis of your waiver request rests entirely upon the conclusory assertion that "the proposed WMFO operation will result in slightly increased overlap ...." Insufficient data was submitted to support this assertion. It is unreasonable to expect the Commission to reach the public interest finding necessary to waive its interference protection rules based solely on an applicant's determination that the increase in prohibited overlap would only be "slight" and that the increase in service area would be "substantial" without specific data to support this determination. The burden is on the applicant seeking waiver to plead specific facts and circumstances which would make the general rule inapplicable. See Tucson Radio, Inc. v. FCC, 452 F.2d 1380, 1382 (D.C. Cir. 1971). Additionally, there is no indication in the application that WBUR has consented to the proposed increase in prohibited overlap. Therefore, we could not have concluded that the facts and circumstances set forth in your application were sufficient to establish that a grant of a waiver would better serve the public interest than adherence to the rule. Accordingly, the request for waiver of 47 C.F.R. S 73.509 would have been denied.

In addition, an engineering study reveals that your proposed directional antenna pattern has a maximum rate of change of 2.77 dB per 10 degrees between the 280' and 290' radials. This is in violation of 47 C.F.R. S 73.316(b)(2) which restricts the maximum rate of change to 2 dB per 10 degrees. The Commission's policy regarding the 2 dB per 10 degrees rate of change limitation is longstanding and has been consistently applied to all FM directional stations for many years. The requirements for both commercial and educational stations were reaffirmed in the Report and Order in Docket 87-121, 54 Fed. Reg. 09800, adopted December 12, 1988, released February 22, 1989. Exceptions to this policy have been limited primarily to stations employing directional antennas for sole purpose of protecting non-broadcast facilities such as quiet zones or Commission monitoring stations or to avoid wasting power over large bodies of water. In the present case, none of these situations are applicable.

Moreover, you propose to add the Scala directional antenna to the existing Telrex Laboratories directional antenna. You state that the addition of the Scala antenna is to improve the existing coverage area toward the southwest region, a region of suppressed radiation from the existing antenna. You further state that because of the manner of mounting of the Telrex and Scala antennas and the high degree of radiation suppression each antenna has in the direction of the other, little interaction is expected. However, pursuant to 47 C.F.R. § 73.1620(a)(2), a proof of performance for any directional antenna must be submitted before program test authority will be granted. Therefore, you must specify how the proof of performance will be accomplished.

Pursuant to 47 C.F.R. § 73.525(b)(4), applications for modification must include a certification that the applicant has given early written notice of the proposed modification to all affected TV Channel 6 TV stations. A review of the application reveals that no certification was submitted.

Finally, if you resubmit the application, you must include a statement stating the permittee will reduce power or cease operation as necessary to assure safety with respect to radiofrequency radiation.

Accordingly, the request for waiver of 47 C.F.R. § 73.509 with respect to Station WBUR(FM) IS HEREBY DENIED and, for the reasons stated above, Application BPED-9208061A IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Dennis Williams  
Chief, FM Branch  
Audio Services Division  
Mass Media Bureau

Enclosures

cc: Jules Cohen & Associates, P.C.  
Mr. Kurt Maitland  
Mr. John Grebe

# Ownership Report Form

**HOGAN & HARTSON  
L.L.P.**

**RECEIVED**

**DEC - 3 2001**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**COLUMBIA SQUARE  
555 THIRTEENTH STREET, NW  
WASHINGTON, DC 20004-1109**

**TEL (202) 637-5600  
FAX (202) 637-5910  
WWW.HHLAW.COM**

**MARISSA G. REPP  
PARTNER  
(202) 637-8045  
MGREPP@HHLAW.COM**

December 3, 2001

***BY HAND DELIVERY***

Ms. **Magalie Roman Salas**  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: 2001 Biennial Ownership Report and Section 73.3613 Filings  
Tufts University  
Noncommercial Educational Station WMFO(FM), Medford, MA  
FCC Facility ID No. 68320  
FRN 0005-2019-34**

Dear Ms. Salas:

*incl. By laws*

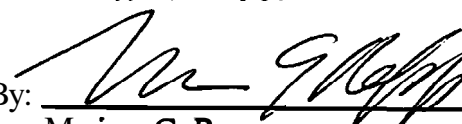
Enclosed for filing is the 2001 biennial ownership report on FCC Form 323-E for Tufts University, the licensee of noncommercial educational station **WMFO(FM)**, Medford, Massachusetts. Also enclosed are documents for filing pursuant to Section 73.3613 of the Commission's Rules.

There is no filing fee required for this biennial ownership report by a noncommercial educational licensee.

If there are any communications regarding this submission, please contact the undersigned counsel in addition to the licensee.

Respectfully submitted,

**HOGAN & HARTSON L.L.P.**

By:   
Marissa G. Repp

Attorneys for **Tufts** University

cc: **WMFO** Station Public Inspection File

FOR  
FCC  
USE  
ONLY

FCC 323-E

Ownership Report  
For

Noncommercial Educational Broadcast Station

RECEIVED  
DEC - 3 2001

FOR COMMISSION USE ONLY

FILE NO. 747909  
20011203CFH

SECTION I - GENERAL

1. Legal Name of the Licensee/Permittee <b>Tufts University</b>		
Mailing Address <b>Ballou Hall--3rd Floor; Attn: Dean of Arts &amp; Sciences</b>		
City <b>Medford</b>	State or Country (if foreign address) <b>MA</b>	ZIP Code <b>02155</b>
Telephone Number (include area code) <b>617-627-3337</b>		E-Mail Address (if available)
Call Sign <b>WMFO</b>		Facility ID Number <b>68320</b>
Contact Representative (if other than Licensee/Permittee) <b>Marissa G. Repp</b>		Firm or Company Name <b>Hogan &amp; Hartson L.L.P.</b>
Telephone Number (include area code) <b>202-637-6845</b>		E-Mail Address (if available) <b>mgrepp@hhlaw.com</b>
Name of entity, if other than licensee or permittee, for which report is filed <b>N/A</b>		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)		E-Mail Address (if available)

SECTION II - OWNERSHIP INFORMATION

4. All of the information furnished in this Report is accurate as of November 28, 2001  
(Date must comply with 47 C.F.R. Section 73.3615(d), i.e., information must be current within 60 days of filing of this report when 4(a) below is checked.)

This Report is filed for (check one)

- a. ☒ Biennial      b. ☐ Transfer of Control or Assignment of License/Permit      c. ☐ Other

for the following stations:

Call Letters	Facility ID Number	Location	Class of service
WMFO	68320	Medford, MA	FM

5. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a ~~major~~ <sup>material</sup> interest in or that otherwise exercises ~~de facto~~ <sup>de jure</sup> control over the subject licensee or permittee shall respond.)

Description of contract or instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
Restated Articles of Organization	Trustees of Tufts College	7/21/1975	N/A
Articles of Amendment	Trustees of Tufts College	11/20/1986	N/A
Articles of Amendment	Trustees of Tufts College	11/15/1988	N/A
Bylaws	Trustees of Tufts College	5/20/2000	N/A

6. Is the governing board directly or indirectly under the control of another entity? ☐ Yes ☐ No

If Yes, is a separate FCC Form 323-E submitted for such entity? N/A ☐ Yes ☐ No

7. List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages, if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- |  |   |
|--|---|
| <p>a. Name and address of officer, member of governing board, and holders of 1% or more ownership interest (if other than individual also show name, address and citizenship of natural person authorized to vote the interest). List officers first, then board members, and thereafter, holders of 1% or more ownership interest, if any.</p> <p>b. Citizenship.</p> <p>Office held.</p> | <p>d. Percent of interest held.</p> <p>e. Principal profession or occupation.</p> <p>f. By whom appointed or elected.</p> <p>g. Existing interests in any other broadcast station, including the nature and size of such interests.</p> |
|--|---|

a.	See Exhibit A.		
b.			
c.			
d.			
e.			
f.			
g.			




**SECTION III - CERTIFICATION**

I certify that I am Executive Vice President  
(Official Title)

of Tufts University  
(Exact legal title or name of respondent)

and that I have examined this Report, that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 4, Section II and in no event prior to that date.)

Signature		Date	11/30/01
Telephone Number of Respondent (Include area code) 617-627-3337			

**WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).**

**EXHIBIT A**

The Trustees of Tufts College (the institution in its entirety is referred to as Tufts University) is organized as a non-stock corporation, whose officers and trustees are follows:

<b><u>Name/ Residence</u></b>	<b><u>Citizenship</u></b>	<b><u>Office Held</u></b>	<b><u>Principal Profession or Occupation</u></b>	<b><u>Type of Trustee</u></b>
Nathan Gantcher Scarsdale, NY	USA	Chairman	Private Investor	Charter
Joseph Neubauer Philadelphia, PA	USA	Vice Chairman	Business Executive	Charter
James A. Stern Larchmont, NY	USA	Vice Chairman	Merchant Banking	Charter
Lawrence S. Bacow Medford, MA	USA	President	University President	N/A
Sol Gittleman Medford, MA	USA	Senior Vice President and Provost	University Officer	N/A
Steven S. Manos Lexington, MA	USA	Executive Vice President	University Officer	N/A
Thomas W. Murnane Marblehead, MA	USA	Senior Vice President	University Officer	N/A
Katheen Cronin Boston, MA	USA	Vice President for Human Resources	University Officer	N/A

EXHIBIT A (Continued)

<u>Name/ Residence</u>	<u>Citizenship</u>	<u>Office Held</u>	<u>Principal Profession or Occupation</u>	<u>Type of Trustee</u>
Thomas S. McGurty Windham, NH	USA	Vice President for Finance and Treasurer	University Officer	N/A
Darleen Karp Newton, MA	USA	Assistant Treasurer	University Officer	N/A
Bruce A. Metz Sudbury, MA	USA	Vice President for Information Technology	University Officer	N/A
John M. Roberto Lynnfield, MA	USA	Vice President for Operations	University Officer	N/A
Linda J. Dixon Lexington, MA	USA	Secretary of the Corporation	University Officer	N/A
Sarah Walsh Kiely Gloucester, MA	USA	Assistant Secretary of the Corporation	University Officer	N/A
Dr. Peter Ackerman Washington, DC	USA	N/A	Businessman	Charter
Dr. Joyce L. Barsam Belmont, MA	USA	N/A	Educator	Alumni
Dr. Joan M. Bergstrom Boston, MA	USA	N/A	Educator	Alumni
Edward H. Budd Glastonbury, CT	USA	N/A	Retired	Charter

**EXHIBIT A (Continued)**

<b><u>Name/ Residence</u></b>	<b><u>Citizenship</u></b>	<b><u>Office Held</u></b>	<b><u>Principal Profession</u></b>	<b><u>Type of Trustee</u></b>
			<b><u>or Occupation</u></b>	
Kathryn Chenault, Esq. New Rochelle, NY	USA	N/A	Attorney	Charter
Peter R. Dolan Larchmont, NY	USA	N/A	Business Executive	Charter
John L. Dowling New York, NY	USA	N/A	Investor	Charter
Marilyn J. Ducksworth Stamford, CT	USA	N/A	Publishing	Charter
Steven B. Epstein, Esq. Potomac, MD	USA	N/A	Attorney	Charter
Dr. Brian M. Golden Winchester, MA	USA	N/A	Orthopedic Surgeon	Alumni
Dr. Bernard M. Gordon Manchester-by-the-Sea, MA	USA	N/A	Engineer	Charter
Joanne S. Gowa Wynnewood, PA	USA	N/A	Professor	Alumni
Martin J. Granoff Saddle River, NJ	USA	N/A	Manufacturer	Charter

EXHIBIT A (Continued)

<u>Name/ Residence</u>	<u>Citizenship</u>	<u>Office Held</u>	<u>Principal Profession or Occupation</u>	<u>Type of Trustee</u>
Annetta <b>Grisard-Schrafl</b> Rieben, Switzerland	Switzerland	N/A	Non-Profit Organizations	Charter
Frederick H. Hauck <b>Potomac</b> , MD	USA	N/A	Insurance	Alumni
Monte R. Haymon <b>Boston</b> , MA	USA	N/A	Executive	Alumni
Irwin M. Heller, Esq. <b>Wellesley</b> , MA	USA	N/A	Attorney	Alumni
<b>Jane C.I.</b> Hirsh <b>Wellesley</b> , MA	USA	N/A	Pharmacist	Charter
Michael Jaharis New York, NY	USA	N/A	Businessman	Charter
Abby Kohnstamm <b>Larchmont</b> , NY	USA	N/A	Senior Marketing Executive	Charter
John A. <b>Krol</b> Bonita Springs, FL	USA	N/A	Retired Executive	Charter
Bruce M. Male Swampscott, MA	USA	N/A	Retired	Alumni
Dr. David J. <b>McGrath III</b> <b>Andover</b> , MA	USA	N/A	Veterinarian	Charter

**EXHIBIT A (Continued)**

<b><u>Name/ Residence</u></b>	<b><u>Citizenship</u></b>	<b><u>Office Held</u></b>	<b><u>Principal Profession or Occupation</u></b>	<b><u>Type of Trustee</u></b>
Pierre M. Omidyar Henderson, NY	USA	N/A	Investor/Philanthropist	Charter
Dr. Barbara A. Rockett Brookline, MA	USA	N/A	Physician	Alumni
Jane R. Scanlan Amelia Island, FL	USA	N/A	Consultant	Charter
Norman S. Silverman Boston, MA	USA	N/A	Mechanical Engineer	Charter
Alan D. Solomont Weston, MA	USA	N/A	Investor	Charter
Jonathan M. Tisch New York, NY	USA	N/A	Business Executive	Charter
Dr. Judith L. Vaitukaitis Bethesda, MD	USA	N/A	Health Science Administrataion	Alumni
Thomas F. Winkler III Needham, MA	USA	NIA	Dentist	Charter
Dr. Gordon S. Wood Providence, RI	USA	N/A	Professor	Charter

**EXHIBIT A (Continued)**

The Charter Trustees are elected by Board of Trustees. Alumni Trustees are elected by and **from** the **alumni** of Tufts University.

In response to Section **II**, Question 7g of FCC Form **323-E**, the officers of the corporation and trustees of **Tufts** University have no existing attributable interests in any other broadcast stations except for Alan D. Solomont, **who** is a Trustee of WGBH Educational Foundation, the licensee of the following noncommercial educational stations: **WGBH-TV**, Boston, Massachusetts (FCC Facility ID No. **72099**), **WGBX-TV**, Boston, Massachusetts (FCC Facility ID No. **72098**), **WGBY-TV**, Springfield, Massachusetts (FCC Facility ID No. **72096**), **WCAI(FM)**, Woods Hole, Massachusetts (FCC Facility ID No. **8566**), **WNAN(FM)**, Nantucket, Massachusetts (FCC Facility ID No. **8600**), Low Power VHF Translator WOBCH, Hyannis, Massachusetts (FCC Facility ID No. **72095**), and FM **Translator W242AA**, Beacon Hill, Massachusetts (FCC Facility ID No. 72093).



*Paul Guzzi*  
*Secretary of the Commonwealth*

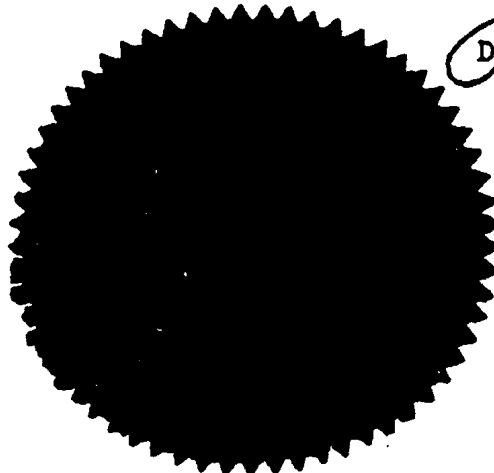
*The Commonwealth of Massachusetts*  
*Office of the Secretary*  
*State House, Boston 02133*

AUG 19 1975

A true Copy Witnessed under the Great  
Seal of the Commonwealth of Massachusetts.

*Paul Guzzi*  
Secretary of the Commonwealth.

*Jane Hyde*  
Deputy Secretary.





## The Commonwealth of Massachusetts

PAUL GUZZI

Secretary of the Commonwealth

STATE HOUSE, BOSTON, MASS. 02133 , ,

## RESTATED ARTICLES OF ORGANIZATION

General Laws, Chapter 180, Section 7

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of members or stockholders adopting the restated articles of organization. **The fee for filing this certificate is \$25.00.** Make check payable to the Commonwealth of Massachusetts.

We, **Burton C. Hallowell**  
**John A. Dunn, Jr.,** Secretary

~~President/Vice President~~, and  
~~Clerk/Assistant Clerk of~~

## TRUSTEES OF TUFTS COLLEGE

(Name of Corporation)

located at Medford

do hereby certify that the following **restatement** of the **articles of organization** of the corporation was duly adopted at a meeting held on May 24, 19 75, by vote of 25 members ~~shareholders~~ being at least two thirds of its members legally qualified to vote in **meetings** of the corporation ~~(or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to thereon)~~:

- 1 The name by which the corporation shall be known is:-

TRUSTEES OF TUFTS COLLEGE. The corporation may also be known as and use the **name TUFTS UNIVERSITY.**  
2 The purposes for ~~which the corporation is formed are as follows:-~~ include any **one or more** of the following: .

(1) To conduct a university not for profit, including colleges and **schcols** and centers (graduate, undergraduate and professional) associated or affiliated therewith, in various branches within or without the **Commonwealth** of Massachusetts.

(2) To ~~maintain~~ for the education of ~~women~~ exclusively a college to be known as the **"Jackson College for Women"** to appropriate and set apart for the maintenance thereof any **sums** designated by the donors to be for the education of women, and all **property**, real, personal or mixed, tangible or intangible, received by gift, grant, devise, bequest or otherwise for that purpose; and to confer upon women, in the name of Jackson College **for Women**, any of the degrees which **it by** law is authorized to confer. All the provisions contained in these Restated Articles of Organization shall relate to the Jackson **College** for Women, so **far** as applicable **thereto, except** as otherwise expressly provided herein

[See page 2A attached]

**NOTE:** If provisions for which the space provided under **Articles 2, 3 and 4** is not sufficient **additions should be** set out on continuation sheets to be numbered 2A, **2B**, etc. Indicate under each Article where the **provision is** set out. **Continuation sheets shall be on 8 1/2" x 11" paper and must have a left-hand margin 1 inch wide for** binding. **Only one** side should be used.

3 If the corporation has more than one class of members, the designation of such classes, the manner of election or appointment, the duration of membership and the qualification and rights, including voting rights, of the members of each class, are as follows:—

The corporation shall have thirty-one members, all of whom shall be known as trustees and have the powers of directors. Twenty members shall be known as Charter Trustees and shall be elected by the members of the corporation then serving in office. Ten members shall be known as Alumni Trustees and shall be elected from among the alumni of the corporation's colleges and schools either by the alumni acting directly or by such representatives of the alumni as may be chosen members of a representative group. The president of the corporation shall be a member of the corporation, ex officio, during the term of his office as president. Members of the corporation in office on August 5, 1970, other than alumni members, shall continue in office without limit of time, and Alumni Trustees then in office shall continue in office until the expiration of the terms to which they were elected. Except as herein specified, the qualifications, terms of office and manner of election of the members of the corporation shall be as specified from time to time in the by-laws of the corporation.

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:—

(A) The corporation shall have and may exercise in furtherance of its corporate purposes the following powers:

(1) To have perpetual succession in its corporate name.

(2) To sue and be sued.

(3) To have a corporate seal which it may alter at pleasure, and to use upon diplomas and other written instruments issued in the name of Jackson College for Women a seal of a design different from the common seal of the corporation.

(4) To award certificates, diplomas and degrees.

(5) To elect or appoint trustees (as provided by Article 3 of these Restated Articles), officers, faculty, staff, employees and other agents; to fix their compensation, if any, and to define their duties and obligations.

(6) To purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise acquire, own, hold, improve, employ, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated.

[See pages 4A-4D attached]

If there are no provisions state "None".

(3) To promote, advance, evaluate and **disseminate** learning by instruction, study, clinical practice and research in the humanities, religion, social sciences, international law and diplomacy, natural sciences, medical, dental and health sciences, engineering and applied sciences, and any other branch of learning.

(4) To engage in and **participate** in projects of education, clinical practice, research and social service for the benefit of international agencies and of national, state and local governments of the United States and other countries, and for the general welfare.

(5) To establish **and** maintain a hospital for the reception and care of persons who may **need** medical or surgical treatment during sickness or while **suffering** from an injury; to acquire by gift, devise or purchase, any hospital **now** or hereafter established under the laws of the **Commonwealth** for the purposes aforesaid and thereafter **maintain** any hospital so acquired.

The foregoing **enumeration** shall not be deemed in **any** manner to limit or affect the right of the corporation to pursue, **exercise** and enjoy **any more general** purposes or objects than those enumerated herein or any other purposes or objects of the same nature as, or a different nature from, those herein specified which the laws of this Commonwealth would, but for such enumeration, allow **it** to pursue, exercise and **enjoy**.

(7) To solicit **and** receive contributions from any and all Sources and to receive and hold, in trust or otherwise, funds received by gift or bequest.

(8) To sell, convey, lease, exchange, transfer or otherwise dispose of, or mortgage, pledge, encumber or create a security interest in, all or any of its property, or any interest therein, wherever situated.

(9) To purchase, take, receive, subscribe for, or otherwise acquire, own, hold, vote, employ, sell, lend, lease, exchange, transfer, or **otherwise** dispose of, mortgage, pledge, use and otherwise deal in and with, bonds and other obligations, shares, or other securities or interests issued by others engaged in business, governmental, or other activities.

(10) To make contracts, give guarantees and incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any **of** its obligations by mortgage, pledge or encumbrance of, or security interest in, all or any of its property or any interest therein, wherever situated.

(11) To lend money, invest and reinvest its funds, and take and hold real and personal property as security for the payment of funds so loaned or invested.

(12) To carry on its operations and have offices and exercise the powers granted by Massachusetts General Laws, Chapter **180**, in any **jurisdiction** within or without the United States.

(13) To make donations to religious, charitable, scientific, literary or educational institutions of the type described in Section 501(c)(3) of the Internal Revenue Code of the United States, in such amounts as the trustees shall determine.

(14) To participate as a subscriber in the exchanging of insurance contracts specified in Massachusetts General Laws, Chapter 175, Section **94B**.

(15) **To** pay pensions, establish and carry out pension, savings, thrift and other retirement, incentive and benefit plans, trusts and provisions for any or all of its officers and employees.

3 (16) To commingle any property or funds acquired by it with any other such property or funds except as may be contrary to any restrictions or conditions applicable to particular property or funds; to maintain and establish such pooled funds or other accounts as may be deemed advisable from time to time, and to hold and to invest and reinvest any property in which it may have any interest of any kind in such pooled funds or other accounts or separately in its discretion, subject, however, to any applicable trusts, terms, conditions or restrictions thereon.

3 (17) To act as executor, administrator, administrator with the will annexed, trustee under the will, deed or otherwise, of or in any other fiduciary capacity with respect to any estate or trust in which it may have any beneficial interest of any kind whatsoever, if so permitted by the law of any state of the United States or country or other authority having jurisdiction of the administration of such estate or trust.

(18) To make, amend, or repeal by-laws, rules and orders, in whole or in part, not inconsistent with the laws of the Commonwealth of Massachusetts, with reasonable penalties, for the good government of the university and otherwise for the management of its property and the regulation of its affairs.

3 (19) To provide for the selection of its students and for the government and well-being of its students, faculty and staff while in pursuit of the corporation's purposes either at the university, or at any institution affiliated, allied or otherwise associated therewith, or elsewhere.

(20) To determine and regulate the courses of instruction offered in any of the colleges or schools comprising the university.

3 (21) To do any or all of the things hereinabove set forth in any part of the world as principal, agent, contractor or otherwise, and either directly or indirectly, alone or in cooperation or in association with others, and to do every other act or thing which is necessary or desirable in order to carry out the foregoing purposes or any part or parts thereof.

3 (22) To delegate to other agencies or organizations such of the corporation's powers, for such periods of time, and subject to such terms and conditions, as the corporation shall from time to time determine.

(B) The Board of Trustees, consisting of the **members** of the corporation, shall manage and conduct the property and affairs of the corporation and may exercise any and all of its powers.

(C) The **corporation** shall indemnify, to the extent legally permissible but not to the extent that the status of the corporation as an organization exempt under Section 501(c)(3) of the Internal Revenue Code will **be** affected thereby, each trustee against all liabilities and expenses, including amounts paid in satisfaction of judgments, in compromise or as fines and penalties, and counsel fees, reasonably incurred by such trustee in connection with the defense or disposition of any action, suit or other proceeding, whether civil or criminal, in which such trustee may be involved or with which such trustee may be threatened, while in office or thereafter, by reason of being or having been a trustee of the corporation or by reason of any alleged acts or omissions by him or her as a trustee; **provided**, however, that as to any matter disposed of by a compromise payment by a trustee of the corporation pursuant to a consent decree or otherwise, no indemnification either for said payment or for any other expenses shall be provided unless such compromise shall be approved as in the best interests of the corporation, after notice that such approval will result in such indemnification, by (a) a majority of the disinterested trustees of the corporation then in office **if there** has been obtained an opinion in writing of independent legal counsel to the effect that such trustee appears to have acted in good faith in the reasonable belief that his or her action was in the best interests of the corporation, or (b) a majority of the trustees of the corporation then in office if such majority consists of disinterested trustees. **Expenses**, including counsel fees, reasonably incurred by any such trustee in connection with the defense or disposition of any such action, suit or other proceeding may be paid from time to time by the corporation in advance of the final disposition thereof upon receipt of an undertaking by **such** trustee to repay the amount so paid to the corporation in the event that he or she shall be adjudicated to be not entitled to indemnification or in the event that such proceeding shall have been disposed of by a compromise payment which has not been approved in the manner aforesaid. Notwithstanding anything to the contrary contained herein, the corporation shall not indemnify any trustee with respect to any matter as to which such trustee shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the

**corporation.** The indemnification of trustees **provided** for **herein** shall not be exclusive or affect any other rights to which any such trustee **may** be entitled by contract or otherwise under law. As used in this **paragraph**, the term "trustee" shall include any member **or** former member of the Board of Trustees and the heirs, executors and administrators of any such member or former **member**, **and** a "disinterested" trustee shall mean one against whom in such capacity neither the proceedings in question nor another proceeding on the same or similar grounds is then threatened, pending or completed,

(D) No part **of** the assets or net **earnings** of the corporation shall be divided **among** or inure to the benefit of any officer or trustee of the **corporation** or any private individual or be appropriated for any purpose other than the purposes of the corporation as herein set forth; and no substantial part of the activities **of** the corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the corporation shall not participate in or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office. No officer, **member** or employee of the corporation shall receive or be entitled to receive any pecuniary profit from the operations of the corporation except reasonable **compensation** for services rendered to it. It is intended that the corporation shall be entitled to **exemption from** federal **income** tax under Section **501(c)(3)** of the Internal Revenue Code of the United States and that **it** shall not be a private foundation under Section 509(a) of said Internal Revenue Code. Upon the liquidation or dissolution of the corporation, after payment of all of the liabilities of the corporation or due provision therefor, all **of** the assets of the **corporation** shall be distributed to one or more **organizations exempt** from federal income tax under Section **501(c)(3)** of the Internal Revenue Code of the United States as determined by **the** Board of Trustees in its sole discretion.

(E) All references herein to a statute shall be deemed to refer to such statute as now in force and **as** the same may from time to time hereafter be amended, or any successor provisions thereto,

We further certify that the foregoing restated articles of organization effect no amendments to the articles of organization of the corporation as heretofore amended, except as follows:

(If there are no such amendments, state "None".)

The charter of the corporation is presently composed of a number of special acts of the General Court and a Change of Purpose concerning use of the alternative name Tufts University. The foregoing Restated Articles of Organization effect comprehensive revisions in each of the acts **comprising** the charter for the purpose of clarifying and modernizing the charter to reflect the requirements and benefits of the latest law and practice applicable to non-profit corporations.

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we have hereto signed our names this

10<sup>th</sup>

day of

June

in the year 1975

Barbara C. H. [Signature] President/Vice-President

John D. [Signature] Secretary Clerk/Assistant Clerk



THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED

JUN 12 1975

COMMONWEALTH OF MASSACHUSETTS  
SECRETARY'S OFFICE

RESTATED ARTICLES OF ORGANIZATION

[General Laws, Chapter 180, Section 7]

I hereby approve the within restated articles of  
organization and, the filing fee in the amount of \$25.00  
having been paid, said articles are deemed to have been  
filed with me this July 11 day  
of 1975

PAUL GUZZI

Secretary of the Commonwealth

State House, Boston, Mass.

TO BE FILLED IN BY CORPORATION

PHOTO COPY OF RESTATED ARTICLES OF ORGANIZATION TO BE SENT

TO

Nutter, McClennen & Fish

75 Federal Street

Boston, ..Mass 02110

Copy Mailed

JUL 28 1975

044

The Commonwealth of Massachusetts

MICHAEL J. CONNOLLY

FEDERAL IDENTIFICATION

Secretary of State

NO. 04 210 3634

ONE ASHBURTON PLACE, BOSTON, MASS. 02108

ARTICLES OF AMENDMENT

General Laws, Chapter 180, Section 7

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of members or stockholders adopting the amendment. The fee for filing this certificate is \$10.00 as prescribed by General Laws, Chapter 180, Section 11C(b). Make check payable to the Commonwealth of Massachusetts

We,

Steven S. Manos

~~Added~~: Vice President, and

Joseph J. Lambert

~~Chairman~~: Treasurer and  
Secretary

TRUSTEES OF TUFTS COLLEGE

(Name of Corporation)

located at Medford, Massachusetts

do hereby certify that the following amendment to the articles of organization of the corporation was duly adopted at a meeting held on November 5, 1988, or vote of 29 members, XXXXX XXXXXXXX, being at least two thirds of its members legally qualified to vote in meetings of the corporation (or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to vote thereon)

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one article may be continued on a single sheet so long as each article requiring or on such addition is clearly indicated.

04-21-18,52

VOTED: To amend the Restated Articles of Organization of the Corporation by deleting Section (4)(C) thereof in its entirety and substituting therefor the following:

"(C)(1) The Corporation shall indemnify to the maximum extent legally permissible but not to the extent that the status of the Corporation as an organization exempt under Section 501(c)(3) of the Internal Revenue Code will be affected thereby, any person who was or is a party or is threatened to be made a party to any threatened, pending or contemplated action, suit or proceeding, whether civil, criminal, administrative or investigative and whether external or internal to the Corporation, by reason of the fact that he or she is or was a trustee of the Corporation or is or was serving at the request of the Corporation as a trustee, director, officer, employee or other agent of another organization or in a capacity with respect to any employee benefit plan against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such suit, action or proceeding if he or she acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, at itself, create a presumption that the person did not act in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(2) Any indemnification under this Section (C) (unless required by law or ordered by a court) shall be made by the Corporation only as authorized in the specific case upon a determination that indemnification of the trustee is proper in the circumstances because he or she has met the applicable standard of conduct set forth in subsection (1) of this Section (C). Such determination shall be made (i) by the Board

of Trustees by a majority vote of a quorum consisting of Trustees who were not parties to such action, suit or proceeding, or (ii) if such • quorum is not obtainable, or, even it obtainable if a quorum of disinterested Trustees so directs, by independent legal counsel in a written opinion.

(3) Notwithstanding anything in this Section (C) to the contrary, no indemnification shall be provided for any person with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(4) Expenses incurred by a trustee in defending a civil or criminal action, suit or proceeding shall be paid by the Corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the trustee to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Corporation as authorized in this Section (C). Such undertaking shall be accepted by the Corporation without reference to the financial ability of the person giving the undertaking to make repayment. Any advance under this subsection (4) shall be made promptly, and in any event within ninety days, upon the written request of the person seeking the advance.

(5) The indemnification and advancement of expenses provided by, or granted pursuant to, the other subsections of this Section (C) shall not be deemed exclusive or affect any other rights to which any person may be entitled by contract or otherwise under law. Each person who is or becomes a trustee shall be deemed to have served or have continued to serve in such capacity and in any other capacity at the request of the Corporation as described in subsection (1) in reliance upon the indemnity provided for in this Section (1). All rights to indemnification under this Section (C) shall be deemed to be provided

by a contract between the Corporation and the person who serves as trustee of the Corporation. Any repeal or modification of this Section (C) shall not affect any rights or obligations then existing.

... (6) To the extent that a trustee of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsection (1), or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith.

(7) The indemnification and advancement of expenses provided by, or granted pursuant to, this Section (C) shall continue as to a person who has ceased to be a trustee and shall inure to the benefit of the heirs, executors and administrators of such a person.

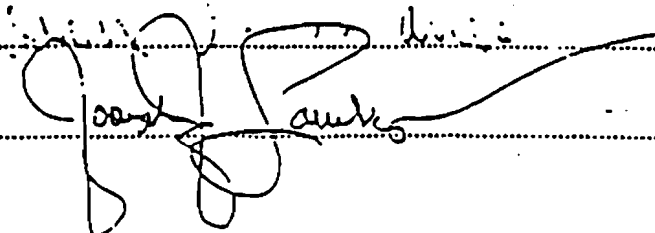

(8) If any term or provision of this Section (C) or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable, the remainder of this Section (C) or the application of such term or provision to the persons, property or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Section (C) shall be valid and enforced to the fullest extent permitted by law.

VOTED: to amend Section 4 of the Restated Articles of Organization of the Corporation to add thereto the following provisions:

“(F) No Trustee shall be personally liable to the Corporation or its members for monetary damages for any breach of fiduciary duty as a Trustee notwithstanding any provision of law imposing such liability, except (to the extent provided by applicable law) for liability (i) for breach of the Trustee's duty of loyalty to the Corporation or its members. (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, or (iii) for any transaction from which the Trustee derived an improper personal benefit.”

The foregoing amendment will become effective when these articles of amendment are filed in accordance with Chapter 180, Section 7 of the General Laws unless these articles specify, in accordance with the vote adopting the amendment, a later effective date not more than thirty days after such filing, in which event the amendment will become effective on such later date.

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we have hereto signed our names this  
10th day of November, in the year 1988

  
..... President/Vice President  
  
..... Secretary  
Clerk of the Court

## THE COMMONWEALTH OF MASSACHUSETTS

## ARTICLES OF AMENDMENT

(General Laws, Chapter 110, Section 7)

I hereby approve the within articles of amendment  
and, the filing fee in the amount of \$10.00  
having been paid, said articles are deemed to have been  
filed with me this 15th  
day of November 1988.

*Michael J. Connolly*  
MICHAEL J. CONNOLLY  
Secretary of State

TO BE FILLED IN BY CORPORATION  
PHOTO COPY OF AMENDMENT TO BE SENT

TO:

Nutter, McClennen & Fish  
One International Place  
Boston, MA 02110-2699

Attn: Constantine Alexander, Esquire

Telephone (617) 439-2000

Copy Attached

## The Commonwealth of Massachusetts

MICHAEL JOSEPH CONNOLLY

Secretary of State

FEDERAL IDENTIFICATION

NO. 04-210-3634

ONE ASHDURTON PLACE, BOSTON, MASS. 02108

## ARTICLES OF AMENDMENT

General Laws, Chapter 180, Section 7

This certificate must be submitted to the Secretary of the Commonwealth within sixty days after the date of the vote of members or stockholders adopting the amendment. The fee for filing this certificate is \$10.00 as prescribed by General Laws, Chapter 180, Section 11C(b). Make check payable to the Commonwealth of Massachusetts.

We, Steven S. Manos

Vice President and

Joseph J. Lambert

Secretary

TRUSTEES OF TUFTS COLLEGE

(Name of Corporation)

Medford, Massachusetts

located at

do hereby certify that the following amendment to the articles of organization of the corporation was

a meeting held on November 15, 1986, by vote of 23 members

shareholders, being at least two thirds of its members legally qualified to vote in meetings of the corporation

(or, in the case of a corporation having capital stock, by the holders of at least two thirds of the capital stock having the right to vote thereon):

VOTED: That the deletion of Section 3 of the Restated Articles of Organization of the corporation and the substitution thereof of the following Section 3 is hereby ratified, confirmed and approved.

"The corporation shall have thirty-six members, all of whom shall be known as trustees and have the powers of directors. The members, all of whom shall have the same duties, rights and powers, shall consist of (a) the President of the corporation, during such President's term of office, who shall be a Trustee ex officio, (b) Alumni Trustees, who shall be elected from among the alumni of the corporation's colleges and schools either by the alumni acting directly or by such representatives of the alumni as may be chosen members of a representative group, (c) Charter Trustees, who shall be elected by the members of the corporation

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on separate 3 1/2 x 11 sheets of paper leaving a left hand margin of at least 1 inch for binding. Additions to more than one article may be continued on a single sheet so long as each article requiring each such addition is clearly indicated.



then in office, and (d) Life Trustees, who shall be Trustees in office as of August 5, 1970 (other than Alumni Trustees). The thirty-six members shall be comprised of ten Alumni Trustees and such number of Charter Trustees equal to twenty-five less the number of Life Trustees then in office. Except as herein specified, the qualifications, terms of office and manner of election of the members of the corporation shall be as specified from time to time in the by-laws of the corporation."

The foregoing amendment will become effective when these articles of amendment are filed in accordance with Chapter 180, Section 7 of the General Laws unless these articles specify, in accordance with the vote adopting the amendment, a later effective date not more than thirty days after such filing, in which event the amendment will become effective on such later date.

IN WITNESS WHEREOF AND UNDER THE PENALTIES OF PERJURY, we have hereto signed our names this

15th

day of November

, in the year 1986

Steven S. Manos

Executive  
President/Vice President

Joseph J. Lambert

Executive Assistant/Clerk  
Secretary

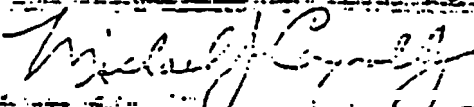
RECEIVED

10 1986

SECRETARY OF STATE  
CORPORATION DIVISION THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF AMENDMENT  
(General Laws, Chapter 180, Section 7)

I hereby approve the within articles of amendment  
and, the filing fee in the amount of \$ 10.00  
having been paid, said articles are deemed to have been  
filed with me this 20th  
day of November, 1986.



MICHAEL JOSEPH CONNOLLY  
Secretary of State

TO BE FILLED IN BY CORPORATION  
PHOTO COPY OF AMENDMENT TO BE SENT  
TO:  
.....Nutter, McClennen & Fish.....  
Federal Reserve Plaza  
.....600 Atlantic Avenue.....  
Boston, MA 02210  
.....Attn: Constantine Alexander, Esquire  
Telephone ... (617) 973-9700.....

Copy Mailed

May 20, 2000

## BYLAWS OF TRUSTEES OF TUFTS COLLEGE

### Article I

#### THE CORPORATION

1.1 The legal corporate name of the Corporation is TRUSTEES OF **TUFTS COLLEGE**, under which name the management and execution of its business affairs are conducted. The name TUFTS COLLEGE is to be employed when **referring** collectively to the College of Liberal Arts and the College of Engineering and to their particular activities. The name TUFTS **UNIVERSITY** is to be **employed** when **referring** to the institution in its entirety and inclusive of its undergraduate, graduate and professional schools and other activities of the institution as a whole.

### Article II

#### THE TRUSTEES

##### 2.1 **AUTHORITY, RESPONSIBILITY AND NUMBER**

**2.1.1.1 AUTHORITY AND RESPONSIBILITY.** The Board of Trustees shall have the authority to **carry out** all lawful **functions** which are permitted by these Bylaws or by the Restated Articles of Organization. This authority shall include but shall not be limited to the following: (a) periodically review and approve the University's mission and purposes; (b) appoint the President who shall be the University's chief executive officer, and set appropriate conditions of employment, including compensation; (c) establish the conditions of employment of other key institutional officers; (d) support the President and assess his or her performance; (e) review and **approve** proposed major changes in the University's academic programs and other major enterprises consistent with the University's mission, plans and financial resources; (f) approve institutional policies bearing on faculty appointment, promotion, tenure and dismissal; (g) approve the annual budget and annual **tuition/fees**; (h) regularly monitor the University's financial condition, and establish policy guidelines affecting all institutional assets including investments and the physical plant; (i) contribute financially to the University's **fundraising** goals and participate actively in strategies to secure sources of support; (j) authorize debt financing and approve the securitization of loans; (k) authorize the construction of

**new** buildings, major renovations of existing **buildings**, and upkeep of the physical

plant; (l) approve all **earned** and honorary degrees; (m) periodically undertake or authorize assessments of the Board's **performance**.

2.1.1.2 The Board of Trustees may delegate any of its authority or responsibility to any committee established by Article V, subject to the provisions of these Bylaws.

2.1.2 **NUMBER.** The Board of Trustees shall consist of not less than twenty-eight nor more than forty-one members.

2.2 **CLASSES.** The members of the Board shall be classified as follows:

2.2.1 **CHARTER TRUSTEES.** Thirty in number, to be elected by the Board to serve for **terms** of five years which expire at the annual meeting of the Board. Any Trustee whose term extends beyond the date when such Trustee attains the age of seventy-five years except **as** provided in Section 2.3.5, will serve only until the annual meeting which coincides in date with or next follows the date of such attainment. At any election of Trustees, there may be elected up to the maximum number of Charter Trustees permitted under the foregoing provision. The term of any Charter Trustees permitted under the foregoing provision. The **term** of any Charter Trustee elected prior to November 1, 1999, shall not be affected by this Section.

2.2.2 **ALUMNI TRUSTEES.** Ten in number, to be elected by ballot by and from the alumni, to serve for terms of five years, such service to begin with the annual meeting of the Board of Trustees following the election. The term "alumni" **as** used in this Article II shall be deemed to include (a) each person who has received a degree **from** the University or from the Eliot-Pearson School or the Boston School of Occupational Therapy prior to the affiliation of said schools with the University and (b) each non degree-holding former student of the University who has pursued an approved course of study in the University for at least one academic year, provided that the prescribed period for completion of said course of study shall have passed. The term of any Alumni Trustee elected prior to November 1, 1999, shall not be affected by this Section.

2.2.3 **TRUSTEE EX OFFICIO.** The President of the University during such President's term of office, Charter Trustees, Alumni Trustees and the Trustee ex officio shall have the same duties, rights and powers.

## 2.3 **ELECTION OF CHARTER TRUSTEES.**

2.3.1 The Charter Trustees shall be elected by majority vote of the members of the Board of Trustees present and voting. Their election need not be by ballot but may be by ballot if requested by three or more Trustees present. If the election is by ballot, it shall be conducted in **accordance** with the following provisions. On the first ballot each Trustee voting shall enter on the ballot the name of no more than two nominees (or one if only one Charter Trustee of the class is to be elected) for election **as** Charter Trustees of the particular class and the name of any nominee no more than once on any ballot, and shall submit the ballot to one of the tellers appointed by the **Chairman**. The tellers will tally and report to the Chairman the total number of ballots cast and the number of votes cast for each nominee. **A** nominee receiving votes equal to or exceeding in number a majority of the ballots cast shall be declared elected. If no nominee, or only one nominee is elected, succeeding ballots shall be taken in the same manner as the first, except that voting shall be for only one nominee if the first ballot resulted in the election of one member. On the second **and** succeeding ballots, the nominee having the smallest number of votes in the next preceding ballot shall be excluded from consideration.

2.3.2 The Board of Trustees may by majority vote designate one or more persons as alternates to a person elected to the **office** of Charter Trustee, and in the event that the person so elected shall decline to accept his or her election, the first of such alternates in the order designated by the Board who is willing to act in such office shall, upon his or her acceptance thereof, be deemed to be elected to said **office**. Voting with respect to the designation of such alternates shall be conducted in a manner similar **to** that provided in section 2.3.1 for the election of Charter Trustees.

2.3.3 Any Charter Trustee who has served a ten year term or consecutive **terms** totalling ten or more years shall not be eligible for reelection for a **term** commencing earlier than a year **after** the completion of such years of service. This subsection shall not apply in the case of a **Chairman** or Vice Chairmen in office, provided, however, that they shall only be eligible for reelection on a year-to-year basis. There shall be no more than three Vice Chairmen in office.

2.3.4 Any vacancy in the office of Charter Trustee may be filled by vote of the Board at any annual, regular or special meeting of the Board.

2.3.5 The Board of Trustees may in particular instances upon **recommendation of the Committee on Trusteeship and by majority vote make** exceptions to the qualifications **as** to age of any elected Charter Trustee or individual

proposed for election as Charter Trustee, provided that at no time will there be more than five Trustees over age seventy-five; and **further** provided that such exceptions will be made to fill a vacancy for the balance of any existing term.

**2.4 ELECTION OF ALUMNI TRUSTEES.** Alumni Trustees shall be elected by ballot by the alumni, such election to be conducted each year in accordance with rules and procedures adopted by the Alumni Council **as** the governing board of the Tufts University Alumni Association, Inc. and approved by the Board. Any vacancy in the office of Alumni Trustee shall be filled for the unexpired term by an election by ballot of the alumni conducted as aforesaid, provided, however, that if such vacancy occurs within one year prior to the expiration of the term, it need not be filled prior to such expiration.

**2.5 RESIGNATIONS.** Any Charter Trustee, Alumni Trustee or Trustee Emeritus may resign by notice in writing to the Secretary.

**2.6 TRUSTEES EMERITI.**

2.6.1 Any Charter or Alumni Trustee may be elected by the Board as a Trustee Emeritus, subject to the following conditions: (a) at least one year but not more than six years have elapsed since the expiration of **his/her** term or resignation; (b) **he/she** served **as** a Trustee for at least five years; and (c) **he/she** is nominated by the Executive Committee.

2.6.2 Each year the Executive Committee will consider those persons who meet ~~be~~ requirements of 2.6.1 (a) and (b). The Executive Committee will nominate those who, in its opinion, provided leadership and service to the University above and beyond that normally expected of a Trustee.

2.6.3 Trustees Emeriti shall be entitled to receive notice of each meeting of the Board and may attend and participate with the Trustees in the meetings of the Board and at public academic occasions, but shall not be members of the Board and shall not have the privilege of voting or of holding any **office** which is to be filled by election or appointment **from** among the members of the Board. They shall not be counted in **determining** the number of Trustees required to constitute a quorum nor in determining the presence of a quorum; they may serve on committees of the Board where membership is not required.

**2.7 REMOVAL.** The Board, by a two-thirds vote of all its members after giving the Trustee at **least** thirty days' notice and an opportunity to be heard shall have the power to remove any Charter or Alumni Trustee who shall be, in the judgment of the Board, disqualified for cause or permanently incapacitated **from** performing duties as Trustee.

2.8 **DISQUALIFICATION OF STAFF.** An acceptance of the **office** of Trustee by any person other than the President of the University shall be deemed a resignation from **any office** or position held on the educational or administrative staff in **any** of the departments of the University. Acceptance by a Trustee, other than the President, of any **office** or position on the educational or administrative staff in any of the departments of the University shall be deemed to be a resignation as a Trustee unless the **office** or position is less than full time, and the Executive Committee and the Board of Trustees have approved in advance the acceptance of said **office** (including its terms and conditions) or position and any renewal thereof.

### Article III

#### THE OFFICERS OF THE CORPORATION

3.1 **THE OFFICERS.** The Officers of the Corporation shall be the Chairman of the Board of Trustees, up to three Vice Chairmen, the President of the University, the Treasurer and the Secretary, all of whom shall be elected at the annual meeting of the Trustees and shall hold office for one year or until their successors shall be duly elected and qualified, the Provost, the Executive Vice President, Senior Vice President, the Vice President for Arts, Sciences, and Engineering, and other officers, including without limitation those having titles which include the words "President," "Vice President," "Treasurer" or "Secretary," as the Board may from time to time elect or appoint, who shall serve at the will of the Board of Trustees.

3.2.1 **VACANCIES.** Any vacancy in any such **office** may be filled by the Executive Committee and the person so elected to fill the vacancy shall hold office until the next annual meeting or until his or her successor shall be duly elected and qualified.

3.2.2 **NEW POSITIONS.** In the intervals between meetings of the Board of Trustees, the Executive Committee may create and fill any position having a title which includes the words "Vice President", "Treasurer", or "Secretary". The person so elected shall hold office until the next annual meeting or until his or her successor shall be duly elected and qualified.

3.3 **THE CHAIRMAN.** The Chairman of the Board of Trustees shall preside at the meetings of the Board and in the absence or disability of the Chairman a Vice Chairman shall perform the Chairman's duties.

#### 3.4 **THE PRESIDENT.**

3.4.1 The President of the University shall be both the leader of the educational policy and the chief executive officer of the University; the President **shall exercise** such leadership and **supervision of its administrative officers, teachers, students, agents and employees** as will promote the **efficiency** of each department and

of the University as a whole, and the President shall exercise a general superintendence over all of its concerns.

**3.4.2** The President shall act as the ordinary medium of communication between the Trustees and the faculties, student body and alumni organizations.

**3.4.3** The President shall make an annual report to the Trustees on the general condition of the University.

**3.4.4** The President shall be responsible for the management of current operating revenues and expenditures in connection with the educational, purchasing and plant activities of the Corporation, have charge of collection of income, insurance and taxes relating to institutional real estate and be responsible for the preparation of the annual budget and the establishment of an adequate system of budget control. The budget shall be presented to the Trustee Committee on Administration and Finance for its approval, and if so approved, the Committee shall submit the budget to the Board of Trustees for its consideration and approval.

**3.4.5** The President shall preside on public academic occasions; the President shall be President of the several Faculties.

**3.4.6** The President shall have power to sign in the name and on behalf of the Corporation all duly authorized contracts, deeds and other instruments, including acceptances of gifts, bequests and devises to the University. Any such instrument may also be signed in the name and on behalf of the Corporation by any Vice President, the Chairman of the Board or any other person designated for that purpose by the Board of Trustees or the Executive Committee.

**3.4.7** Subject to such regulations, specific or general, as may be adopted **from** time to time by the Executive Committee, the President shall accept and give receipts for all gifts, devises and bequests to the Corporation, provided, however, that where a gift, devise or bequest is subject to a condition, the President may not bind the Corporation with respect to such condition without the approval of the Board of Trustees or the Executive Committee, unless such condition is (a) that principal shall be retained and only income or capital increment be expended, or (b) that such gift, devise or bequest be held by the University as trustee of a charitable remainder **unitrust** or annuity trust as defined in the Internal Revenue Code now in **force** or hereafter amended. Subject to such regulations as aforesaid, the President shall be responsible for all matters of probate and other legal matters in connection with gifts, devises, bequests, trust and annuity contracts and shall have the power to assent to accounts and other matters of probate in which the Corporation has an interest and



to take any other action deemed by such President to be necessary to protect the interests of the Corporation in connection therewith.

**3.4.8** Subject to the direction of the Executive Committee, the President may delegate any or all of the President's duties and powers to other officers or agents of the Corporation. The President shall perform such other duties and exercise such other powers as may be designated by the Trustees or the Executive Committee, and the President must live on the University Premises unless excused by the Board of Trustees.

**3.5 THE PROVOST.** The Provost of the University shall be responsible to the President for the academic administration of the University, and shall have such other duties as the Board of Trustees or the Executive Committee may from time to time designate. Unless otherwise directed by the Board of Trustees or the Executive Committee, the Provost shall, in the absence of or incapacity of the President, or in the event of a vacancy in the **office** of President, serve as Acting President and exercise the powers and duties of the President.

**3.6 VICE PRESIDENTS.** Each of the Vice Presidents shall have such powers and duties as the Board of Trustees or the Executive Committee on the **recommendation** of the President shall **from** time to time determine.

**3.7 THE TREASURER.**

3.7.1 Subject to the control and supervision of the Trustee Committee on Administration and Finance and the Executive Vice President, the Treasurer shall be responsible for the custody, administration, investment and management of the **funds** of the Corporation, and shall have available such records with respect to the assets of said funds **as** shall permit prompt and efficient management thereof. The Treasurer shall purchase, manage, sell or otherwise dispose of bonds, stocks, notes, real estate and other evidences of property, as authorized by the Committee. Subject to the control and supervision of the **Committee**, the Treasurer shall have the responsibility for the investment of all available uninvested cash

of the Corporation and shall make available **as** required the **funds** called for in the budget. The Treasurer shall have power to impress the corporate seal on all authorized documents requiring such seal.

**3.7.2** The Treasurer shall, subject to the control of the Trustee Committee on Administration and Finance and the Executive Vice President, have the power to **appoint any person or persons, including the Treasurer, as proxy or proxies** of the Corporation and to vote at meetings of the stockholders **of** the corporations in which the

Corporation has an interest.

3.7.3 The Treasurer shall have the authority, with approval of the Trustees and the Executive Vice President or of the Trustee Committee on Administration and Finance and the Executive Vice President given generally or in a specific instance, to borrow for and on behalf of the Corporation and to sign in the name and on behalf of the Corporation agreements, notes and other instruments in connection therewith.

3.7.4 Persons whose titles include the word Treasurer shall discharge such duties as the President, Executive Vice President, the Treasurer or the Trustee Committee on Administration and Finance shall **from** time to time direct, and in the absence or incapacity of the Treasurer, they or any one of them may discharge, by direction of the President or the Committee, any or all duties of the Treasurer.

3.7.5 The Treasurer and persons whose titles include the word Treasurer shall give fidelity bonds in such sums and with such sureties as the Trustee Committee on Administration and Finance may require.

### **3.8 THE SECRETARY.**

3.8.1 The Secretary shall be sworn to the **faithful** and impartial discharge of the duties of Secretary and shall record in books kept for the purpose all votes and proceedings of the Board of Trustees, the Executive Committee and the standing committees. The Secretary shall give notice of meetings of the Board, the Executive Committee and the standing committees; the Secretary shall keep and file all documents belonging to the Corporation committed to his or her custody. The Secretary shall have custody of the corporate seal and with it shall impress documents requiring a seal and attest them when necessary and shall perform such other duties as shall **from** time to time be directed by the President, the Board of Trustees or the Executive Committee.

3.8.2 Assistant Secretaries shall **perform** such duties as the President, the Executive Committee or the Secretary shall direct and in the absence or disability of the Secretary one of the Assistant Secretaries may, by direction of the President or the Executive Committee, discharge any or all of the duties of the Secretary.

## **Article IV**

### **MEETINGS OF THE BOARD OF TRUSTEES**

4.1 **REGULAR MEETINGS.** The Board of Trustees shall hold an annual

meeting for the election of officers and committees and the transaction of other business in October or November in each year, and two other regular meetings shall be held in each year, one in January or February and one in May or June, each on such day and at such time and place as may from time to time be determined by the Board or, if not so determined, by the President.

4.2 **SPECIAL MEETINGS.** Special meetings may be held at any time and at any place upon the call of the President, the Chairman of the Board, the Executive Committee or upon the written application to the Secretary or to any of the foregoing by at least five Trustees.

4.3 **NOTICE OF MEETINGS.** A written notice of every meeting of the Board of Trustees shall be given by the Secretary or an Assistant Secretary, or in case of the death, absence, incapacity or refusal of the Secretary and Assistant Secretary by any other officer. The notice shall state the time, place and general purposes of the meeting, and shall be mailed to the address of each Trustee at least seven (7) days before the meeting. No notice of the time, place or purpose of any meeting shall be required if every Trustee who does not attend such meeting signs a written waiver of notice which is filed with the records of the meeting.

4.4 **QUORUM.** One-third of the Trustees then in **office** shall constitute a quorum at any meeting of the Trustees, but a smaller number shall have power to adjourn from time to time.

4.5 **SPECIAL ACTION.** Any action required or permitted to be taken at any meeting of the Board of Trustees may be taken without a meeting if all the Trustees entitled to vote at such a meeting consent to the action in writing and the written consents are filed with the records of the meetings of the Board of Trustees. Such consents shall be treated for all purposes as a vote at a meeting.

## ARTICLE V

### COMMITTEES AND BOARDS OF OVERSEERS

#### 5.1 **EXECUTIVE COMMITTEE.**

5.1.1 There shall be an Executive Committee of not less than six nor more than nine Trustees, including the Chairman of the Board of Trustees, the Vice Chairmen, the President of the University and such other Trustees as shall be **appointed at each annual meeting of the Board of Trustees** by the Chairman of the Board of Trustees, subject to ratification by vote of the Board of Trustees. The

members of the Executive Committee shall serve for one year or until their successors shall be duly appointed. The number of Trustees to be appointed to the Executive Committee shall be fixed by the Board of Trustees at any annual meeting and when so fixed, shall continue until changed at a subsequent annual meeting. A majority of the number of Trustees so fixed as constituting the Executive Committee shall constitute a quorum and the committee shall adopt such rules for the conduct of its business as it shall deem advisable.

5.1.2 In the intervals between meetings of the Board of Trustees, the Executive Committee shall have and exercise the authority of the Board in the management and execution of the affairs of the Corporation in all matters except those with respect to which authority is given in these Bylaws to the Trustee Committee on Administration and Finance and except those which pursuant to law or Sections 2.2.2, 2.3, 2.6, 2.7, **5.6.1.4**, 6.1, 9.1, 10.1, 11.2, 12.1 and 14.1 of these Bylaws require the vote of the Board of Trustees.

5.1.3 The Executive Committee shall have general oversight of the personnel policies of the University. The Executive Committee shall vote on behalf of the University all shares of capital stock owned by the University in subsidiary corporations of the University for the election of such persons **as** Directors of these corporations as the Executive Committee shall determine after receiving and considering the recommendations of the President of the University with respect thereto.

5.2 **STANDING COMMITTEES**. There shall be three standing committees as follows:

Trustee Committee on Administration and Finance  
Trustee University Development Committee  
Trustee Academic Affairs Committee

5.2.1 Each standing committee shall consist of such number of Trustees, not less than three, including a Chairman of such committee and excluding ex officio members, **as** shall be determined from time to time by the Board of Trustees. The **Chairman** and the other members of each standing committee shall be elected by ballot at each annual meeting of the Board of **Trustees** and shall serve for one **year** or until their successors shall be duly elected and qualified. In addition to the

Trustees so elected, the President of the University shall be a member ex officio of each standing committee.

5.2.2 Three members of any standing committee shall constitute a quorum. Meetings of any standing committee shall be called by the Secretary whenever he or she is requested to do so by the chairman or vice chairman of the committee, the **chairman** of the Executive Committee or the President of the University, by giving notice of the time and place of meeting to each member of the committee.

5.2.3 Each standing committee shall appoint from among its own number a vice chairman of such committee and may appoint **from** time to time one or more subcommittees with such powers within the scope of the powers of such standing committee as are designated in the votes appointing them.

5.2.4 Records of the proceedings of each standing committee shall be kept by the Secretary and such proceedings shall be reported to the Board of Trustees. Each standing committee may adopt such rules for the conduct of its business **as** it shall deem advisable, except **as** otherwise provided in these Bylaws.

### 5.3 **TRUSTEE COMMITTEE ON ADMINISTRATION AND FINANCE.**

5.3.1 **INVESTMENT AUTHORITY.** The Trustee Committee on Administration and Finance, in accordance with such investment policies and regulations as may be established from time to time by the Board of Trustees and subject to the general direction of the Board, shall be responsible for the investment, reinvestment and management of all assets of the Corporation other than institutional real estate. Purchases, sales, exchanges or other dispositions of bonds, stocks, and other property and assets and evidences of property and assets may be made or caused to be made by either the Committee or its Investment subcommittee, consisting of three or more persons appointed by the Committee **from** among its members. The Committee may consider and make recommendations to the Board of Trustees for the appointment of the Executive Vice President and for the appointment by the Board of independent investment advisors or managers authorized to invest and reinvest funds of the Corporation. The Committee shall seasonably review all investment transactions made by such independent advisors or managers and by the Investment subcommittee. It shall report such transactions from time to time to the Board of Trustees and shall take such other action in connection with the same as it shall deem necessary or appropriate, subject to the general direction of the Board of Trustees.

5.3.2 **REAL ESTATE.** The Trustee Committee on Administration and

Finance may authorize the lease, sale, mortgage or conveyance of any real estate belonging to the Corporation and held for investment and not **as** part of the University plant, and may determine the terms and consideration therefor, and with respect to each instrument executed hereunder, a certificate of a vote of the Committee authorizing the same and reciting that the real estate affected thereby is held by the Corporation for investment and not **as** part of the university plant shall be conclusive evidence of the fact recited.

**5.3.3 EVALUATIONS OF GIFTS.** The Trustee Committee on Administration and Finance shall authorize or approve at regular or special meetings the acceptance by the President or other **officer** at such values as it may **determine** of property tendered to the Corporation in payment of legacies, bequests or gifts.

**5.3.4 RELEASE OF ASSIGNMENT OF SECURITY.** The Trustee Committee on Administration and Finance shall have the power to authorize the release of any or all property held by the Corporation **as** security for a loan, or the assignment of any secured loan owned by the Corporation.

**5.3.5 BUILDINGS AND GROUNDS.** The Trustee Committee on Administration and Finance shall have the responsibility of considering and advising the Board of Trustees and the Executive Committee with respect to the planning, expansion or development of buildings and grounds and the maintenance of such existing facilities and shall perform such other duties **as** the Board or the Executive Committee may from time to time designate. It shall report its activities and recommendations to either the Board of Trustees or the Executive Committee.

**5.4 TRUSTEE UNIVERSITY DEVELOPMENT COMMITTEE.** The Trustee University Development Committee shall have the responsibility of considering and advising the Board of Trustees and the Executive Committee on current activities and future planning in the University's **fund** raising, public relations, federal, state, city and community relations, publications, alumni affairs, grants, contracts, patents, and licensing, and shall perform such other duties **as** the Board or the Executive Committee may from time to time designate. It shall report its activities and recommendations to either the Board of Trustees or the Executive Committee. All capital **fund** raising plans shall be submitted to it for its consideration and advice.

**5.5 TRUSTEE ACADEMIC AFFAIRS COMMITTEE.** The Trustee Academic Affairs Committee shall have the responsibility of considering and advising the Board of Trustees and the Executive Committee on current matters and future planning relating to **curriculum**, student affairs, faculty appointments requiring action of the Board of Trustees, emeritus appointments and relations with other educational institutions and shall perform such other duties as the Board or the Executive Committee may from time to time designate. It shall report its activities and **recommendations** to either the Board of Trustees or the Executive Committee. The Committee shall

also make academic appointments as provided in Section 10.2 hereof.

## 5.6 **OTHER COMMITTEES**

### 5.6.1 **COMMITTEE ON TRUSTEESHIP.**

**5.6.1.1** There shall be a Committee on Trusteeship consisting of not less than five Trustees including the Chairman of the Board of Trustees who shall be elected annually by the Board at its annual meeting to serve for one year or until their successors are elected. Any Trustee, except the Chairman of the Board, who has served on this Committee for three consecutive years, shall not be eligible for reelection to it for one year following the completion of said three consecutive years. Meetings shall be called in the manner provided in Section 5.2.2 and the provisions of Section 5.2.4 shall apply to the Committee on Trusteeship.

**5.6.1.2** The Committee on Trusteeship shall nominate highly qualified and committed individuals to fill vacancies among the Charter Trustees and shall invite recommendations therefor **from** the entire University community. The Committee's nominations will be made in a confidential report to the Board of Trustees submitted at least three weeks prior to the date

of the meeting at which such Trustees are to be elected. The identity of such nominees shall not be disclosed until and unless authorized by the Board of Trustees.

**5.6.1.3** The Committee on Trusteeship shall have the responsibility for ensuring that a program for the orientation of new Trustees is maintained and implemented. It shall periodically recommend to the Executive Committee initiatives by which the performance of the Board of Trustees shall be enhanced and assessed.

**5.6.1.4** The Committee on Trusteeship shall consider and present to the Board of Trustees nominations for the officers, a chairman and other members of the Executive Committee, a chairman and other members of each standing committee to be elected at the annual meeting of the Trustees next following the appointment or election of such committee. All nominations for the officers other than the Chairman of the Board of Trustees, any Vice **Chairman of the Board, President, Secretary and any Assistant Secretaries** shall be made by the Committee on Trusteeship **after** receiving and

considering the recommendations of **the** President of the University with respect thereto.

5.6.1.5 The Chairman of the Board of Trustees shall present to the Board of Trustees nominations of members of the Committee on Trusteeship.

5.6.2 **HONORARY DEGREE COMMITTEE.** There shall be an Honorary Degree Committee consisting of not less than three Trustees who shall be elected annually by the Board at its annual meeting to serve for one year or until their successors are duly elected. The Honorary Degree Committee shall consider and present to the Board of Trustees recommendations of persons deemed worthy of being awarded **an** Honorary Degree from Tufts University. The Committee will invite nominations from the general Tufts community.

### 5.6.3 **COMPENSATION COMMITTEE**

5.6.3.1 There shall be a Compensation Committee consisting of the Chairman of the Board and three additional Trustees who shall be elected annually by the Board at its annual meeting to serve for one year or until their successors are duly elected.

5.6.3.2 The Compensation Committee shall have the responsibility to ensure that, under the direction of the President, the ongoing development and periodic review of a system of job descriptions, job classifications, salary ranges, and performance reviews for the purpose of internal salary equity. In the case of the President, **he/she** and the Chairman of the Board will jointly agree upon **his/her** goals and objectives, and the Chairman will annually review the results with the President, then with the Compensation Committee, and **finally** with the Board of Trustees.

5.6.3.3 The Compensation Committee will periodically review the salary of the President and recommend changes to the Board of Trustees. The Compensation Committee will also periodically review the salary of employees that hold positions of significant management responsibility and consider changes proposed by the President. Meetings shall be called in the manner provided in Section 5.2.2 and the provision of Section **5.2.4** shall apply to the Compensation Committee.

### 5.6.4 **AUDIT COMMITTEE.**

**5.6.4.1** There shall be **an** Audit Committee consisting of not less than three persons who shall be Trustees or Trustees Emeriti, provided that a majority thereof shall be Trustees. The **Chairman** and the other members of such Committee



shall be elected annually by the Board at its annual meeting to serve for one year or until their successors are duly elected. A majority of the members of such Committee shall constitute a quorum. Meetings shall be called in the manner provided in Section 5.2.2 and the provisions of Section 5.2.4 shall apply to the Audit Committee.

5.6.4.2 The Audit Committee shall have the responsibility of considering and advising the Board of Trustees and the Executive Committee with respect to the Corporation's internal audit procedures, employment by the Board of independent certified public accounts, all matters in connection with independent audits and the formulation of policies or procedures for the avoidance of Trustee conflicts of interest and shall perform such other duties as the Board or the Executive Committee may from time to time determine. It shall report its activities and recommendations to either the Board of Trustees or the Executive Committee.

5.6.5 **SPECIAL COMMITTEES.** Special Committees may be appointed by the Board of Trustees or the Executive Committee, to serve for specific purposes and with powers as designated in the votes appointing them. Membership on such special committees shall not necessarily be limited to the Board of Trustees.

5.7 **VACANCIES.** Any vacancy at any time existing in the offices of **chairman** or member of a committee elected by the Board of Trustees may be filled by the Executive Committee and the person so elected to fill the vacancy shall hold office until the next annual meeting of the Board of Trustees or until such person's successor shall be duly elected and qualified.

5.8 **MEETING PARTICIPANTS.** Pursuant to vote of the Board of Trustees, non-voting participants from the faculty, the student body and the alumni may be invited to attend and participate in meetings of the Executive Committee and of the standing committees under procedures and regulations adopted **from** time to time by the Board of Trustees.

5.9 **SPECIAL ACTION.** Any action required or permitted to be taken at any meeting of a committee may be taken without a meeting if all the members of the committee entitled to vote at such a meeting consent to the action in writing and the written consents are filed with the records of the meetings of the committee. Such consents shall be treated for all purposes **as** a vote at a meeting.

5.10 **BOARDS OF OVERSEERS.** Boards of Overseers may be appointed for the various schools, departments and **functions** of the University. Members of any such Boards of Overseers shall be appointed by the Board of Trustees or the Executive Committee. It shall be the **duty of each such Board of Overseers to advise and assist the school, department or function to which its appointment relates, and to advocate on its behalf.** The Overseers should make needed

visits and reviews and report thereon to the Board of **Trustees** or the Executive Committee with such suggestions as it may deem desirable. Membership on such Board of Overseers shall not necessarily be limited to members of the Board of Trustees, but the Chairman of each such Board will be a Trustee or Trustee Emeritus.

## Article **VI**

### APPROPRIATIONS

6.1 The Board of Trustees shall prior to the end of each academic year make appropriations required by the budget for the next year, and the Board may at any other meeting make additional appropriations for any purpose, provided that the matter of making such appropriations is included in the notice of the meeting. Appropriations of an emergency nature may be made by action of the Executive Committee.

## Article **VII**

### THE UNIVERSITY

7.1 The University shall include the following: School of Arts and Sciences, School of Engineering, School of Medicine, School of Dental Medicine, the Fletcher School of Law and Diplomacy, College of Special Studies, School of Veterinary Medicine, **Sackler** School of Graduate Biomedical Sciences, and School of Nutrition Science and Policy. The School of Arts and Sciences shall consist of the College of Liberal Arts, Jackson College for Women, and the Graduate School of Arts and Sciences. The University shall include such other bodies as the Trustees may **from** time to time create, establish or rearrange.

## Article **VIII**

### THE FACULTIES

8.1 **MEMBERSHIP.** Each college and **school** shall be under the immediate charge of its respective Faculty. Each such Faculty shall consist of such persons as shall be designated in the Bylaws of the Faculty of such college or school. There shall also be a Faculty of Arts, Sciences, and Engineering, composed of the Faculties of the School of Arts and Sciences, and the School of Engineering; all members of said Faculties shall be voting members of the Faculty of Arts, Sciences, and Engineering. The President of the University shall be the head of each Faculty.

**8.2 SECRETARIES OF FACULTIES.** The various Faculties shall annually elect their own Secretaries, except that the Secretary of the Faculty of Arts, Sciences, and Engineering shall be the ex officio Secretary of several Faculties comprised in the Faculty of ~~Arts~~, Sciences, and Engineering.

**8.3 RESPONSIBILITY.** The respective faculties shall, subject to the limitations set forth in the Charter, have the oversight and control of the student body. The Faculties of ~~Arts~~, Sciences, and Engineering of the College of Special Studies, of the School of Medicine, of the School of Dental Medicine, of the Fletcher School of Law and Diplomacy, of the School of Veterinary Medicine, of the Sackler School of Graduate Biomedical Sciences, of the School of Nutrition Science and Policy and other colleges and schools heretofore or **hereafter** established, may accept or reject the application for admission of any student, may impose fines, inflict at their discretion the penalties of admonition, suspension and dismissal, and may use all other appropriate means of discipline. These powers may be exercised in the name and behalf of any of said Faculties by appropriate committees duly appointed and authorized by them, provided, however, that Faculty members always constitute a majority of any such committee.

**8.4 BYLAWS.** The provision of the bylaws of the respective Faculties concerning their membership, powers, duties and voting rights and the participation of students on their committees shall be subject to the approval of the Board of Trustees.

## Article IX

### THE DEANS

9.1 The Board of Trustees shall, upon recommendation **from** the President, appoint a Dean of the Faculty of Arts, Sciences, and Engineering, a Dean of the College of Liberal Arts and Jackson College for the Humanities and Arts, a Dean of the College of Liberal Arts and Jackson College for Natural Sciences and Social Sciences, a Dean of the School of Engineering, a Dean of the Graduate School of Arts and Sciences, a Dean of the School of Medicine, a Dean of the School of Dental Medicine, a Dean of the Fletcher School of Law and Diplomacy, a Dean of the College of Special Studies, a Dean of the School of Veterinary Medicine, a Dean of the Sackler School of Graduate Biomedical Sciences and a Dean of the School of Nutrition Science and Policy or Dean for Nutrition Sciences, effective July 1, 1995.

9.2 The Vice President for Arts, Sciences, and Engineering shall be responsible to the Provost for the oversight of the School of Arts and Sciences, the School of Engineering and the College of Special Studies. The Dean of the Fletcher School of Law and Diplomacy and the Dean of the School of Nutrition Science and Policy or Dean for Nutrition Sciences, effective July 1, 1995, shall be responsible to the Provost for the oversight of the college or school of which he or she is Dean. The Vice President and each such Dean shall make **recommendations to the Provost for** appointments to the Faculty of each school or college of which he or she is responsible, prepare the

business for the meetings of each such Faculty, execute its orders and regulations, preside at its meetings in the absence of the President and the Provost, **make** an annual report to the President, and shall have such other duties, responsibilities and authority as may be delegated to such Vice President or Dean from time to **time** by the President. The Vice President for Arts, Sciences, and Engineering shall also prepare the business for the meetings of the Faculty of Arts, Sciences, and Engineering execute its orders and regulations, and preside at its meetings in the absence of the President and the Provost.

9.3. The Dean of the School of Medicine, the Dean of the School of Dental Medicine, the Dean of the School of Veterinary Medicine and the Dean of the Sackler School of Graduate Biomedical Sciences shall be responsible to the Provost for the oversight of the school of which he or she is Dean. Each such Dean shall make recommendations to the Provost for appointments to the Faculty of the School for which such Dean is responsible, prepare the business for the meetings of such Faculty, execute its orders and regulations, preside at its meetings in the absence of the President and Provost, make an annual report to the President and shall have such other duties, responsibilities and authority as may be delegated to such Dean **from** time to time by the President.

## Article X

### ACADEMIC APPOINTMENTS

10.1 **APPOINTMENTS BY BOARD OF TRUSTEES.** The Board of Trustees shall make all appointments with tenure, emeritus appointments and appointments of the University Chaplain, the University Librarian and the Deans specified in Section 9.1 of these Bylaws.

10.2 **APPOINTMENTS BY TRUSTEE ACADEMIC AFFAIRS COMMITTEE.** The Trustee Academic Affairs Committee shall consider and make recommendations to the Board of Trustees regarding all appointments involving tenure, appointments to the University Professorships and Research Professorships, emeritus appointments and appointments of the University Chaplain, the University Librarian, the Deans specified in Section 9.1 of these Bylaws, and the Provost and the Vice President for Arts, Sciences, and Engineering. The Trustee Academic Affairs Committee shall make all appointments of full time Professors without tenure, department Chairmen and the Archivist.

10.3 **OTHER APPOINTMENTS.** All academic appointments without tenure of the rank of Associate Professor and below shall be made by the President of the University or such other persons as the President shall designate. The President of the University shall also make all appointments of Associate and Assistant Provosts, Deans other than those specified in Section 9.1 of these Bylaws and Associate and Assistant Deans and report such appointments to the Trustee Academic Affairs **Committee**.

## Article XI

### ACADEMIC DEGREES

11.1 **REQUIREMENTS.** All degrees shall be conferred by vote of the Trustees. The ordinary degrees shall be conferred after recommendation of the appropriate Faculties, namely, of ~~Arts~~, Sciences, and Engineering of the College of Special Studies, of the School of Medicine, of the School of Dental Medicine, of the Fletcher School of Law and Diplomacy, of the School of Veterinary Medicine, of the Sackler Graduate School of Biomedical Sciences, of the School of Nutrition Science and Policy and of all other colleges and schools heretofore or **hereafter** established. No candidate of these degrees shall be recommended except after thorough examination, and academic residence at the University of at least one year. The requirement of residence may be waived for candidates for all degrees by vote of the appropriate Faculty and approved by the President of the University. All degrees conferred by the University shall be announced at Commencement.

11.2 **HONORARY DEGREES.** Honorary degrees may be **conferred** by a majority vote of the Board of Trustees upon such persons as may be recommended by the Honorary Degree Committee, or by unanimous vote of the Board of Trustees upon persons nominated by any Trustee.

## Article XII

### INDEMNIFICATION

12.1 **TRUSTEES AND OFFICERS.** (a) The Corporation shall **indemnify** to the maximum extent legally **permissible** but not to the extent that the status of the Corporation as an organization exempt under Section 501 (c) (3) of the Internal Revenue Code will be affected thereby, any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative and whether external or internal to the Corporation, by reason of the fact that he or she is or was a Trustee or Officer of the Corporation or is or was serving at the request of the Corporation as a trustee, director, officer, employee or other agent for another organization or in a capacity with respect to any employee benefit plan against expenses (including attorneys' fees), judgments, **fin**es and amounts paid in settlement actually and reasonably incurred by him or her in connection with such suit, action or proceeding except with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee **benefit** plan. **The termination** of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of **nolo contendere** ~~or its~~ equivalent, shall not, of itself, create a presumption that the person did not act in the reasonable

belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(b) As to any matter disposed of by a compromise payment by such person, pursuant to a consent decree or otherwise, no indemnification under this Section 12.1 (unless required by law or ordered by a court) shall be made by the Corporation unless authorized in the specific case (i) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not parties to such action, suit or proceeding, or (ii) if such a quorum is not obtainable, then by a majority vote of a committee of the Trustees consisting of all of the disinterested Trustees or (iii) if there are not two or more disinterested Trustees in office, then by a majority of the Trustees then in office provided they have obtained a written finding by special independent legal counsel appointed by a majority of the Trustees to the effect that, based upon a reasonable investigation of the facts as described in such opinion, the person to be indemnified appears to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(c) Notwithstanding anything in this Section 12.1 to the contrary, no indemnification shall be provided for any person with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(d) Expenses incurred by a Trustee or **Officer** in defending a civil or criminal action, suit or proceeding shall be paid by the Corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the Trustee or Officer to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Corporation as authorized in this Section 12.1. Such undertaking shall be accepted by the Corporation without reference to the financial ability of the person giving the undertaking to make repayment. Any advance under this subsection (d) shall be made promptly, and in any event within ninety (90) days, upon the written request of the person seeking the advance.

(e) The indemnification and advancement of expenses provided by, or granted to, the other subsections of this Section **12.1** shall not be deemed exclusive of or affect any other rights to which any person may be entitled by contract or otherwise under law. Each person who is or becomes a Trustee or Officer shall be deemed to have served or have continued to serve in such capacity and in such other capacity at the request of the Corporation as described in subsection (a) in reliance upon the indemnity provided for in this Section **12.1**. All rights to **indemnification** under this Section 12.1 shall be deemed to be provided by a contract between the Corporation and the person who serves as Trustee or Officer of the Corporation. Any repeal or modification of this

Section **12.1** shall not affect any rights or obligations then existing.

(f) To the extent that a Trustee or Officer of the Corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsection (a), or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith.

(g) The indemnification and advancement of expenses provided by, or granted pursuant to, this Section **12.1** shall continue as to a person who has ceased to be a Trustee or Officer and shall inure to the benefit of the heirs, executors and administrators of such a person.

(h) If any term or provision of this Section **12.1** or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable, the remainder of this Section **12.1** or the application of such term or provision to the persons, property or circumstances other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Section **12.1** shall be valid and enforced to the fullest extent permitted by law.

**12.2 FACULTY MEMBERS AND OTHER EMPLOYEES.** Individuals who are members of the Faculties of the several colleges and schools and other employees and agents of the Corporation who are not Trustees or Officers shall be indemnified by the Corporation to the extent from time to time authorized by the Board of Trustees.

## **Article XIII**

### **TRUSTEE CONFLICTS OF INTEREST**

#### **13.1 CONFLICTS OF INTEREST**

**13.1.1** In keeping with the University's high ethical standards, Trustees shall exercise care that no detriment to the University results from conflicts between their interests and those of the University. Trustees shall be sensitive to potential conflicts of interest or the appearance of conflicts of interest even if no actual conflicts exist.

**13.1.2** But for the exceptions described below, the University will not enter into any transaction in which a Trustee, or persons or entities closely associated\* to that Trustee, have a material financial interest, direct or indirect, or because of which a Trustee's **independence of judgment might be impaired**. Exceptions to this principle are transactions;

(a) approved by a majority of the Executive Committee. If a majority of the Executive Committee is disqualified from acting or if a majority of it so votes, then approval by a majority of the Full Board shall be required; or

(b) involving competitive bids or standard rates and terms offered to business generally.

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\* "Closely associated" means:

- (i) **A** spouse, parent, sibling, child, person living in the household or business associate of the Trustee.
- (ii) Any entity which is directly or indirectly owned or controlled individually or collectively by you **and/or** by persons described in (1) above. For this purpose, "owned" means holding more than 35 percent of voting membership rights or voting stock in the entity; "**controlled**" means comprising over 35 percent of the directors, trustees or other members of the governing body of the entity.
- (iii) **A** law firm, accounting firm or other partnership of which you are or a person described in (i) above is a partner.

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13.1.3 Trustees who believe a potential transaction with the University may involve a conflict must report that transaction and all material facts in writing to the Executive Committee in sufficient time for the Executive Committee to approve or disapprove unless the transaction is covered by 13.1.2 (b) above.

13.1.4 When a conflict is under consideration pursuant to 13.1.2 (a) above, no involved Trustee may be present for the discussion or vote. Approval shall be based on a finding that the transaction is fair to the University, that it appears that the University cannot obtain a more advantageous arrangement with reasonable effort, and that the transaction will not constitute an excess benefit under Section 4958 of the Internal Revenue Code.

**13.1.5** Annually, each Trustee will sign a statement provided by the University that **he/she** has read and understands this policy and agrees to comply with it. The Trustee will also disclose on that statement information relating to potential conflicts of interest.



13.1.6 The Executive Committee shall review all such statements with a view to minimizing the potential for any detrimental effects **from** conflicts and excess benefits under Section 4958 of the Internal Revenue Code. **A** report of all conflicts voted on during the preceding year or reported by Trustees shall be forwarded to the Board of Trustees by the Executive Committee with a statement of applicable exceptions for each conflict or of a finding **of no conflict.**

**13.2. DETERMINATION OF QUORUM.** An involved Trustee may be counted in determining the presence of a quorum at a meeting of the Executive Committee or the Board of Trustees.

#### Article XIV

#### AMENDMENTS OF BYLAWS

14.1 These Bylaws may be amended by a vote of two-thirds of the Trustees present at any meeting of the Trustees, provided that notice of the substance of the intended amendment is given not less than thirty **(30)** days prior to the meeting.

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December 3, 2007

*BY HAND DELIVERY*

Marlene H. **Dortch**, Secretary  
Federal Communications Commission  
445 - 12th Street, S.W.  
Washington, DC 20554

Attention: **Ownership Section  
Media Bureau**

FILED/ACCEPTED  
DEC - 3 2007  
Federal Communications Commission  
Office of the Secretary

Re: 47 C.F.R. Section 73.3613 Filing  
Tufts University  
(FRN: 0005-2019-34)  
Noncommercial Education Station WMFO(FM), Medford, MA,  
Facility ID No. 68320

Dear Ms. Dortch:

On behalf of Tufts University, the licensee of the above-referenced radio station, pursuant to Section 73.3613 of the Commission's Rules, enclosed for filing are the Bylaws of Tufts University, as amended on November 4, 2006.

Please direct any communications concerning this submission to the undersigned counsel in addition to the licensee.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:   
Marissa G. Repp

Attorneys for **Tufts** University

Enclosure

Amended by the Board November 4, 2006

## BYLAWS OF TRUSTEES OF TUFTS COLLEGE

### Article I

#### THE CORPORATION

1.1 The legal corporate name of the Corporation is TRUSTEES OF TUFTS COLLEGE, under which name the management and execution of its business affairs are conducted. The name TUFTS UNIVERSITY is to be employed when referring to the institution in its entirety and inclusive of its undergraduate, graduate and professional schools and other activities of the institution as a whole.

### Article II

#### THE TRUSTEES

#### 2.1 AUTHORITY, RESPONSIBILITY AND NUMBER.

**2.1.1 AUTHORITY AND RESPONSIBILITY.** The Board of Trustees shall have the authority to carry out all lawful functions that are **permitted** by these Bylaws or by the Restated Articles of Organization. **This** authority shall include but shall not be limited to the following: (a) periodically review and approve the University's mission and purposes; (b) appoint the President who shall be the University's chief executive officer, and set appropriate conditions of employment, including compensation; (c) establish the conditions of employment of other key institutional officers; (d) support the President and assess his or her performance; (e) review and approve proposed major changes in the University's academic programs and other major enterprises consistent with the University's mission, plans and financial resources; (f) approve institutional policies bearing on faculty appointment, promotion, tenure and dismissal; (g) approve the annual budget and annual **tuition/fees**; (h) regularly monitor the University's financial condition, and establish policy guidelines affecting all institutional assets including investments and the physical plant; (i) contribute financially to the University's fundraising goals and participate actively in strategies to secure sources of support; (j) approve all earned and honorary degrees; (k) periodically undertake or authorize assessments of the Board's performance.

**2.1.1.2** The Board of Trustees may delegate any of its authority or responsibility to any committee established by Article V, subject to the provisions of these Bylaws.

**2.1.2 NUMBER.** The Board of Trustees shall consist of not less than **twenty-eight** nor more than forty-one members.

**22 CLASSES.** The members of the Board shall be classified as follows:

**2.2.1 CHARTER TRUSTEES.** Thirty in number, to be elected by the Board to serve for terms of five years that expire at the annual meeting of the Board. Any Trustee whose term extends beyond the date when such Trustee attains the age of seventy-five years except as provided in Section 2.3.5, will serve only until the annual meeting that coincides in date with or next follows the date of such attainment. At any election of Trustees, there may be elected up to the maximum number of Charter Trustees permitted under the foregoing provision. The term of any Charter Trustee elected prior to November 1, 1999 shall not be affected by this Section.

**2.2.2 ALUMNI TRUSTEES.** Ten in number, to be elected by ballot by and from the alumni, to serve for terms of five years, such service to begin with the annual meeting of the Board of Trustees following the election. The term "alumni" as used in this Article II shall be deemed to include (a) each person who has received a degree from the University or from the Eliot-Pearson School or the Boston School of Occupational Therapy prior to the affiliation of said schools with the University and (b) each non degree-holding **former** student of the University who has pursued an approved course of study in the University for at least one academic year, provided that the prescribed period for completion of said course of study shall have passed. The term of any Alumni Trustee elected prior to November 1, 1999, shall not be affected by this Section.

**2.2.3 TRUSTEE EX OFFICIO.** The President of the University during such President's term of office shall serve *ex officio* with **full** voting rights.

## **2.3 ELECTION OF CHARTER TRUSTEES.**

**2.3.1** The Charter Trustees shall be elected by majority vote of the members of the Board of Trustees present and voting. Their election need not be by ballot but may be by ballot if requested by three or more Trustees present. If the election is by ballot, it shall be conducted in accordance with the following provisions. On the first ballot each Trustee voting shall enter on the ballot the name of no more than two nominees (or one if only one Charter **Trustee** of the class is to be elected) for election as Charter **Trustees** of the particular class and the name of any nominee no more than once on any ballot, and shall submit the ballot to one of the tellers appointed by the Chair. The tellers will tally and report to the Chair the total number of ballots cast and the number of votes cast for each nominee. A nominee receiving votes equal to or exceeding in number a majority of the ballots cast shall be declared elected. If no nominee, or only one nominee is elected, succeeding ballots shall be taken in the same manner as the first, except that voting shall be for only one nominee if the first ballot resulted in the election of one member. On the second and succeeding ballots, the nominee having the smallest number of votes in the next preceding ballot shall be excluded from consideration.

**2.3.2** The Board of Trustees may by majority vote designate one or more persons as alternates to a person elected to the office of Charter Trustee, and in the event that the person so elected shall decline to accept his or her election, the first of such alternates in the order designated by the Board who is willing to act in such office shall, upon his or her acceptance thereof, be deemed to be elected to said office. Voting with respect to the designation of such alternates shall be conducted in a manner similar to that provided in section 2.3.1 for the election of Charter Trustees.

**2.3.3** Any Charter Trustee who has served a ten- year term or consecutive terms totaling ten or more years shall not be eligible for reelection for a term commencing earlier than a year after the completion of such years of service. This subsection shall not apply in the case of a Chair or Vice Chairs in office, provided, however, that they shall only be eligible for reelection on a year-to-year basis. There shall be no more than three Vice Chairs in **office**.

**2.3.4** Any vacancy in the office of Charter Trustee may be filled by vote of the Board at any annual, regular or special meeting of the Board.

**2.3.5** The Board of Trustees may in particular instances upon recommendation of the Committee on Trusteeship and by majority vote make exceptions to the qualifications as to age of any elected Charter Trustee or individual proposed for election as Charter Trustee, provided that at no time will there be more than five Trustees over age **seventy-five**; and further provided that such exceptions will be made to fill a vacancy for the balance of any existing term.

**24 ELECTION OF ALUMNI TRUSTEES.** Alumni Trustees shall be elected by ballot by the alumni, such election to be conducted each year in accordance with rules and procedures adopted by the Alumni Council as the governing board of the **Tufts** University Alumni Association, Inc. and approved by the Board. Any vacancy in the office of Alumni Trustee shall be filled for the unexpired term by an election by ballot of the alumni conducted as aforesaid, provided, however, that if such vacancy occurs within one year prior to the expiration of the term, it need not be filled prior to such expiration.

**25 RESIGNATIONS.** Any Charter Trustee, Alumni Trustee or Trustee Emeritus may resign by notice in writing to the Secretary.

**26 TRUSTEES EMERITI.**

**2.6.1** Any Charter or Alumni Trustee may be elected by the Board as a Trustee Emeritus, subject to the following conditions: (a) at least one year but not more than six years have elapsed since the expiration of **his/her** term or resignation; (b) **he/she** served as a Trustee for at least five years; and (c) **he/she** is nominated by the Executive Committee.

**2.6.2** Each year the Executive Committee will consider those persons who meet the requirements of 2.6.1 (a) and (b). The Executive Committee will nominate those who, in its opinion, provided leadership and service to the University above and beyond that normally expected of a Trustee.

**2.6.3** Trustees Emeriti shall be entitled to receive notice of each meeting of the Board and may attend and participate with the Trustees in the meetings of the Board and at public academic occasions, but shall not be members of the Board and shall not have the privilege of voting or of holding any office (other than membership in the Investment Subcommittee, as provided in Section 5.2.1) which is to be filled by election or appointment **from** among the members of the Board. They shall not be counted in determining the number of Trustees required to constitute a quorum or in determining the presence of a quorum; they may serve on committees of the Board where membership is not required.

**2.7 REMOVAL.** The Board, by a two-thirds vote of all its members after giving the Trustee at least thirty days' notice and an opportunity to be heard shall have the power to remove any Charter or Alumni Trustee who shall be, in the judgment of the Board, disqualified for cause or permanently incapacitated from performing duties as Trustee.

**2.8 DISQUALIFICATION OF STAFF.** An acceptance of the office of Trustee by any person other than the President of the University shall be deemed a resignation from any office or position held on the educational or administrative staff in any of the departments of the University. Acceptance by a Trustee, other than the President, of any **office** or position on the educational or administrative staff in any of the departments of the University shall be deemed to be a resignation as a Trustee.

### Article III

#### THE OFFICERS OF THE CORPORATION

**3.1 THE OFFICERS.** The Officers of the Corporation shall be the Chair of the Board of Trustees, up to three Vice **Chairs**, the President of the University, the Treasurer and **the** Secretary, all of whom shall be elected at the annual meeting of the Trustees and shall hold office for one year or until their successors shall be duly elected and qualified, the Provost, the Executive Vice President, the Vice President for University Advancement, the Vice President for University Relations, and other officers, including without limitation those having titles that include the words "President," "Vice President," "Treasurer" or "Secretary," as the Board may **from** time to time elect or appoint, who shall serve at the will of the Board of Trustees.

**3.2.1 VACANCIES.** Any vacancy in any such **office** may be filled by the Executive Committee upon the recommendation of the President and the person so elected to fill the vacancy shall hold office until the next annual meeting or until his or her successor shall be duly elected and qualified.

**3.2.2 NEW POSITIONS.** In the intervals between meetings of the Board of Trustees, the Executive Committee may, upon the recommendation of the President, create and fill any position having a title that includes the words "Vice President", "Treasurer", or "Secretary". The person so elected shall serve at the will of the Board of Trustees.

**3.2.3. SIGNATORY AUTHORITY.** The President shall have power to sign in the name and on behalf of the Corporation all duly authorized contracts, deeds and other instruments, including acceptances of gifts, bequests and devises to the University. Any such instrument may also be signed in the name and on behalf of the Corporation by any Vice President, the Chair of the Board or any other person designated for that purpose by the Board of Trustees or the Executive Committee.

**3.3 THE CHAIR.** The Chair of the Board of Trustees shall preside at the meetings of the Board and in the absence or disability of the Chair a Vice Chair shall perform the Chair's duties.

**3.4 THE PRESIDENT.**

**3.4.1** The President of the University shall be both the leader of the educational policy and the chief executive officer of the University; the President shall exercise such leadership and supervision of its administrative officers, teachers, students, agents and employees as will promote the efficiency of each department and of the University as a whole, and the President shall exercise a general superintendence over all of its concerns.

**3.4.2** The President shall act as the ordinary medium of communication between the Trustees and the faculties, student body and alumni organizations.

**3.4.3** The President shall make an annual report to the Trustees on the general condition of the University.

**3.4.4** The President shall be responsible for the management of current operating revenues and expenditures in connection with the educational, purchasing and plant activities of the Corporation, have charge of collection of income, insurance and taxes relating to institutional real estate and be responsible for the preparation of the annual budget and the establishment of an adequate system of budget control.

**3.4.5** The President shall preside on public academic occasions; the President shall be President of the several Faculties.

**3.4.6** Subject to such regulations, specific or general, as may be adopted from time to time by the Executive Committee, the President shall accept and give receipts for all gifts, devises and bequests to the Corporation, provided, however, that where a gift, devise or bequest is subject to a condition, the President may not bind the Corporation with respect to such condition without the approval of the Board of Trustees or the Executive Committee, unless such condition is (a) that principal shall be retained and

only income or capital increment **be** expended, or (b) that such gift, devise or bequest be held by the University as trustee of a charitable remainder **unitrust** or annuity trust as defined in the Internal Revenue Code now in force or hereafter amended. Subject to such regulations as aforesaid, the President shall be responsible for all matters of probate and other legal matters in connection with gifts, devises, bequests, trust and annuity contracts and shall have the power to assent to accounts and other matters of probate in which the Corporation has an interest and to take any other action deemed by such President to be necessary to protect the interests of the Corporation in connection therewith.

**3.4.7** Subject to the direction of the Executive Committee, the President may delegate any or all of the President's duties and powers to other officers or agents of the Corporation. The President shall perform such other duties and exercise such other powers as may be designated by the Trustees or the Executive Committee, and the President must live on the University premises unless excused by the Board of Trustees.

**3.5 THE PROVOST.** The Provost of the University shall be responsible to the President for the academic administration of the University, and shall have such other duties as the Board of Trustees or the Executive Committee may from time to time designate. Unless otherwise directed by the Board of Trustees or the Executive Committee, the Provost shall, in the absence of or incapacity of the President, or in the event of a vacancy in the office of President, serve as Acting President and exercise the powers and duties of the President.

**3.6 VICE PRESIDENTS.** Each of the Vice Presidents shall have such powers and duties as the Board of Trustees or the Executive Committee on the recommendation of the President shall from time to time determine.

### **3.7 THE TREASURER.**

**3.7.1** Subject to the control and supervision of the Executive Vice President, the Treasurer shall be responsible for the custody of the funds of the Corporation, and shall have available such records with respect to the assets of said funds as shall permit prompt and efficient management thereof. The Treasurer shall have the responsibility for the investment of all available uninvested cash and all other non-investment assets of the Corporation and shall make available as required the funds called for in the budget. The Treasurer shall purchase, manage, sell or otherwise dispose of bonds, stocks, notes, real estate and other evidences of property comprising non-investment assets. The Treasurer shall have power to impress the corporate seal on all authorized documents requiring such seal.

**3.7.2** The Treasurer shall have the authority, with approval of the Trustees and the Executive Vice President or of the Administration and Finance Committee and the Executive Vice President, to borrow for and on behalf of the Corporation and to sign in the name and on behalf of the Corporation agreements, notes and other instruments in connection therewith.



**3.7.3** Persons whose titles include the word Treasurer shall discharge such duties as the Treasurer shall from time to time direct, and in the absence or incapacity of the Treasurer, they or any one of them may discharge, by direction of the Executive Vice President, any or all duties of the Treasurer.

### **3.8 THE SECRETARY.**

**3.8.1** The Secretary shall be sworn to the faithful and impartial discharge of the duties of Secretary and shall record in books kept for the purpose all votes and proceedings of the Board of Trustees, the Executive Committee and the standing committees. The Secretary shall give notice of meetings of the Board, the Executive Committee and the standing committees; the Secretary shall keep and file all documents belonging to the Corporation committed to his or her custody. The Secretary shall have custody of the corporate seal and with it shall impress documents requiring a seal and attest them when necessary and shall **perform** such other duties as shall from time to time be directed by the President, the Board of Trustees or the Executive Committee.

**3.8.2** Assistant Secretaries shall **perform** such duties as the President, the Executive Committee or the Secretary shall direct and in the absence or disability of the Secretary one of the Assistant Secretaries may, by direction of the President or the Executive Committee, discharge any or all of the duties of the Secretary.

## **Article IV**

### **MEETINGS OF THE BOARD OF TRUSTEES**

**4.1 REGULAR MEETINGS.** The Board of Trustees shall hold an annual meeting for the election of officers and committees and the transaction of other business in October or November in each year, and two other regular meetings shall be held in each year, one in January or February and one in May or June, each on such day and at such time and place as may from time to time be determined by the Board or, if not so determined, by the President.

**4.2 SPECIAL MEETINGS.** Special meetings may be held at any time and at any place upon the call of the President, the Chair of the Board, the Executive Committee or upon the written application to the Secretary or to any of the foregoing by at least five Trustees.

**4.3 NOTICE OF MEETINGS.** A written notice of every meeting of the Board of Trustees shall be given by the Secretary or an Assistant Secretary, or in case of the death, absence, incapacity or refusal of the Secretary and Assistant Secretary by any other officer. The notice shall state the time, place and general purposes of the meeting, and shall be mailed to the address of each Trustee at least seven (7) days before the meeting. No notice of the time, place or purpose of any meeting shall be required if every Trustee who does not attend such meeting signs a written waiver of notice which is filed with the records of the meeting.

**4.4 QUORUM.** One-third of the Trustees then in office shall constitute a quorum at any meeting of the **Trustees**, but a smaller number shall have power to adjourn from time to time.

**4.5 SPECIAL ACTION.** Any action required or permitted to be taken at any meeting of the Board of Trustees may be taken without a meeting if all the Trustees entitled to vote at such a meeting consent to the action in writing and the written consents are filed with the records of the meetings of the Board of Trustees. Such consents shall be treated for all purposes as a vote at a meeting.

**4.6 MEETINGS BY CONFERENCE TELEPHONE.** **The** Trustees or the members of any committee may participate in a meeting of the Trustees or such committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time, and participation by such means shall constitute presence in person at a meeting.

## ARTICLE V

### COMMITTEES AND BOARDS OF OVERSEERS

#### 5.1 EXECUTIVE COMMITTEE.

5.1.1 There shall be an Executive Committee of not less than six nor more than ten Trustees, including the Chair of the Board of Trustees, the Vice Chairs, the President of the University and such other Trustees as shall be appointed at each annual meeting of the Board of Trustees by the Chair of the Board of Trustees, subject to ratification by vote of the Board of Trustees. The members of the Executive Committee shall serve for one year or until their successors shall be duly appointed. The number of Trustees to be **appointed** to the Executive Committee shall be fixed by the Board of **Trustees** at **any** annual meeting and when so fixed, shall continue until changed at a subsequent annual **meeting**. **A majority of the** number of Trustees so fixed as constituting the Executive Committee shall constitute a quorum and the committee shall adopt such rules for the conduct of its business as it shall deem advisable.

5.1.2 In the intervals between meetings of the Board of Trustees, the Executive Committee shall have and exercise the authority of the Board in the management and execution of the affairs of the Corporation in all matters except those with respect to which authority is given in these Bylaws to the Administration and Finance Committee and except those which pursuant to law or Sections 2.2.2, 2.3, 2.6, 2.7, 5.6.4, **11.1** and 13.1 of these Bylaws require the vote of the Board of Trustees.

**5.1.3** The Executive Committee shall have general oversight of the human resources policies of the University. The Executive Committee shall vote on behalf of the University all shares of capital stock owned by the University in subsidiary corporations of the University for the election of such persons as Directors of these corporations as the Executive Committee shall determine after receiving and considering the recommendations of the President of the University with respect thereto.

**5.2 STANDING COMMITTEES.** There shall be seven standing committees as follows:

Administration and Finance Committee  
Committee for University Advancement  
Academic Affairs Committee  
Committee on Trusteeship  
Honorary Degree Committee  
Compensation Committee  
Audit Committee

**5.2.1** Each standing committee shall consist of such number of Trustees, not less than three, including a Chair of such committee and excluding *ex officio* members, as shall be determined **from** time to time by the Board of Trustees. Trustees Emeriti may be elected to the Investment Subcommittee by the Board of Trustees; provided, however, that a majority of the members of the subcommittee shall be current Trustees. The Chair, the members of each standing committee, and the members of the Investment and Buildings and Grounds Subcommittees shall be elected by ballot at each annual meeting of the Board of Trustees and shall serve for one year or until their successors shall be duly elected and qualified. In addition to the Trustees so elected, the President of the University shall be a member *ex officio* of each standing committee, provided that the President shall not serve as a member of the Audit Committee. With the exception of the President, *ex officio* members of committees shall not have the right to vote and shall not be counted for a quorum.

**5.2.2** A majority of the members of any standing committee shall constitute a quorum. Meetings of any standing committee shall be called by the Secretary whenever he or she is requested to do so by the chair or vice chair of the committee, the chair of the Executive Committee or the President of the University, by giving notice of the time and place of meeting to each member of the committee.

**5.2.3** Each standing committee may appoint from among its own number a vice chair of such committee and may appoint **from** time to time one or more subcommittees with such powers within the scope of the powers of such standing committee as are designated in the votes appointing them.

5.2.4 Records of the proceedings of each standing committee shall be kept by the Secretary and such proceedings shall be reported to the Board of **Trustees**. Each standing committee may adopt such rules for the conduct of its business as it shall deem advisable, except as otherwise provided in these Bylaws.

### **5.3 ADMINISTRATION AND FINANCE COMMITTEE**

**5.3.1.** The Administration and Finance Committee shall be responsible for considering and making recommendations to the Board of Trustees on matters pertaining to operating and capital budgets; tuitions, fees, and enrollments; and, upon the recommendation of the President, the appointment of the Executive Vice President. The Committee shall have the authority to approve the construction, renovation and maintenance of buildings and grounds; investment, reinvestment and **management** of all investment assets of the Corporation; and financing transactions.

**5.3.2. BUDGETS.** The Administration and Finance Committee shall be responsible for the review and oversight of University operating and capital budgets. The Committee shall annually review and consider the University operating and capital budgets submitted by the President or his designate, and make recommendations to the Board of Trustees.

**5.3.3. INVESTMENT AUTHORITY.** The Administration and Finance Committee, in accordance with such investment policies and regulations as may be established from time to time by the Board of Trustees and subject to the general direction of the Board, will oversee the operations of the Investment Subcommittee, consisting of three or more persons from among its members. Purchases, sales, exchanges or other dispositions of bonds, stocks, and other property and investment assets and evidences of investment property and assets may be made or caused to be made by either the Administration and Finance Committee or its Investment Subcommittee.

**5.3.3.1. INVESTMENT SUBCOMMITTEE.** The Investment Subcommittee shall be responsible for the investment, reinvestment and management of all investment assets of the Corporation, and for the appointment of independent investment advisors or managers authorized to invest and reinvest funds of the Corporation. The Investment Subcommittee shall develop for approval by the Board of Trustees the University's investment and asset allocation policy and shall periodically review all investment results and report such results from time to time to the Board of Trustees. The Chief Investment Officer shall report to the Investment Subcommittee, and to the Executive Vice President for administrative purposes. With review by the Investment Subcommittee, the Chief Investment Officer shall select and appoint or terminate external investment managers and may take all steps necessary to effectuate such transactions, including signing contracts with investment managers and consultants on behalf of the University. The Chief Investment Officer shall also be responsible for

**5.2.4** Records of the proceedings of each standing committee shall be kept by the Secretary and such proceedings shall be reported to the Board of Trustees. Each standing committee may adopt such rules for the conduct of its business as it shall deem advisable, except as otherwise provided in these Bylaws.

### **5.3. RATIO! AND FINANCE COMMITTEE**

**5.3.1.** The Administration and Finance Committee shall be responsible for considering and making recommendations to the Board of Trustees on matters pertaining to operating and capital budgets; tuitions, fees, and enrollments; and, upon the recommendation of the President, the appointment of the Executive Vice President. The Committee shall have the authority to approve the construction, renovation and maintenance of buildings and grounds; investment, reinvestment and management of all investment assets of the Corporation; and financing transactions.

**5.3.2. BUDGETS.** The Administration and Finance Committee shall be responsible for the review and oversight of University operating and capital budgets. The Committee shall annually review and consider the University operating and capital budgets submitted by the President or his designate, and make recommendations to the Board of Trustees.

**5.3.3, INVESTMENT AUTHORITY.** The Administration and Finance Committee, in accordance with such investment policies and regulations as may be established from time to time by the Board of Trustees and subject to the general direction of the Board, will oversee the operations of the Investment Subcommittee, consisting of three or more persons from among its members. Purchases, sales, exchanges or other dispositions of bonds, stocks, and other property and investment assets and evidences of investment property and assets may be made or caused to be made by either the Administration and Finance Committee or its Investment Subcommittee.

**5.3.3.1. INVESTMENT SUBCOMMITTEE.** The Investment Subcommittee shall be responsible for the investment, reinvestment and management of all investment assets of the Corporation, and for the appointment of independent investment advisors or managers authorized to invest and reinvest funds of the Corporation. The Investment Subcommittee shall develop for approval by the Board of Trustees the University's investment and asset allocation policy and shall periodically review all investment results and report such results from time to time to the Board of Trustees. The Chief Investment Officer shall report to the Investment Subcommittee, and to the Executive Vice President for administrative purposes. With review by the Investment Subcommittee, the Chief Investment **Officer** shall select and appoint or terminate external investment managers and may take all steps necessary to effectuate such transactions, including signing contracts with investment managers and consultants on behalf of the University. The Chief Investment Officer shall also be responsible for

managing the relationships with external investment managers and appointing and supervising internal investment staff.

**5.3.4. BUILDINGS AND GROUNDS.** The Administration and Finance Committee, in accordance with such policies and regulations as may be established from time to time by the Board of Trustees and subject to the general direction of the Board, shall oversee the operations of the Buildings and Grounds Subcommittee, consisting of two or more persons from among its members.

**5.3.4.1. BUILDINGS AND GROUNDS SUBCOMMITTEE.** The Buildings and Grounds Subcommittee shall be responsible for considering and advising the Administration and Finance Committee with respect to the planning, expansion or development of buildings and grounds and the maintenance of such existing facilities.

**5.4 COMMITTEE FOR UNIVERSITY ADVANCEMENT.** The Committee for University Advancement shall have the responsibility of considering and advising the Board of Trustees and the Executive Committee on current activities and **future** planning in the University's fund raising, public relations, federal, state, city and community relations, publications, and alumni relations. It shall report its activities and recommendations to either the Board of Trustees or the Executive Committee. All capital fund raising plans shall be submitted to it for its consideration and advice.

**5.5 ACADEMIC AFFAIRS COMMITTEE.** The Academic Affairs Committee shall be responsible for considering and making recommendations to the Board of Trustees and the Executive Committee on appointments of Deans of the Schools specified in Section 8.1 and, upon recommendation of the President, the Provost. The Committee shall have authority to approve, on behalf of the Board of Trustees, new degree programs offered by individual Schools, jointly by two or more Schools within the University, and degree programs offered jointly with other institutions. The Committee shall also make academic appointments as provided in Section 9.2 hereof.

**5.6 COMMITTEE ON TRUSTEESHIP.**

**5.6.1** There shall be a Committee on Trusteeship consisting of not less than five Trustees, including the Chair of the Board of Trustees. Any Trustee, except the Chair of the Board and the President, who has served on this Committee for three consecutive years, shall not be eligible for reelection to it for one year following the completion of said three consecutive years.

**5.6.2** The Committee on Trusteeship shall nominate highly qualified and committed individuals to fill vacancies among the Charter Trustees and shall invite recommendations from the entire University community. The Committee's nominations will be made in a confidential report to the Board of Trustees submitted at least three weeks prior to the date of the meeting at which such Trustees are to be elected. The

identity of such nominees shall not be disclosed until and unless authorized by the Board of Trustees.

**5.63** The Committee on Trusteeship shall have the responsibility for ensuring that a program for the orientation of new Trustees is maintained and implemented. It shall periodically recommend to the Executive Committee initiatives by which the performance of the Board of Trustees shall be enhanced and assessed.

**5.6.4** The Committee on Trusteeship shall consider and present to the Board of Trustees nominations for the officers, a chair and other members of the Executive Committee, a chair and other members of each standing committee, and members of the Investment and Buildings and Grounds Subcommittees, to be elected at the annual meeting of the Trustees next following the appointment or election of such committee. All nominations for the **officers** other than the Chair of the Board of Trustees, any Vice Chairs of the Board, and President shall be made by the Committee on Trusteeship **after** receiving and considering the recommendations of the President of the University with respect thereto.

**5.6.5** The Chair of the Board of Trustees shall present to the Board of Trustees nominations of members of the Committee on Trusteeship.

**5.7 HONORARY DEGREE COMMITTEE.** The Honorary Degree Committee shall consider and present to the Board of Trustees recommendations of persons deemed worthy of being awarded an Honorary Degree **from** Tufts University. The Committee will invite nominations from the general Tufts community.

## **5.8 COMPENSATION COMMITTEE**

**5.8.1** The Chair of the Board shall serve on the Compensation Committee.

**5.8.2** The Compensation Committee shall have the responsibility to ensure, under the direction of the President, the ongoing development and review of a system of job descriptions, job classifications, salary ranges, and performance reviews. The Compensation Committee shall have the responsibility for considering and advising the Board of Trustees on the University's systems and procedures for executive development. In the case of the President, **he/she** and the Chair of the Board will jointly agree upon **his/her** goals and objectives, and the Chair will annually review the results with the President, then with the Compensation Committee, and finally with the Board of Trustees.

**5.8.3** The Compensation Committee will periodically review the salary of the President and recommend changes to the Board of Trustees. The President will not participate as a member of the Compensation Committee with respect to discussions or votes relating to the President's compensation. The Compensation Committee will also

periodically review the salary of employees who hold positions of significant management responsibility and consider changes proposed by the President.

**5.9 AUDIT COMMITTEE.** The Audit Committee shall be responsible for assisting the Board of Trustees in monitoring the integrity of the financial statements of the University, compliance by the University with legal and regulatory requirements, and the independence and performance of the University's internal and external auditors. The Audit Committee shall have authority to appoint the external auditors and retain special legal, accounting or other consultants to advise the Committee, oversee the Corporation's internal audit procedures, accept and approve the annual audited financial statements of the University, approve the appointment of and oversee the duties of the director of the internal audit and compliance functions, and oversee appropriate matters in connection with independent audits. The Audit Committee shall be responsible for the formulation of policies and procedures for the avoidance of Trustee conflicts of interest, and shall monitor potential conflicts of interest and periodically provide a report to the Board of Trustees, pursuant to Article **XII**. The Committee shall make regular reports to the Board on matters requiring its attention.

**5.10 SPECIAL COMMITTEES.** Special Committees may be appointed by the Board of Trustees or the Executive Committee, to serve for specific purposes and with powers as designated in the votes appointing them. Membership on such special committees shall not necessarily be limited to the Board of Trustees.

**5.11 VACANCIES.** Any vacancy at any time existing in the offices of chair or member of a committee elected by the Board of Trustees may be filled by the Executive Committee and the person so elected to fill the vacancy shall hold office until the next annual meeting of the Board of Trustees or until such person's successor shall be duly elected and qualified.

**5.12 MEETING REPRESENTATIVES.** Pursuant to vote of the Board of Trustees, non-voting representatives from the faculty, the student body and the alumni may be invited to attend and participate in meetings of the Executive Committee and of the standing committees under procedures and regulations adopted from time to time by the Board of Trustees.

**5.13 SPECIAL ACTION.** Any action required or permitted to be taken at any meeting of a committee may be taken without a meeting if all the members of the committee entitled to vote at such a meeting consent to the action in writing and the written consents are filed with the records of the meetings of the committee. Such consents shall be treated for all purposes as a vote at a meeting.

**5.14 BOARDS OF OVERSEERS.** Boards of Overseers may be appointed for the various schools, departments and functions of the University. Members of any such Boards of Overseers shall be appointed by the Board of Trustees or the Executive Committee, except that a majority of the members of the Board of Overseers to the School of Veterinary Medicine shall be appointed by Cummings Foundation, Inc. (and which appointees shall not be employees of Tufts University). The Trustee Executive Committee shall accept the minutes of Boards of Overseers meetings. It shall be the duty of each such Board of Overseers to advise and assist the school, department or function to which its appointment relates, and to advocate on its behalf. The



Overseers should make needed visits and reviews and report thereon to the Board of Trustees or the Executive Committee with such suggestions as they may deem desirable. Membership on such Boards of Overseers shall not necessarily be limited to members of the Board of Trustees.

## Article VI

### THE UNIVERSITY

**6.1** The University shall include the following: School of Arts and Sciences, School of Engineering, School of Medicine, School of Dental Medicine, the Fletcher School of Law and Diplomacy, College of Special Studies, Tisch College of Citizenship and Public Service, Cummings School of Veterinary Medicine, Sackler School of Graduate Biomedical Sciences, and The Gerald J. and Dorothy R. **Friedman** School of Nutrition Science and Policy. The School of Arts and Sciences shall consist of the College of Liberal Arts, Jackson College for Women, and the Graduate School of Arts and Sciences. The University shall include such other bodies as the Trustees may from time to time create, establish or rearrange.

## Article VII

### THE FACULTIES

**7.1** **MEMBERSHIP.** Each college and school shall be under the immediate charge of its respective Faculty. Each such Faculty shall consist of such persons as shall be designated in the Bylaws of the Faculty of such college or school. There shall also be a Faculty of Arts, Sciences, and Engineering, composed of the Faculties of the School of Arts and Sciences and the School of Engineering; all members of said Faculties shall be voting members of the Faculty of Arts, Sciences, and Engineering. The President of the University shall be the head of each Faculty.

**7.2** **SECRETARIES OF FACULTIES.** The various Faculties shall annually elect their own Secretaries, except that the Secretary of the Faculty of Arts, Sciences, and Engineering shall be the *ex officio* Secretary of several Faculties comprised in the Faculty of Arts, Sciences, and Engineering.

**7.3** **RESPONSIBILITY.** The respective faculties shall, subject to the limitations set forth in the Charter, have the oversight and control of the student body. The Faculties of Arts, Sciences, and Engineering, the College of Special Studies, the Tisch College of Citizenship and Public Service, the School of Medicine, the School of Dental Medicine, the Fletcher School of Law and Diplomacy, the Cummings School of Veterinary Medicine, the Sackler School of Graduate Biomedical Sciences, the Gerald J. and Dorothy R. **Friedman** School of Nutrition Science and Policy and other colleges and schools heretofore or hereafter established, may accept or reject the application for admission of any student, may impose fines, inflict at their

discretion the penalties of admonition, suspension and dismissal, and may use all other appropriate means of discipline. These powers may be exercised in the name and behalf of any of said Faculties by appropriate committees duly appointed and authorized by them, provided, however, that Faculty members always constitute a majority of any such committee.

**7.4 BYLAWS.** The provision of the bylaws of the respective Faculties concerning their membership, powers, duties and voting rights and the participation of students on their committees shall be subject to the approval of the Board of Trustees.

## Article VIII

### THE DEANS

**8.1** The Board of Trustees shall, upon recommendation from the President, appoint a Dean of the School of Arts and Sciences, a Dean of the College of Liberal Arts and Jackson College, a Dean of the School of Engineering, a Dean of the Graduate School of Arts and Sciences, a Dean of the School of Medicine, a Dean of the School of Dental Medicine, a Dean of the Fletcher School of Law and Diplomacy, a Dean of the College of Special Studies, a Dean of the Tisch College of Citizenship and Public Service, a Dean of the Cummings School of Veterinary Medicine, a Dean of the Sackler School of Graduate Biomedical Sciences and a Dean of the Gerald J. and Dorothy R. **Friedman** School of Nutrition Science and Policy.

**8.2** The Dean of the School of Arts and Sciences shall be responsible to the Provost for the oversight of the School of Arts and Sciences and the College of Special Studies. The Dean of the School of Engineering, the Dean of the School of Medicine, the Dean of the School of Dental Medicine, the Dean of the Cummings School of Veterinary Medicine, the Dean of the Sackler School of Graduate Biomedical Sciences, the Dean of the Tisch College of Citizenship and Public Service, and the Dean of the Gerald J. And Dorothy R. **Friedman** School of Nutrition Science and Policy shall be responsible to the Provost for the oversight of the school of which he or she is Dean. Each such Dean shall make recommendations to the Provost for appointments to the Faculty of each school or college of which he or she is responsible, prepare the business for the meetings of each such Faculty, execute its orders and regulations, preside at its meetings in the absence of the President and the Provost, make an annual report to the President, and shall have such other duties, responsibilities and authority as may be delegated to such Dean **from** time to time by the President. The Deans of the School of Arts and Sciences and the School of Engineering shall also prepare the business for the meetings of the Faculty of Arts, Sciences, and Engineering, execute its orders and regulations, and preside at its meetings in the absence of the President and the Provost.

## Article IX

### ACADEMIC APPOINTMENTS

**9.1 APPOINTMENTS BY BOARD OF TRUSTEES.** The Board of Trustees shall appoint the Deans specified in Section 8.1 of these Bylaws.

**9.2 APPOINTMENTS BY THE ACADEMIC AFFAIRS COMMITTEE.** The Academic Affairs Committee shall consider and make recommendations to the Board of Trustees and the Executive Committee regarding appointments of the Deans specified in Section 8.1 of these Bylaws, and, upon the recommendation of the President, appointment of the Provost. The Academic Affairs Committee shall have the authority to make all appointments involving tenure, **full** time appointments at the **rank** of Professor, emeritus appointments, and appointments of University Professors, the University Chaplain, and the University Archivist. The Committee shall have authority regarding the establishment of endowed professorships and the appointment of individuals as holders of such professorships.

**9.3 OTHER APPOINTMENTS.** All academic appointments without tenure of the rank of Associate Professor and below shall be made by the President of the University or such other persons as the President shall designate. The President of the University shall also make all appointments of Associate and Assistant Provosts, Deans other than those specified in Section 8.1 of these Bylaws, Associate and Assistant Deans, full-time research faculty, and department chairs and report such appointments to the Academic Affairs Committee.

## Article X

### ACADEMIC DEGREES

**10.1 REQUIREMENTS.** All degrees shall be conferred by vote of the Trustees. The ordinary degrees shall be conferred after recommendation of the appropriate Faculties, namely, of Arts, Sciences, and Engineering, of the College of Special Studies, of the School of Medicine, of the School of Dental Medicine, of the Fletcher School of Law and Diplomacy, of the Cummings School of Veterinary Medicine, of the Sackler Graduate School of Biomedical Sciences, of the Gerald J. and Dorothy R. **Friedman** School of Nutrition Science and Policy and of all other colleges and schools heretofore or hereafter established. No candidate of these degrees shall be recommended except after thorough examination, and academic residence at the University of at least one year. The requirement of residence may be waived for candidates for all degrees by vote of the appropriate Faculty and approved by the President of the University. All degrees conferred by the University shall be announced at Commencement.

**10.2 HONORARY DEGREES.** Honorary degrees may be conferred by a majority vote of the Board of Trustees upon such persons as may be recommended by the Honorary Degree Committee, or by unanimous vote of the Board of Trustees upon persons nominated by any Trustee.

## Article XI

### INDEMNIFICATION

**11.1 TRUSTEES AND OFFICERS.** (a) The Corporation shall **indemnify** to the maximum extent legally permissible but not to the extent that the status of the Corporation as an organization exempt under Section 501 (c) (3) of the Internal Revenue Code will be affected thereby, any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative and whether external or internal to the Corporation, by reason of the fact that he or she is or was a Trustee or Officer of the Corporation or is or was serving at the request of the Corporation as a trustee, director, officer, employee or other agent for another **organization** or in a capacity with respect to any employee benefit plan against expenses (including **attorneys' fees**), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such suit, action or proceeding except with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of **nolo contendere** or its equivalent, shall not, of itself, create a presumption that the person did not act in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(b) As to any matter disposed of by a compromise payment by such person, pursuant to a consent decree or otherwise, no indemnification under this Section 11.1 (unless required by law or ordered by a court) shall be made by the Corporation unless authorized in the specific case (i) by the Board of Trustees by a majority vote of a quorum consisting of Trustees who were not parties to such action, suit or proceeding, or (ii) if such a quorum is not obtainable, then by a majority vote of a committee of the Trustees consisting of all of the disinterested Trustees or (iii) if there are not two or more disinterested Trustees in office, then by a majority of the Trustees then in office provided they have obtained a written finding by special independent legal counsel appointed by a majority of the Trustees to the effect that, based upon a reasonable investigation of the facts as described in such opinion, the person to be indemnified appears to have acted in good faith in the reasonable belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(c) Notwithstanding anything in this Section 11.1 to the contrary, no indemnification shall be provided for any person with respect to any matter as to which he or she shall have been adjudicated in any proceeding not to have acted in good faith in the reasonable

**11.2 FACULTY MEMBERS AND OTHER EMPLOYEES.** Individuals who are members of the Faculties of the several colleges and schools and other employees and agents of the Corporation who are not Trustees or **Officers** shall be indemnified by the Corporation to the extent from time to time authorized by the Board of Trustees.

## Article **XII**

### **TRUSTEE CONFLICTS OF INTEREST**

#### **12.1 CONFLICTS OF INTEREST**

**12.1.1** In keeping with the University's high ethical standards, Trustees shall exercise care that no detriment to the University results from conflicts between their interests and those of the University. Trustees **shall** be sensitive to potential conflicts of interest or the appearance of conflicts of interest even if no actual conflicts exist.

**12.1.2** But for the exceptions described below, the University will not enter into any transaction in which a Trustee, or persons or entities closely associated\* to that Trustee, have a material financial interest, direct or indirect, or because of which a Trustee's independence of judgment might be impaired. Exceptions to this principle are transactions:

(a) approved by a majority of the Audit Committee. If a majority of the Audit Committee is disqualified from acting or if a majority of the Audit Committee elects to refer the matter to the Executive Committee, then approval by a majority of the Executive Committee **shall** be required; or

(b) involving competitive bids or standard **rates** and terms offered to business generally.

**12.1.3** Trustees who believe a potential **transaction** with the University may involve a conflict must report that transaction and all material facts in writing to the Audit Committee in sufficient time for the Audit Committee to approve or disapprove.

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• **"Closely associated" means:**

- (i) A spouse, parent, sibling, child, person living in the household or business associate of the Trustee.
- (ii) Any entity which is directly or indirectly owned or controlled individually or collectively by you **and/or** by persons described in (1) above. For this purpose, "owned" means holding more than **35** percent of voting membership rights or voting stock in the entity; "controlled" means comprising over **35** percent of the directors, trustees or other members of the governing body of the entity.

(c) Notwithstanding anything in (his Section 11.1 to the contrary, no indemnification shall be provided for any person with respect to any matter as to which he or she **shall** have been adjudicated in any proceeding not to have acted in good faith in the **reasonable** belief that his or her action was in the best interests of the Corporation or, to the extent that such matter relates to service with respect to an employee benefit plan, in the best interests of the participants or beneficiaries of such employee benefit plan.

(d) Expenses incurred by a Trustee or **Officer** in defending a civil or criminal action, suit or proceeding shall be paid by the Corporation in advance of the final disposition of such action, suit or proceeding upon receipt of an undertaking by or on behalf of the Trustee or **Officer** to repay such amount if it shall ultimately be determined that he or she is not entitled to be indemnified by the Corporation as authorized in this Section 11.1. Such **undertaking** shall be accepted by the Corporation without reference to the financial ability of the person giving the undertaking to make repayment. Any advance under this subsection (d) shall be made promptly, and in any event within ninety (90) days, upon the written request of the person seeking the advance.

(e) The indemnification and advancement of expenses provided by, or granted to, the other subsections of this Section 11.1 shall not be deemed exclusive of or affect any other rights to which any person may be entitled by contract or otherwise under law. Each person who is or becomes a Trustee or Officer shall be deemed to have served or have continued to serve in such **capacity** and in such other capacity **at** the request of the Corporation as described in subsection (a) in reliance upon the indemnity provided for in this Section 11.1. All rights to indemnification under this Section 11.1 shall be deemed to be provided by a contract between the Corporation and the person who serves as Trustee or Officer of the **Corporation**. Any **repeal** or modification of this Section 11.1 shall not affect any rights or obligations then existing.

(f) To the extent that a Trustee or **Officer** of the Corporation has been **successful** on the merits or **otherwise** in defense of any action, suit or proceeding referred to in subsection (a), or in defense of any claim, issue or matter therein, he or she **shall** be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him or her in connection therewith.

(g) The indemnification and advancement of expenses provided by, or **granted** pursuant to, this Section 11.1 shall continue as to a person who has ceased to be **a** Trustee or **Officer** and shall inure to the benefit of the heirs, executors and **administrators** of such a person.

(h) If any term or provision of this Section 11.1 or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable, the remainder of this Section 11.1 or the application of such term or provision to the persons, **property** or **circumstances** other than those as to which it is invalid or unenforceable shall not be affected thereby, and each term and provision of this Section 11.1 shall be valid and enforced to the fullest extent permitted by law.

- (iii) A law firm, accounting firm or other partnership of which you are or a person described in (i) above is a partner.
- 

**12.1.4** When a conflict is under consideration pursuant to 12.1.2 (a) above, no interested Trustee may be present for the discussion or vote. Approval shall be based on a finding that the **transaction** is fair to the University, that it appears that the University **cannot** obtain a more advantageous arrangement with reasonable effort, and that the transaction will not constitute an excess benefit under Section **4958** of the Internal Revenue Code.

**12.1.5** Annually, each Trustee will sign a statement provided by the University that **he/she has** read and understands this policy and agrees to comply with it. The Trustee will also disclose on that statement information relating to potential conflicts of interest.

**12.1.6** The Audit Committee shall review all such statements with a view to minimizing the potential for any detrimental effects from conflicts and excess benefits under Section **4958** of the Internal Revenue Code. A report of **all conflicts** voted on during the preceding year or reported by Trustees shall be forwarded to the Board of Trustees by the Audit Committee with a statement of applicable exceptions for each conflict or of a finding of no conflict.

**12.2 . DETERMINATION OF QUORUM.** An interested Trustee may be counted in **determining** the presence of a quorum at a meeting of the Audit Committee or the Board of Trustees.

## **Article XIII**

### **AMENDMENTS OF BYLAWS**

**13.1** These Bylaws may be amended by a vote of two-thirds of the Trustees present at any meeting of the Trustees, provided that notice of the substance of the intended amendment is given not less than thirty (30) days prior to the meeting.

HOGAN &  
HARTSON

FILED/ACCEPTED

DEC - 1 2009

Federal Communications Commission  
Office of the Secretary

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December 1, 2009

Marissa G. Repp  
Partner  
202.637.6845  
MGRepp@hhlaw.com

**BY HAND DELIVERY**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

**Attention: Ownership Section  
Media Bureau**

**Re: Tufts University  
FRN 0005-2019-34  
Noncommercial Educational Station WMFO(FM), Medford, MA  
FCC Facility ID No. 68320  
Request for Extension of Time for Filing  
Biennial Ownership Report on Form 323-E**

Dear Ms. Dortch:

On behalf of **Tufts** University, the licensee of noncommercial educational broadcast station WMFO(FM), Medford, Massachusetts, this letter is to request an extension of time for the filing of the biennial ownership report on FCC **Form** 323-E which is due on December 1, 2009, until thirty days following the grant of an application on FCC Form 316 for consent to a pro *forma* transfer of control, which is being prepared for filing with the Commission. In connection with the preparation of the 2009 biennial ownership report it was determined that, over time, the majority of the Board of Trustees had changed **from** the membership previously approved by the Commission. Consequently, the **Form** 316 application is being prepared. This extension is requested so that one ownership report may be filed to fulfill both the biennial ownership report and post-transfer ownership report filing requirements.




Marlene H. Dortch, Secretary  
December 1, 2009  
Page 2

Please direct communications concerning this matter to the undersigned counsel  
in addition to the licensee.

Respectfully submitted

HOGAN & HARTSON LLP

By:   
Marissa G. Repp

Attorneys for Tufts University

cc: WMFO Public Inspection File

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0084 (June 2002)	FOR FCC USE ONLY
<b>FCC 323-E</b>		
<b>Ownership Report For Noncommercial Educational Broadcast Station</b>		FOR COMMISSION USE ONLY FILE NO. BOA - 20071203AJX
Read INSTRUCTIONS Before Filling Out Form		

**Section I - General**

1. Legal Name of the Licensee/Permittee TUFTS UNIVERSITY		
Mailing Address BALLOU HALL - 3RD FLOOR ATTN: OFFICE OF UNIVERSITY COUNSEL		
City MEDFORD	State or Country (if foreign address) MA	ZIP Code 02155 -
Telephone Number (include area code) 6176273337		E-Mail Address (if available)
FCC Registration Number: 0005201934	Call Sign WMFO	Facility ID Number 68320
2. Contact Representative (if other than Licensee/Permittee) MARISSA G. REPP		Firm or Company Name HOGAN & HARTSON L.L.P.
Telephone Number (include area code) 2026376845		E-Mail Address (if available) MGREPP@HHLAW.COM
3. Name of entity, if other than licensee or permittee, for which report is filed		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code -
Telephone Number (include area code)		E-Mail Address (if available)

**Section II - Ownership Information**

<p>4. All of the information furnished in this Report is accurate as of 11/20/2007 (Date must comply with 47 C.F.R. Section 73.3615(d), i.e., information must be current within 60 days of filing of this report, when 4(a) below is checked.)</p> <p>This Report is filed for (check one)</p> <p>a. <input checked="" type="radio"/> Biennial                      b. <input type="radio"/> Transfer of Control or Assignment of License/Permit                      c. <input type="radio"/> Other</p> <p>d. <input type="radio"/> Amendment to pending application</p> <p>for the following stations:</p> <p>[Enter Station Information]</p>
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## Station List

This Report is filed for the following stations:

Call Letters	Facility ID Number	Location (City/State)	Class of service
WMFO	68320	MEDFORD MA	FM

5. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

### Contracts/Instruments Information

List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject shall respond.)

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
RESTATED ARTICLES OF ORGANIZATION	TRUSTEES OF TUFTS COLLEGE	07/21/1975	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/20/1986	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/15/1988	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BYLAWS OF TRUSTEES OF TUFTS COLLEGE	TRUSTEES OF TUFTS COLLEGE	11/04/2006	

6. Is the governing board directly or indirectly under the control of another entity?

☐ Yes ☒ No

If Yes, is a separate FCC Form 323-E submitted for such entity?

Yes ☒ No

7. List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages, if necessary.  
[Enter Owner Information]

### Owner Information

List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages if necessary.

**(Read carefully - The numbered items below refer to line numbers in the following table.)**

- a. Name and address of officer, member of governing board, and holders of 1% or more ownership interest (if other than individual also show name, address and citizenship of natural person authorized to vote the interest). List officers first, then board members, and thereafter, holders of 1% or more ownership interest, if any.
- b. Citizenship.
- c. Office held.
- d. Percent of interest held.
- e. Principal profession or occupation.
- f. By whom appointed or elected.
- g. Existing interests in any other broadcast station, including the nature and size of such Interests.

a. Name and Address.	JAMES A. STERN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MERCHANT BANKING
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE
a. Name and Address.	JOSEPH NEUBAUER, PHILADELPHIA, PA
b. Citizenship.	US
c. Office held.	VICE CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE
a. Name and Address.	LAWRENCE S. BACOW, MEDFORD MA
b. Citizenship.	US
c. Office held.	PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PRESIDENT
f. By whom appointed or	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	JAMSHED BHARUCHA, MEDFORD, MA
b. Citizenship.	US
c. Office held.	PROVOST AND SENIOR VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PATRICIA CAMPBELL, BEDFORD, MA
b. Citizenship.	US
c. Office held.	EXECUTIVE VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	BRIAN K. LEE, BOYLSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MARY R. JEKA, SOMERVILLE, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY RELATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN CRONIN, BOSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR HUMAN RESOURCES
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS S. MCGURTY, WINDHAM, NH
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR FINANCE AND TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DARLEEN KARP, NEWTON, MA
b. Citizenship.	US
c. Office held.	ASSOCIATE TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	AMEILA A. TYNAN, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	VP FOR INFORMATION TECHNOLOGY & CHIEF INFORMATION OFFICER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JOHN A. ROBERTO, LYNNFIELD, MA

b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR OPERATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LINDA J. DIXON, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MICHAEL BAENEN, ELIOT, ME
b. Citizenship.	US
c. Office held.	ASSISTANT SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JOANNE GOWA, PH.D., WYNNEWODD, PA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JEFFREY B. KINDLER, WESTPORT, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MR. A. DANA CALLOW, JR., WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VENTURE CAPITALIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHRYN CHENAULT. ESQ., NEW ROCHELLE, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PETER A. DOLAN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	STEVEN B. EPSTEIN. ESQ., POTOMAC, MD
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	BUSINESS EXECUTIVE



occupation.	
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	FARES I. FARES, LONDON, U.K.
b. Citizenship.	GR
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS M. ALPERIN, WESTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	REAL ESTATE EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	MR. ROBERT R. BENDETSON, ANDOVER, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DANIEL DOHERTY, MARBLEHEAD, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	MARTIN J. GRANOFF, SADDLE RIVER, NJ
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MANUFACTURER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DEBRA S. KNEZ, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATION
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	((NONE

a. Name and Address.	/(ELLENJ. KULLMAN, WILMINGTON, DE
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	IRWIN M. HELLER, ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	/(NONE

a. Name and Address.	JANE C.I. HIRSH, WELLESLEY, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW LIVERIS, MIDLAND, MI
b. Citizenship.	AU
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ABBY KOHNSTAMM, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	SENIOR MARKETING EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DANIEL A. KRAFT, NEWTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. KATHLEEN MCCARTNEY, CAMBRIDGE, MA
b. Citizenship.	US

c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. IOANNIS (YANNIS) MIAOULIS
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DR. DAVID J. MCGRATH III, ANDOVER, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VETERINARIAN
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PIERRE M. OMIDYAR, HENDERSON, NV
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KAREN PRITZKER, KENTFIELD, CA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00

e. Principal profession or occupation.	NON-PROFIT ORGANIZATIONS
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THE HONORABLE WILLIAM RICHARDSON, SANTA FE, NM
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	GOVERNOR OF NEW MEXICO
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN O'LOUGHLIN, D.M.D., MEDFORD, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ALAN D. SOLOMONT, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	ALAN D. SOLOMONT IS A TRUSTEE OF WGBH EDUCATIONAL FOUNDATION, THE LICENSEE OF NONCOMMERCIAL MASSACHUSETTS EDUCATIONAL STATIONS: WGBH-TV, BOSTON, WGBX-TV, BOSTON, WGBY-TV, SPRINGFIELD, WCAI(FM), WOODS HOLE, WGBH(FM), BOSTON, WNAN(FM), NANTUCKET

a. Name and Address.	EDWARD M. SWAN, JR., BOSTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ALFRED I. TAUBER, BOSTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JONATHAN M. TISCH, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	WILLIAM C. THOMPSON, JR., BROOKLYN, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	GOVERNMENT OFFICIAL
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. JUDITH L. VAITUKAITIS, BETHESDA, MD
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	HEALTH SCIENCE ADMINISTRATION

occupation.	
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	THOMAS F. WINKLER III, D.M.D., NEEDHAM, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	SHARON M. HALVERSON, DEERWOOD, MN
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	N/A
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	SETH I. MERRIN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	WILLIAM R. O'REILLY, JR., ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or	ALUMNI OF TUFTS UNIVERSITY

elected.	
g. Existing interests	NONE

a. Name and Address.	AGNES VARIS, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW SAFRAN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	REV. GLORIA E. WHITE-HAMMOND. M.D., DORCHESTER, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DOCTOR AND MINISTER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

### SECTION III - CERTIFICATION

I certify that I am VICE PRESIDENT FOR UNIVERSITY RELATIONS

(Official Title)



of TUFTS UNIVERSITY

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 4, Section II and in no event prior to that date.)

Signature MARY R. JEKA	Date 11/30/2007
Telephone Number of Respondent (Include area code) 6176273337	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

## Exhibits

Federal Communications Commission Washington, D C. 20554	Approved by OMB 3060-0084 (June 2002)	FOR FCC USE ONLY
<b>FCC 323-E</b>		
<b>Ownership Report For Noncommercial Educational Broadcast Station</b>		FOR COMMISSION USE ONLY FILE NO. <b>BOA - 20071203AJX</b>
Read INSTRUCTIONS Before Filling Out Form		

**Section I - General**

1.	Legal Name of the Licensee/Permittee TUFTS UNIVERSITY		
	Mailing Address BALLOU HALL - 3RD FLOOR ATTN: OFFICE OF UNIVERSITY COUNSEL		
	City MEDFORD	State or Country (if foreign address) MA	ZIP Code 02155 -
	Telephone Number (include area code) 6176273337		E-Mail Address (if available)
	FCC Registration Number: 0005201934	Call Sign WMFO	Facility ID Number 68320
2.	Contact Representative (if other than Licensee/Permittee) 202613684 G. REPP		Firm or Company Name HOGAN & HARTSON L.L.P.
	Telephone Number (include area code)		E-Mail Address (if available) MGREPP@HHLAW.COM
3.	Name of entity, if other than licensee or permittee, for which report is filed		
	Mailing Address		
	City	State or Country (if foreign address)	ZIP Code -
	Telephone Number (include area code)		E-Mail Address (if available)

**Section II - Ownership Information**

4.	<p>All of the information furnished in this Report is accurate as of 11/20/2007 (<i>Date must comply with 47 C F R Section 73.3615(d), i.e., information must be current within 60 days of filing of this report, when 4(a) below is checked</i>)</p> <p>This Report is filed for (<i>check one</i>)</p> <p>a. <input checked="" type="checkbox"/> Biennial                      b. <input type="checkbox"/> Transfer of Control or Assignment of License/Permit                      c. <input type="checkbox"/> Other</p> <p>d. <input type="checkbox"/> Amendment to pending application</p> <p>for the following stations:</p> <p>[Enter Station Information]</p>
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## Station List

This Report is filed for the following stations:

Call Letters	Facility ID Number	Location (City/State)	Class of service
WMFO	168320	MEDFORD MA	FM

5. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

### Contracts/Instruments Information

List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject shall respond.)

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
RESTATED ARTICLES OF ORGANIZATION	TRUSTEES OF TUFTS COLLEGE	07/21/1975	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/20/1986	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/15/1988	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BYLAWS OF TRUSTEES OF TUFTS COLLEGE	TRUSTEES OF TUFTS COLLEGE	11/04/2006	

6. Is the governing board directly or indirectly under the control of another entity? ☐ Yes ☒ No  
If Yes, is a separate FCC Form 323-E submitted for such entity?

☐ Yes ☐ No

7. List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages, if necessary.

[Enter Owner Information]

#### Owner Information

List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages if necessary.

**(Read carefully - The numbered items below refer to line numbers in the following table.)**

- a. Name and address of officer, member of governing board, and holders of 1% or more ownership interest (if other than individual also show name, address and citizenship of natural person authorized to vote the interest). List officers first, then board members, and thereafter, holders of 1% or more ownership interest, if any.
- b. Citizenship.
- c. Office held.
- d. Percent of interest held.
- e. Principal profession or occupation.
- f. By whom appointed or elected.
- g. Existing interests in any other broadcast station, including the nature and size of such interests.

a. Name and Address.	JAMES A. STERN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MERCHANT BANKING
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE
a. Name and Address.	JOSEPH NEUBAUER, PHILADELPHIA, PA
b. Citizenship.	
c. Office held.	VICE CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE
a. Name and Address.	LAWRENCE S. BACOW, MEDFORD MA
b. Citizenship.	US
c. Office held.	PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PRESIDENT
f. By whom appointed or	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	JAMSHED BHARUCHA, MEDFORD, MA
b. Citizenship.	US
c. Office held.	PROVOST AND SENIOR VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PATRICIA CAMPBELL, BEDFORD, MA
b. Citizenship.	US
c. Office held.	EXECUTIVE VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	BRIAN K. LEE, BOYLSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MARY R. JEKA, SOMERVILLE, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY RELATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN CRONIN, BOSTON. MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR HUMAN RESOURCES
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS S. MCGURTY, WINDHAM, NH
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR FINANCE AND TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DARLEEN KARP, NEWTON, MA
b. Citizenship.	US
c. Office held.	ASSOCIATE TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	AMEILA A. TYNAN, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	VP FOR INFORMATION TECHNOLOGY & CHIEF INFORMATION OFFICER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JOHN A. ROBERTO, LYNNFIELD, MA

b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR OPERATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LINDA J. DIXON, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MICHAEL BAENEN, ELIOT, ME
b. Citizenship.	US
c. Office held.	ASSISTANT SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JOANNE GOWA, PH.D., WYNEWODD, PA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JEFFREY B. KINDLER, WESTPORT, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MR. A. DANA CALLOW, JR., WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VENTURE CAPITALIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHRYN CHENAULT, ESQ., NEW ROCHELLE, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PETER A. DOLAN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	STEVEN B. EPSTEIN, ESQ., POTOMAC, MD
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	BUSINESS EXECUTIVE



occupation.	
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	FARES I. FARES, LONDON, U.K.
b. Citizenship.	GR
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS M. ALPERIN, WESTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	REAL ESTATE EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	MR. ROBERT R. BENDETSON, ANDOVER, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DANIEL DOHERTY, MARBLEHEAD, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	MARTIN J. GRANOFF, SADDLE RIVER, NJ
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MANUFACTURER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DEBRA S. KNEZ, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATION
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ELLEN J. KULLMAN, WILMINGTON, DE
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	IRWIN M. HELLER, ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JANE C.I. HIRSH, WELLESLEY, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW LIVERIS, MIDLAND, MI
b. Citizenship.	AU
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ABBY KOHNSTAMM, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	SENIOR MARKETING EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DANIEL A. KRAFT. NEWTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. KATHLEEN MCCARTNEY, CAMBRIDGE, MA
b. Citizenship.	US

c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. IOANNIS (YANNIS) MIAOULIS
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DR. DAVID J. MCGRATH III, ANDOVER, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VETERINARIAN
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PIERRE M. OMIDYAR, HENDERSON, NV
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KAREN PRITZKER, KENTFIELD, CA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00

e. Principal profession or occupation.	NON-PROFIT ORGANIZATIONS
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THE HONORABLE WILLIAM RICHARDSON, SANTA FE, NM
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	GOVERNOR OF NEW MEXICO
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN O'LOUGHLIN, D.M.D., MEDFORD, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ALAN D. SOLOMONT, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	ALAN D. SOLOMONT IS A TRUSTEE OF WGBH EDUCATIONAL FOUNDATION, THE LICENSEE OF NONCOMMERCIAL MASSACHUSETTS EDUCATIONAL STATIONS:WGBH-TV, BOSTON, WGBX-TV, BOSTON, WGBY-TV, SPRINGFIELD, WCAI(FM), WOODS HOLE, WGBH(FM), BOSTON, WNAN(FM), NANTUCKET

a. Name and Address.	EDWARD M. SWAN, JR., BOSTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ALFRED I. TAUBER, BOSTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JONATHAN M. TISCH, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	WILLIAM C. THOMPSON, JR., BROOKLYN, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	GOVERNMENT OFFICIAL
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. JUDITH L. VAITUKAITIS, BETHESDA, MD
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	HEALTH SCIENCE ADMINISTRATION

occupation.	
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	THOMAS F. WINKLER III, D.M.D., NEEDHAM, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	SHARON M. HALVERSON, DEERWOOD, MN
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	N/A
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	SETH I. MERRIN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	(/NONE

a. Name and Address.	WILLIAM R. O'REILLY, JR., ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or	ALUMNI OF TUFTS UNIVERSITY

elected.	
g. Existing interests	NONE

a. Name and Address.	AGNES VARIS, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW SAFRAN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	REV. GLORIA E. WHITE-HAMMOND, M.D., DORCHESTER, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DOCTOR AND MINISTER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

### SECTION III - CERTIFICATION

I certify that I am VICE PRESIDENT FOR UNIVERSITY RELATIONS

(Official Title)



of TUFTS UNIVERSITY

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 4, Section II and in no event prior to that date.)

Signature	Date
MARY R. JEKA	11/30/2007
Telephone Number of Respondent (Include area code) 6176273337	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503)

## Exhibits

Federal Communications Commission Washington, D C 20554	Approved by OMB 3060-0084 (June 2002)	FOR FCC USE ONLY
<b>FCC 323-E</b>		
<b>Ownership Report For Noncommercial Educational Broadcast Station</b>		FOR COMMISSION USE ONLY FILE NO. <b>BOS - 20100105ABZ</b>
Read INSTRUCTIONS Before Filling Out Form		

**Section I - General**

1.	Legal Name of the Licensee/Permittee TUFTS UNIVERSITY		
	Mailing Address BALLOU HALL - 3RD FLOOR ATTN: OFFICE OF UNIVERSITY COUNSEL		
	City MEDFORD	State or Country (if foreign address) MA	ZIP Code 02155 -
	Telephone Number (include area code) 6176273337		E-Mail Address (if available)
	FCC Registration Number: 0005201934	Call Sign WMFO	Facility ID Number 68320
2.	Contact Representative (if other than Licensee/Permittee) MARISSA G. REPP		Firm or Company Name HOGAN & HARTSON L.L.P.
	Telephone Number (include area code) 2026376845		E-Mail Address (if available) MGREPP@HHLAW.COM
	Name of entity, if other than licensee or permittee, for which report is filed		
	Mailing Address		
	City	State or Country (if foreign address)	ZIP Code -
	Telephone Number (include area code)		E-Mail Address (if available)

**Section II - Ownership Information**

4.	<p>All of the information furnished in this Report is accurate as of 11/30/2009 (<i>Date must comply with 47 C F R Section 73.3615(d), i.e., information must be current within 60 days of filing of this report, when 4(a) below is checked</i>)</p> <p>This Report is filed for (<i>check one</i>)</p> <p>a. <input type="radio"/> Biennial                      b. <input checked="" type="radio"/> Transfer of Control or Assignment of License/Permit                      c. <input type="radio"/> Other</p> <p>d. <input type="radio"/> Amendment to pending application</p> <p>for the following stations:</p> <p>[Enter Station Information]</p>
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## Station List

This Report is filed for the following stations:

Call Letters	Facility ID Number	Location (City/State)	Class of service
WMFO	68320	MEDFORD MA	FM

5. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

**Contracts/Instruments Information**

List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject shall respond.)

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
RESTATED ARTICLES OF ORGANIZATION	TRUSTEES OF TUFTS COLLEGE	07/21/1975	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/20/1986	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/15/1988	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BYLAWS OF TRUSTEES OF TUFTS COLLEGE, AS AMENDED	TRUSTEES OF TUFTS COLLEGE	11/08/2008	

6. Is the governing board directly or indirectly under the control of another entity? ☐ Yes ☒ No  
If Yes, is a separate FCC Form 323-E submitted for such entity?

Yes ☒ No

7. List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages if necessary.

[Enter Owner Information]

#### Owner Information

List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages if necessary

**(Read carefully - The numbered items below refer to line numbers in the following table.)**

- a. Name and address of officer, member of governing board, and holders of 1% or more ownership interest (if other than individual also show name, address and citizenship of natural person authorized to vote the interest). List officers first, then board members, and thereafter, holders of 1% or more ownership interest, if any.
- b. Citizenship.
- c. Office held.
- d. Percent of interest held.
- e. Principal profession or occupation.
- f. By whom appointed or elected.
- g. Existing interests in any other broadcast station, including the nature and size of such interests.

a. Name and Address.	JAMES A. STERN, HARRISON, NY
b. Citizenship.	US
c. Office held.	CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MERCHANT BANKING
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	MR. STERN IS A MINORITY (20%) STOCKHOLDER OF THE LICENSEE (OR OF THE PARENT OF THE LICENSEE) OF KTEN(TV), IDA, OK AND WHDF(TV), FLORENCE, AL.
a. Name and Address.	PETER R. DOLAN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	VICE CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE
a. Name and Address.	WILLIAM R. O'REILLY, JR., ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	ATTORNEY

occupation.	
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LAWRENCE S. BACOW, MEDFORD MA
b. Citizenship.	US
c. Office held.	PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PRESIDENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JAMSHED BHARUCHA, MEDFORD, MA
b. Citizenship.	US
c. Office held.	PROVOST AND SENIOR VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PATRICIA CAMPBELL, BEDFORD, MA
b. Citizenship.	US
c. Office held.	EXECUTIVE VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	BRIAN K. LEE, BOYLSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	MARY R. JEKA, SOMERVILLE, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY RELATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN CRONIN, BOSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR HUMAN RESOURCES
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS S. MCGURTY, WINDHAM, NH
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR FINANCE AND TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JOHN ROBERTO, LYNNFIELD, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR OPERATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DAVID KAHLE, MANCHESTER, MA
b. Citizenship.	US
c. Office held.	V.P. FOR INFORMATION TECHNOLOGY & CHIEF INFORMATION OFFICER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DARLEEN KARP, NEWTON, MA
b. Citizenship.	US
c. Office held.	ASSOCIATE TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LINDA J. DIXON, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PAUL J. TRINGALE, MEDFORD, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MICHAEL BAENEN, ELIOT, ME
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b. Citizenship.	US
c. Office held.	ASSISTANT SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS M. ALPERIN, WESTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	REAL ESTATE EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ROBERT R. BENDETSON, ANDOVER, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	A. DANA CALLOW, JR., WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VENTURE CAPITALIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JEANNIE DIEFENDERFER, CHESTER, NJ
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE



d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DANIEL DOHERTY, MARBLEHEAD, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	FARES I. FARES, LONDON, U.K.
b. Citizenship.	GR
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LAURIE A. GABRIEL, JACKSON, NH
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	STEVEN GALBRAITH, DARIEN, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	INVESTOR

occupation.	
	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	STEVEN GOLDSTEIN, ANN ARBOR, MI
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JOANNE GOWA, PH.D., PRINCETON, NJ
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	VARNEY J. HINTLIAN, CAPE ELIZABETH, ME
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DEBORAH R. JOSPIN, CHEVY CHASE, MD
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	LAWYER CONSULTANT
f. By whom appointed or elected.	BOARD OF TRUSTEES

elected.	
g. Existing interests	NONE

a. Name and Address.	BRIAN H. KAVOOGIAN, WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JEFFREY B. KINDLER, WESTPORT, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DEBORAH S. KNEZ, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATION
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DANIEL A. KRAFT, NEWTON, MA
b. Citizenship.	
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ELLEN J. KULLMAN, WILMINGTON, DE
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW LIVERIS, MIDLAND, MI
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. KATHLEEN MCCARTNEY, CAMBRIDGE, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	SETH I. MERRIN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. IOANNIS (YANNIS) MIAOULIS, SHERBON, MA
b. Citizenship.	US

c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	KATHLEEN O'LOUGHLIN, D.M.D., WESTCHESTER, IL
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	PIERRE M. OMIDYAR, HONOLULU, HI
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	INVESTMENT ENTITIES OWNED BY MR. OMIDYAR HAVE NUMEROUS LIMITED PARTNERSHIP INTERESTS WHOSE INVESTMENTS COULD INCLUDE BROADCAST STATIONS.

a. Name and Address.	KAREN PRITZKER, KENTFIELD, CA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATIONS
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address	HUGH R. ROOME III, GREENWICH, NY
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	PUBLISHER
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ANDREW SAFRAN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	NEIL B. SHAPIRO, NEW YORK, NY
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	TV EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	CEO OF WNET.ORG (PARENT COMPANY) AND DIRECTOR OF EDUCATIONAL BROADCASTING CORPORATION (FCC LICENSEE) OF: WNET(TV), NEWARK, NJ AND WLIW(TV), GARDEN CITY, NY

a. Name and Address.	EDWARD M. SWAN, JR., BOSTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DR. ALFRED I. TAUBER, BOSCAWEN, NH
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE

d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JONATHAN M. TISCH, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	TERI VOLPERT, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	REV. GLORIA E. WHITE-HAMMOND, M.D., BOSTON?MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DOCTOR AND MINISTER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS F. WINKLER III, D.M.D., LEXINGTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or	DENTIST

occupation.	
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JAMES J. WONG, DARIEN, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

### SECTION III - CERTIFICATION

I certify that I am VICE PRESIDENT FOR UNIVERSITY RELATIONS

(Official Title)

of TUFTS UNIVERSITY

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 4, Section II and in no event prior to that date.)

Signature MARY R. JEKA	date 01/05/2010
Telephone Number of Respondent (Include area code) 6176273337	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503)

### Exhibits



**FCC 323-E**

**Ownership Report For Noncommercial Educational Broadcast  
Station**

FOR COMMISSION USE ONLY  
FILE NO.

BOA - 20100104ADF

Read INSTRUCTIONS Before Filling Out Form

**Section I - General**

1.	Legal Name of the Licensee/Permittee TUFTS UNIVERSITY		
	Mailing Address BALLOU HALL - 3RD FLOOR ATTN: OFFICE OF UNIVERSITY COUNSEL		
	City MEDFORD	State or Country (if foreign address) MA	ZIP Code 02155 -
	Telephone Number (include area code) 6176273337		E-Mail Address (if available)
	FCC Registration Number: 0005201934	Call Sign WMFO	Facility ID Number 68320
2.	Contact Representative (if other than Licensee/Permittee) MARISSA G. REPP		Firm or Company Name HOGAN & HARTSON L.L.P.
	Telephone Number (include area code) 2026376845		E-Mail Address (if available) MGREPP@HHLAW.COM
3.	Name of entity, if other than licensee or permittee, for which report is filed		
	Mailing Address		
	City	State or Country (if foreign address)	ZIP Code
	Telephone Number (include area code)		E-Mail Address (if available)

**Section II - Ownership Information**

4.	All of the information furnished in this Report is accurate as of 11/30/2009 (Date must comply with 47 C F R Section 73.3615(d), i.e., information must be current within 60 days of filing of this report, when 4(a) below is checked)		
	This Report is filed for (check one)		
	a. <input checked="" type="radio"/> Biennial      b. <input type="radio"/> Transfer of Control or Assignment of License/Permit      c. <input type="radio"/> Other		
	d. <input type="radio"/> Amendment to pending application		
	for the following stations:		
	[Enter Station Information]		
	Station List		
	This Report is filed for the following stations:		
	Call Letters	Facility ID Number	Location (City/State)
	WMFO	68320	MEDFORD MA
			Class of service
			FM

5. List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject licensee or permittee shall respond.)

[Enter Contract/Instrument Information]

#### Contractsnnstruments Information

List all contracts and other instruments required to be filed by 47 C.F.R. Section 73.3613. (Only licensees, permittees, or a reporting entity with a majority interest in or that otherwise exercises de facto control over the subject shall respond )

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
RESTATED ARTICLES OF ORGANIZATION	TRUSTEES OF TUFTS COLLEGE	07/21/1975	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/20/1986	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
ARTICLES OF AMENDMENT	TRUSTEES OF TUFTS COLLEGE	11/15/1988	

Description of Contract or Instrument	Name of person or organization with whom contract is made	Date of Execution	Date of Expiration
BYLAWS OF TRUSTEES OF TUFTS COLLEGE, AS AMENDED	TRUSTEES OF TUFTS COLLEGE	11/08/2008	

6. Is the governing board directly or indirectly under the control of another entity? ☐ Yes ☒ No  
If Yes, is a separate FCC Form 323-E submitted for such entity? ☐ Yes ☐ No

7. List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages, if necessary.

[Enter Owner Information]

#### Owner Information

List officers, members of governing board, and holders of 1% or more ownership interest, if any. Use one column for each individual or entity. Attach supplemental pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- Name and address of officer, member of governing board, and holders of 1% or more ownership interest (if other than individual also show name, address and citizenship of natural person authorized to vote the interest). List officers first, then board members, and thereafter, holders of 1% or more ownership interest, if any.
- Citizenship.
- Office held.
- Percent of interest held.
- Principal profession or occupation.
- By whom appointed or elected.
- Existing interests in any other broadcast station, including the nature and size of such interests.

a. Name and Address.	JAMES A. STERN. HARRISON. NY
b. Citizenship.	US
c. Office held.	CHAIR. CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	MERCHANT BANKING
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	MR. STERN IS A MINORITY (20%) STOCKHOLDER OF THE LICENSEE (OR OF THE PARENT OF THE LICENSEE) OF KTEN(TV), IDA, OK AND WHDF(TV), FLORENCE, AL.

a. Name and Address.	PETER R. DOLAN, LARCHMONT, NY
b. Citizenship.	US
c. Office held.	VICE CHAIR, CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	WILLIAM R. O'REILLY, JR.. ESQ., WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	ATTORNEY
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LAWRENCE S. BACOW, MEDFORD MA
b. Citizenship.	US
c. Office held.	PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PRESIDENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JAMSHED BHARUCHA, MEDFORD, MA
b. Citizenship.	US
c. Office held.	PROVOST AND SENIOR VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PATRICIA CAMPBELL, BEDFORD, MA
b. Citizenship.	US
c. Office held.	EXECUTIVE VICE PRESIDENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	BRIAN K. LEE, BOYLSTON, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY ADVANCEMENT
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MARY R. JEKA, SOMERVILLE, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR UNIVERSITY RELATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	KATHLEEN CRONIN, BOSTON?MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR HUMAN RESOURCES
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS S. MCGURTY, WINDHAM, NH
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR FINANCE AND TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

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a. Name and Address.	JOHN ROBERTO, LYNNFIELD, MA
b. Citizenship.	US
c. Office held.	VICE PRESIDENT FOR OPERATIONS
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DAVID KAHLE, MANCHESTER, MA
b. Citizenship.	US
c. Office held.	V.P. FOR INFORMATION TECHNOLOGY & CHIEF INFORMATION OFFICER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DARLEEN KARP, NEWTON, MA
b. Citizenship.	US
c. Office held.	ASSOCIATE TREASURER
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	LINDA J. DIXON, LEXINGTON, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	PAUL J. TRINGALE, MEDFORD, MA
b. Citizenship.	US
c. Office held.	SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	MICHAEL BAENEN, ELIOT. ME
b. Citizenship.	US
c. Office held.	ASSISTANT SECRETARY OF THE CORPORATION
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY OFFICER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS M. ALPERIN, WESTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	REAL ESTATE EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ROBERT R. BENDETSON, ANDOVER, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	A. DANA CALLOW, JR., WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	VENTURE CAPITALIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JEANNIE DIEFENDERFER, CHESTER, NJ
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DANIEL DOHERTY, MARBLEHEAD, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	FARES I. FARES. LONDON, U.K.
b. Citizenship.	GR
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	/(NONE

a. Name and Address.	LAURIE A. GABRIEL, JACKSON, NH
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	STEVEN GALBRAITH. DARIEN, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	STEVEN GOLDSTEIN, ANN ARBOR, MI
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JOANNE GOWA, PH.D., PRINCETON, NJ
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	VARNEY J. HINTLIAN. CAPE ELIZABETH, ME
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DEBORAH R. JOSPIN, CHEVY CHASE, MD
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	LAWYER CONSULTANT
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	BRIAN H. KAVOOGIAN, WELLESLEY, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	JEFFREY B. KINDLER, WESTPORT, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PHARMACEUTICAL, EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

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a. Name and Address.	DEBORAH S. KNEZ, WESTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATION
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DANIEL A. KRAFT, NEWTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ELLEN J. KULLMAN, WILMINGTON, DE
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	ANDREW LIVERIS, MIDLAND, MI
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	DR. KATHLEEN MCCARTNEY, CAMBRIDGE, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	UNIVERSITY PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

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a. Name and Address.	SETH I. MERRIN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0 00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE:

a. Name and Address.	DR. IOANNIS (YANNIS) MIAOULIS, SHERBON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	KATHLEEN O'LOUGHLIN, D.M.D., WESTCHESTER, IL
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	PIERRE M. OMIDYAR, HONOLULU, HI
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	INVESTMENT ENTITIES OWNED BY MR. OMIDYAR HAVE NUMEROUS LIMITED PARTNERSHIP INTERESTS WHOSE INVESTMENTS COULD INCLUDE BROADCAST STATIONS.

a. Name and Address.	KAREN PRITZKER, KENTFIELD, CA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	NON-PROFIT ORGANIZATIONS
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	HUGH R. ROOME III, GREENWICH, NY
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PUBLISHER
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	ANDREW SAFRAN, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	NEIL B. SHAPIRO, NEW YORK, NY
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	TV EXECUTIVE
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	CEO OF WNET.ORG (PARENT COMPANY) AND DIRECTOR OF EDUCATIONAL BROADCASTING CORPORATION (FCC LICENSEE) OF: WNET(TV), NEWARK, NJ AND WLIW(TV), GARDEN CITY, NY

a. Name and Address.	EDWARD M. SWAN, JR., BOSTON, MA
b. Citizenship.	US
c. Office held.	ALUMNI TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGEMENT
f. By whom appointed or elected.	ALUMNI OF TUFTS UNIVERSITY
g. Existing interests	NONE

a. Name and Address.	DR. ALFRED I. TAUBER, BOSCAWEN, NH
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	PROFESSOR
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JONATHAN M. TISCH, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	TERI VOLPERT, NEW YORK, NY
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	BUSINESS EXECUTIVE
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	REV. GLORIA E. WHITE-HAMMOND, M.D., BOSTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DOCTOR AND MINISTER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	THOMAS F. WINKLER III, D.M.D., LEXINGTON, MA
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	DENTIST
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

a. Name and Address.	JAMES J. WONG, DARIEN, CT
b. Citizenship.	US
c. Office held.	CHARTER TRUSTEE
d. Percent of interest held.	0.00
e. Principal profession or occupation.	INVESTMENT MANAGER
f. By whom appointed or elected.	BOARD OF TRUSTEES
g. Existing interests	NONE

**SECTION III - CERTIFICATION**

I certify that I am VICE PRESIDENT FOR UNIVERSITY RELATIONS

(Official Title)

of TUFTS UNIVERSITY

(Exact legal title or name of respondent)

and that I have examined this Report and that to the best of my knowledge and belief, all statements in this Report are true, correct and complete.

(Date of certification must be within 60 days of the date shown in Question 4, Section II and in no event prior to that date.)

Signature MARY R. JEKA	Date 01/04/2010
Telephone Number of Respondent (Include area code) 6176273337	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**Exhibits**

[Link to PDF version](#)

# **THE PUBLIC AND BROADCASTING:**

## **How to Get the Most Service from Your Local Station**

**Revised July 2008**



**Prepared by: The Media Bureau  
Federal Communications Commission  
Washington, D.C.**

**You can obtain a hard copy of “The Public and Broadcasting” from your local broadcast station, or by calling the FCC toll-free at 1-(888)-225-5322 (1-(888)-CALL FCC) (Voice) or 1-(888)-835-5322 (1-(888)-TELL FCC) (TTY). This document can also be found on the Commission’s website at: [http://www.fcc.gov/mb/audio/decdoc/public\\_and\\_broadcasting.html](http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html). That version will be updated periodically and will contain the most recent revisions.**

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## **BROADCAST INFORMATION SPECIALISTS**

### **INTRODUCTION**

This Manual is published by the Federal Communications Commission (the “FCC” or the “Commission”), the federal agency directed by Congress to regulate broadcasting. It provides a brief overview of the FCC’s regulation of broadcast radio and television licensees, describing how the FCC authorizes broadcast stations, the various rules relating to broadcast programming and operations with which stations must comply, and the essential obligation of licensees that their stations serve their local communities. The Manual also outlines how you can become involved in assessing whether your local stations are complying with the FCC’s rules and meeting these service obligations, and what you can do if you believe that they are not.

In exchange for obtaining a valuable license to operate a broadcast station using the public airwaves, each radio and television licensee is required by law to operate its station in the “public interest, convenience and necessity.” This means that it must air programming that is responsive to the needs and problems of its local community of license.

To do so, each station licensee must affirmatively identify those needs and problems and then specifically treat those local matters that it deems to be significant in the news, public affairs, political and other programming that it airs. As discussed at page 29 of this Manual, each station must provide the public with

information about how it has met this obligation by means of quarterly reports, which contain a listing of the programming that it has aired that the licensee believes provided significant treatment of issues facing the community. As discussed in detail at pages 25-31 of this Manual, each station also must maintain and make available to any member of the public for inspection, generally at its studio, a local public inspection file which contains these reports, as well as other materials that pertain to the station's operations and dealings with the FCC and with the community that it is licensed to serve. The public file is an excellent resource to gauge a station's performance of its obligations as a Commission licensee. In the future, television stations with websites will be required to post most of the content of their public files on their websites, or on the website of their state local broadcasters association, if permitted.

The purpose of this Manual is to provide you with the basic tools necessary to ensure that the stations that are licensed to serve you meet their obligations and provide high quality broadcast service. Station licensees, as the trustees of the public's airwaves, must use the broadcast medium to serve the public interest. We at the FCC want you to become involved, if you have any concerns about a local station – including its general operation, programming or other matters – by making your opinion known to the licensee and, if necessary, by advising us of those concerns so that we can take appropriate action. An informed and actively engaged public plays a vital role in helping each station to operate appropriately and serve the needs of its local community.

This Manual provides only a general overview of our broadcast regulation. It is not intended to be a comprehensive or controlling statement of the broadcast rules and policies. Our Internet home page ([www.fcc.gov](http://www.fcc.gov)) contains additional information about the Commission, our rules, current FCC proceedings, and other issues. At the close of each section of this Manual, we provide links to those places on the FCC website that provide additional information about the subject matter discussed in the section. Although we will periodically update this Manual and maintain the current version on the FCC website at [www.fcc.gov/mb/audio/decdoc/public\\_and\\_broadcasting.html](http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html), we urge you to also make use of the resources contained in these links, which may outline any more recent developments in the law not discussed in the current version of the Manual. If you have any specific questions, you may also contact our Broadcast Information Specialist for radio or television, depending on the nature of your inquiry, by calling toll-free, by facsimile, or by sending an e-mail in the manner noted at pages 32-33 of this Manual.

## **THE FCC AND ITS REGULATORY AUTHORITY**

**The Communications Act.** The FCC was created by Congress in the Communications Act for the purpose of “regulating interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex, a rapid, efficient, Nation•wide, and world•wide wire and radio communications service . . . .” (In this context, the word "radio" covers both broadcast radio and television.) The Communications Act authorizes the FCC to "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of [the] Act." It directs us to base our broadcast licensing decisions on the determination of whether those actions will serve the public interest, convenience, and necessity.

**How the FCC Adopts Rules.** As is the case with most other federal agencies, the FCC generally cannot adopt or change rules without first describing or publishing the proposed rules and seeking comment on them from the public. We release a document called a Notice of Proposed Rule Making, in which we explain the new rules or rule changes that we are proposing and establish a filing deadline for public comment on them. (All such FCC Notices are included in the Commission's Daily Digest and are posted on our website at [http://www.fcc.gov/Daily\\_Releases/Daily\\_Digest](http://www.fcc.gov/Daily_Releases/Daily_Digest)). After we have had a chance to hear from the public and have considered all comments received, we generally have several options. We can: (1) adopt some or all of the proposed rules, (2) adopt a modified version of some or all of the proposed rules, (3) ask for public comment on additional issues relating to the proposals, or (4) end the rulemaking proceeding without adopting any rules at all. You can find information about how to file comments in our rulemaking proceedings on our Internet website at [www.fcc.gov/cgb/consumerfacts/howtocomment.html](http://www.fcc.gov/cgb/consumerfacts/howtocomment.html). The site also provides instructions on how you can file comments electronically. In addition to adopting rules, we also establish broadcast regulatory policies through the individual cases that we decide, such as those involving license renewals, station sales, and complaints about violations of FCC rules.

**The FCC and the Media Bureau.** The FCC has five Commissioners, each of whom is appointed by the President and confirmed by the Senate. Serving under the Commissioners are a number of Offices and operating Bureaus. One of those is the Media Bureau, which has day-to-day responsibility for developing, recommending, and administering the rules governing the media, including radio and television stations. The FCC's broadcast rules are contained in Title 47 of the Code of Federal Regulations ("CFR"), Parts 73 (broadcast) and 74 (auxiliary broadcast, including low power TV, and translator stations). Our rules of practice and procedure can be found in Title 47 CFR, Part 1. A link to those rules can be found on our website at [http://wireless.fcc.gov/index.htm?job=rules\\_and\\_regulations](http://wireless.fcc.gov/index.htm?job=rules_and_regulations). Additional information about the Commission's Offices and Bureaus, including their respective functions, can be found at <http://www.fcc.gov/aboutus.html>.

**FCC Regulation of Broadcast Radio and Television.** The FCC allocates (that is, designates a portion of the broadcast spectrum to) new broadcast stations based upon both the relative needs of various communities for additional broadcast outlets and specified engineering standards designed to prevent interference among stations and to other communications users. As noted above, whenever we review an application – whether to build a new station, modify or renew a license or sell a station – we must determine if its grant would serve the public interest. As discussed earlier, we expect station licensees to be aware of the important problems and issues facing their local communities and to foster public understanding by presenting programming that relates to those local issues. As discussed in this Manual, however, broadcasters – not the FCC or any other government agency – are responsible for selecting the material that they air. By operation of the First Amendment to the U.S. Constitution, and because the Communications Act expressly prohibits the Commission from censoring broadcast matter, our role in overseeing program content is very limited.

We license only individual broadcast stations. We do not license TV or radio networks (such as CBS, NBC, ABC or Fox) or other organizations with which stations have relationships (such as PBS or NPR), except to the extent that those entities may also be station licensees. We also do not regulate information provided over the Internet, nor do we intervene in private disputes involving broadcast stations or their licensees. Instead, we usually defer to the parties, courts, or other agencies to resolve such disputes.

## THE LICENSING OF TV AND RADIO STATIONS

**Commercial and Noncommercial Educational Stations.** The FCC licenses FM radio and TV stations as either commercial or noncommercial educational (“NCE”). (All AM radio stations are licensed as commercial facilities.) Commercial stations generally support themselves through the sale of advertising. In contrast, NCE stations generally meet their operating expenses with contributions received from listeners and viewers, and also may receive government funding. In addition, NCE stations may receive contributions from for-profit entities, and are permitted to acknowledge such contributions or underwriting donations with announcements naming and generally describing the contributing party or donor. However, NCE stations may not broadcast commercials or other promotional announcements on behalf of for-profit entities. These limitations on NCE stations are discussed further at page 21 of this Manual.

**Applications to Build New Stations; Length of the License Period.** Before a party can build a new TV or radio station, it first must apply to the FCC for a construction permit. The applicant must demonstrate in its application that it is qualified to construct and operate the station as specified in its application and that its proposed facility will not cause objectionable interference to any other station. Once its application has been granted, the applicant is issued a construction permit, which authorizes it to build the station within a specified period of time, usually three years. After the applicant (now considered a “permittee”) builds the station, it must file a license application, in which it certifies that it has constructed the station consistent with the technical and other terms specified in its construction permit. Upon grant of that license application, the FCC issues the new license to operate to the permittee (now considered a “licensee”), which authorizes the new licensee to operate for a stated period of time, up to eight years. At the close of this period, the licensee must seek renewal of its station license.

**Applications for License Renewal.** Licenses expire and renewal applications are due on a staggered basis, based upon the state in which the station is licensed. Before we can renew a station’s license, we must first determine whether, during the preceding license term, the licensee has served the public interest; has not committed any serious violations of the Communications Act or the FCC’s rules; and has not committed other violations which, taken together, would constitute a pattern of abuse. To assist us in this evaluative process, a station licensee must file a renewal application (FCC Form 303-S), in which it must respond concerning whether:

- it has sent us certain required reports;
- neither it nor its owners have or have had any interest in a broadcast application involved in an FCC proceeding in which character issues were resolved adversely to the applicant or were left unresolved, or were raised in connection with a pending application;
- its ownership is consistent with the Communications Act’s restrictions on licensee interests held by foreign governments, foreign corporations, and non-U.S. citizens;
- there has not been an adverse finding or adverse final action against it or its owners by a court or administrative body in a civil or criminal proceeding involving a felony, mass media-related antitrust or unfair competition law, the making of fraudulent statements to a governmental unit, or discrimination;

- there were no adjudicated violations of the Communications Act or the Commission's rules during the current license term;
- neither the licensee nor its owners have been denied federal benefits due to drug law violations;
- its station operation complies with the Commission's radiofrequency ("RF") radiation exposure standards;
  - it has, in a timely manner, placed and maintained certain specified materials in its public inspection file (as discussed at pages 25-31 of this Manual);
  - it has not discontinued station operations for more than 12 consecutive months during the preceding license term and is currently broadcasting programming;
  - it has filed FCC Form 396, the Broadcast Equal Employment Opportunity Program Report; and
  - if the application is for renewal of a television license, it has complied with the limitations on commercial matter aired during children's programming and filed the necessary Children's Television Programming Reports (FCC Form 398) (as discussed at page 17 of this Manual).

**Digital Television.** After February 17, 2009, all full-power TV stations are required to stop broadcasting in analog and continue broadcasting only in digital. This is known as the "DTV transition." Because digital is much more efficient than analog, part of the scarce and valuable spectrum that is currently used for analog broadcasting will be used for important new services such as enhanced public safety communications for police, fire departments, and emergency rescue workers. Part of the spectrum will also be made available for advanced wireless services such as wireless broadband.

Digital broadcasting also enables television stations to offer viewers several benefits. For example, stations broadcasting in digital can offer viewers improved picture and sound quality as well as more programming options (referred to as "multicasting") because digital technology gives each television station the ability to broadcast multiple channels at the same time.

Consumers who receive television signals via over-the-air antennas (as opposed to subscribers to pay services like cable and satellite TV) will be able to receive digital signals on their analog sets if they purchase a digital-to-analog converter box that converts the digital signals to analog. Alternatively, if consumers purchase a digital television (a TV with built in digital tuner), they will be able to receive digital broadcast programming. If your TV set receives local broadcast stations through a paid provider such as cable or satellite TV, it is already prepared for the DTV transition.

Regarding consumers who are shopping for new televisions, the Commission's digital tuner rule prohibits the importation or interstate shipment of any device containing an analog tuner unless it also contains a digital tuner. Retailers may continue to sell analog-only devices from existing inventory. However, at the point of sale, retailers must post notices advising consumers that TV sets and equipment such as VCRs that contain only an analog tuner will not be able to receive over-the-air-television signals from full-power broadcast stations after February 17, 2009, without the use of a digital-to-analog converter box.

Television broadcasters must promote public awareness of the DTV transition with an on-air education campaign, providing consumers with information about the transition. They must report their efforts on a quarterly basis by filing FCC Form 388 with the Commission, posting each such Form on their website and placing them in their station public inspection files.



While the February 17, 2009, deadline for ending analog broadcasts does not apply to low-power, Class A, and TV translator stations, these stations will eventually transition to all-digital service. In the meantime, some consumers may continue to receive programming from these stations in analog format after the transition date.

Additional information concerning the DTV transition can be found on the FCC's website, at <http://www.dtv.gov>, or by calling toll free 1-888-CALL-FCC (Voice) or 1-888-TELL-FCC (TTY).

**Digital Radio.** The FCC has also approved digital operation for AM and FM radio broadcast stations (often referred to as "HD Radio"). As with DTV, digital radio substantially improves the quality of the radio signal and allows a station to offer multicasting over several programming streams, as well as certain enhanced services. Unlike the mandatory digital transition deadline for television stations however, radio stations will be able to continue to operate in analog and will have discretion whether also to transmit in digital and, if so, when to begin such operation. In order to receive the digital signals of those stations that choose to so operate, consumers will have to purchase new receivers.

Because digital radio technology allows a radio station to transmit simultaneously in both analog and digital, however, listeners will be able to continue to use their current radios to receive the analog signals of radio stations that transmit both analog and digital signals. Receivers are being marketed that incorporate both modes of reception, with the ability to automatically switch to the analog signal if the digital signal cannot be detected or is lost by the receiver. For additional information about digital radio, see <http://www.fcc.gov/mb/audio/digital/index.html>.

## Public Participation in the Licensing Process

**Renewal Applications.** You can submit a protest against a station's license renewal application by filing a formal petition to deny its application, or by sending us an informal objection to the application. Before its license expires, each station licensee must broadcast a series of announcements providing the date its license will expire, the filing date for the renewal application, the date by which formal petitions against it must be filed, and the location of the station's public inspection file that contains the application. Petitions to deny the application must be filed by the end of the first day of the last full calendar month of the expiring license term. (For example, if the license expires on December 31, we must receive any petition at our Washington, D.C. headquarters by the end of the day on December 1.)

Broadcast licenses generally expire on a staggered basis, by state, with most radio licenses next expiring between October 1, 2011 and August 1, 2014, and most television licenses expiring between October 1, 2012 and August 1, 2015, one year after the radio licenses in the same state. A listing of the next expiration dates for radio and television licenses, by state, can be found on the Commission's website at <http://www.fcc.gov/localism/renewals.html>. Before you file a petition to deny an application, you should check our rules and policies to make sure that your petition complies with our procedural requirements. A more complete description of these procedures and requirements can be found on the Commission's website at [http://www.fcc.gov/localism/renew\\_process\\_handout.pdf](http://www.fcc.gov/localism/renew_process_handout.pdf). You can also file an informal objection at any

time before we either grant or deny the application. Instructions for filing informal objections can be found on the Commission's website at [http://www.fcc.gov/localism/renew\\_process\\_handout.pdf](http://www.fcc.gov/localism/renew_process_handout.pdf). If you have any specific questions, you may also contact our Broadcast Information Specialist for radio or television, depending on the nature of your inquiry, by calling toll-free, by facsimile, or by sending an e-mail in the manner noted at pages 32-33 of this Manual.

**Other Types of Applications.** You can also participate in the application process by filing a petition to deny when someone applies for a new station, and when a station is to be sold (technically called an "assignment" of the license), its licensee is to undergo a major transfer of stock or other ownership, or control (technically called a "transfer of control"), or the station proposes major facility changes. The applicant is required to publish a series of notices in the closest local newspaper, containing information similar to that noted above regarding renewal applications, when it files these types of applications. Upon receipt of the application, the FCC will issue a Public Notice and begin a 30-day period during which petitions to deny these applications may be filed. (All FCC Public Notices are included in the Commission's Daily Digest and are posted on our website at [http://www.fcc.gov/Daily\\_Releases/Daily\\_Digest](http://www.fcc.gov/Daily_Releases/Daily_Digest)). As with renewal applications, you can also file an informal objection to these types of applications, or any other applications, at any time before we either grant or deny the application. Again, if you have any specific questions about our processes or the status of a particular application involving a station, you may contact our Broadcast Information Specialist for radio or television, depending on the nature of your inquiry, by calling toll-free, by facsimile, or by sending an e-mail in the manner noted at pages 32-33 of this Manual.

## **BROADCAST PROGRAMMING: BASIC LAW AND POLICY**

**The FCC and Freedom of Speech.** The First Amendment, as well as Section 326 of the Communications Act, prohibits the Commission from censoring broadcast material and from interfering with freedom of expression in broadcasting. The Constitution's protection of free speech includes that of programming that may be objectionable to many viewer or listeners. Thus, the FCC cannot prevent the broadcast of any particular point of view. In this regard, the Commission has observed that "the public interest is best served by permitting free expression of views." However, the right to broadcast material is not absolute. There are some restrictions on the material that a licensee can broadcast. We discuss these restrictions below.

**Licensee Discretion.** Because the Commission cannot dictate to licensees what programming they may air, each individual radio and TV station licensee generally has discretion to select what its station broadcasts and to otherwise determine how it can best serve its community of license. Licensees are responsible for selecting their entertainment programming, as well as programs concerning local issues, news, public affairs, religion, sports events, and other subjects. As discussed at page 29 of this Manual, broadcast licensees must periodically make available detailed information about the programming that they air to meet the needs and problems of their communities, which can be found in each station public file. They also decide how their programs will be structured and whether to edit or reschedule material for broadcasting. In light of the First Amendment and Section 326 of the Communications Act, we do not substitute our judgment for that of the licensee, nor do we advise stations on artistic standards, format, grammar, or the quality of their programming. Licensees also have broad discretion regarding

# Records of Political Candidate Use

See

<http://spinitron.com/radio/playlist.php?station=wmfo&find=political&kind=artist>



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commercials, with the exception of those for political candidates during an election and the limitations on advertisements aired during children's programming (we discuss these respective requirements at pages 13-14, and 17 of this Manual).

**Criticism, Ridicule, and Humor Concerning Individuals, Groups, and Institutions.** The First Amendment's guarantee of freedom of speech similarly protects programming that stereotypes or may otherwise offend people with regard to their religion, race, national background, gender, or other characteristics. It also protects broadcasts that criticize or ridicule established customs and institutions, including the government and its officials. The Commission recognizes that, under our Constitution, people must be free to say things that the majority may abhor, not only what most people may find tolerable or congenial. However, if you are offended by a station's programming, we urge you to make your concerns known to the station licensee, in writing.

**Programming Access.** In light of their discretion to formulate their programming, station licensees are not required to broadcast everything that is offered or otherwise suggested to them. Except as required by the Communications Act, including the use of stations by candidates for public office (discussed at pages 13-14 of this Manual), licensees have no obligation to allow any particular person or group to participate in a broadcast or to present that person or group's remarks.

## **BROADCAST PROGRAMMING: POLICY ON SPECIFIC KINDS OF PROGRAMMING**

## **LAW AND**

### **Broadcast Journalism**

**Introduction.** As noted above, in light of the fundamental importance of the free flow of information to our democracy, the First Amendment and the Communications Act bar the FCC from telling station licensees how to select material for news programs, or prohibiting the broadcast of an opinion on any subject. We also do not review anyone's qualifications to gather, edit, announce, or comment on the news; these decisions are the station licensee's responsibility. Nevertheless, there are two issues related to broadcast journalism that are subject to Commission regulation: hoaxes and news distortion.

**Hoaxes.** The broadcast by a station of false information concerning a crime or catastrophe violates the FCC's rules if:

- the station licensee knew that the information was false,
- broadcasting the false information directly causes substantial public harm, and
- it was foreseeable that broadcasting the false information would cause such harm.

In this context, a "crime" is an act or omission that makes the offender subject to criminal punishment by law, and a "catastrophe" is a disaster or an imminent disaster involving violent or sudden events affecting the public. The broadcast must cause direct and actual damage to property or to the health or safety of the

general public, or diversion of law enforcement or other public health and safety authorities from their duties, and the public harm must begin immediately. If a station airs a disclaimer before the broadcast that clearly characterizes the program as fiction and the disclaimer is presented in a reasonable manner under the circumstances, the program is presumed not to pose foreseeable public harm. Additional information about the hoax rule can be found on the FCC's website at <http://www.fcc.gov/cgb/consumerfacts/falsebroadcast.html>.

**News Distortion.** The Commission often receives complaints concerning broadcast journalism, such as allegations that stations have aired inaccurate or one-sided news reports or comments, covered stories inadequately, or overly dramatized the events that they cover. For the reasons noted above, the Commission generally will not intervene in such cases because it would be inconsistent with the First Amendment to replace the journalistic judgment of licensees with our own. However, as public trustees, broadcast licensees may not intentionally distort the news: the FCC has stated that “rigging or slanting the news is a most heinous act against the public interest.” The Commission will investigate a station for news distortion if it receives documented evidence of such rigging or slanting, such as testimony or other documentation, from individuals with direct personal knowledge that a licensee or its management engaged in the intentional falsification of the news. Of particular concern would be evidence of the direction to employees from station management to falsify the news. However, absent such a compelling showing, the Commission will not intervene. For additional information about news distortion, see <http://www.fcc.gov/cgb/consumerfacts/journalism.html>.

**Political Broadcasting: Candidates for Public Office.** In recognition of the particular importance of the free flow of information to the public during the electoral process, the Communications Act and the Commission's rules impose specific obligations on broadcasters regarding political speech.

- **Reasonable Access.** The Communications Act requires that broadcast stations provide “reasonable access” to candidates for federal elective office. Such access must be made available during all of a station's normal broadcast schedule, including television prime time and radio drive time. In addition, federal candidates are entitled to purchase all classes of time offered by stations to commercial advertisers, such as preemptible and non-preemptible time. The only exception to the access requirement is for *bona fide* news programming (as defined below), during which broadcasters may choose not to sell airtime to federal candidates. Broadcast stations have discretion as to whether to sell time to candidates in state and local elections.
- **Equal Opportunities.** The Communications Act requires that, when a station provides airtime to a legally qualified candidate for any public office (federal, state, or local), the station must “afford equal opportunities to all other such candidates for that office.” The equal opportunities provision of the Communications Act also provides that the station “shall have no power of censorship over the material broadcast” by the candidate. The law exempts from the equal opportunities requirement appearances by candidates during *bona fide* news programming, defined as an appearance by a legally qualified candidate on a *bona fide* newscast, interview, or documentary (if the appearance of the candidate is incidental to the presentation of the subject covered by the documentary) or on-the-spot coverage of a *bona fide* news event (including debates, political conventions and related incidental activities).

In addition, a station must sell political advertising time to certain candidates during specified periods before a primary or general election at the lowest rate charged for the station's most favored commercial advertiser. Stations must maintain and make available for public inspection, in their public inspection files, a political file containing certain documents and information, discussed at page 28 of this Manual. For additional information about the political rules, see <http://www.fcc.gov/mb/policy/political/>.

## **Objectionable Programming**

**Programming Inciting “Imminent Lawless Action.”** The Supreme Court has held that the government may curtail speech if it is both: (1) intended to incite or produce “imminent lawless action;” and (2) likely to “incite or produce such action.” Even when this legal test is met, any review that might lead to a curtailment of speech is generally performed by the appropriate criminal law enforcement authorities, not by the FCC.

**Obscene, Indecent, or Profane Programming.** Although, for the reasons discussed earlier, the Commission is generally prohibited from regulating broadcast content, the courts have held that the FCC's regulation of obscene and indecent programming is constitutional, because of the compelling societal interests in protecting children from potentially harmful programming and supporting parents' ability to determine the programming to which their children will be exposed at home.

**Obscene material** is not protected by the First Amendment and cannot be broadcast at any time. To be obscene, the material must have all of the following three characteristics:

- an average person, applying contemporary community standards, must find that the material, as a whole, appeals to the prurient interest;
- the material must depict or describe, in a patently offensive way, sexual conduct specifically defined by applicable law; and
- the material, taken as a whole, must lack serious literary, artistic, political, or scientific value.

**Indecent material** is protected by the First Amendment, so its broadcast cannot constitutionally be prohibited at all times. However, the courts have upheld Congress' prohibition of the broadcast of indecent material during times of the day in which there is a reasonable risk that children may be in the audience, which the Commission has determined to be between the hours of 6 a.m. and 10 p.m. Indecent programming is defined as “language or material that, in context, depicts or describes, in terms patently offensive as measured by contemporary community standards for the broadcast medium, sexual or excretory organs or activities.” Broadcasts that fall within this definition and are aired between 6 a.m. and 10 p.m. may be subject to enforcement action by the FCC.

**Profane material** also is protected by the First Amendment, so its broadcast cannot be outlawed entirely. The Commission has defined such program matter to include language that is both “so grossly offensive to members of the public who actually hear it as to amount to a nuisance” and is sexual or excretory in nature or derived from such terms. Such material may be the subject of possible Commission enforcement action if it is broadcast within the same time period applicable to indecent programming: between 6 a.m. and 10 p.m.

**How to File an Obscenity, Indecency, or Profanity Complaint:** In order to allow its staff to make a determination of whether complained-of material is actionable, the Commission requires that complainants

provide certain information: (1) the date and time of the alleged broadcast; (2) the call sign, channel or frequency of the station involved; and (3) the details of what was actually said (or depicted) during the alleged indecent, profane, or obscene broadcast. Submission of an audio or video tape, CD, DVD or other recording or transcript of the complained-of material is not required but is helpful, as is specification of the name of the program, the on-air personality, song, or film, and the city and state in which the complainant saw or heard the broadcast.

The fastest and easiest way to file a complaint containing this information is to use the FCC's electronic complaint form, Form 475B, which is available on the FCC's website at <http://fjallfoss.fcc.gov/cgb/fcc475B.cfm>.

You also may file a complaint about objectionable programming by mailing it to:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
445 12th Street, S.W.  
Washington, D.C. 20554.

If you are submitting an audio or video tape, DVD, CD or other type of media with your complaint, you should send it to the following address to avoid mail processing damage:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
9300 East Hampton Drive  
Capitol Heights, Maryland 20743.

You can also electronically file your complaint at [fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

You may also complain by calling the Commission, toll-free, at:

1-(888)-CALL-FCC (1-(888)-225-5322) (Voice)  
1-(888)-TELL-FCC (1-(888)-835-5322) (TTY)

For additional information on the complaint process for obscene, indecent or profane material, visit <http://www.fcc.gov/eb/oip>.

**Violent Programming.** Many members of the public have expressed concern about violent television programming and the negative impact such broadcast material may have upon children. In response to these concerns, and at the request of 39 members of the U.S. House of Representatives, the FCC conducted a proceeding seeking public comment on violent programming. In April 2007, the Commission delivered

to Congress a Report recommending that the industry voluntarily commit to reducing the amount of such programming viewed by children. The Commission also suggested that Congress consider enacting legislation that would better support parents' efforts to safeguard their children from such objectionable programming. The Commission's Report can be accessed at [http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/FCC-07-50A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/FCC-07-50A1.pdf).

**The V-Chip and TV Program Ratings.** In light of the widespread concern about obscene, indecent, profane, violent, or otherwise objectionable programming, in 1996, Congress passed a law to require TV sets with screens 13 inches or larger to be equipped with a "V-Chip" – a device that allows parents to program their sets to block TV programming that carries a certain rating. Since 2000, all such sets manufactured with screens 13 inches or larger must contain the V-Chip technology. This technology, which must be activated by parents, works in conjunction with a voluntary television rating system created and administered by the television industry and others, which enables parents to identify programming containing sexual, violent, or other content that they believe may be harmful to their children. All of the major broadcast networks and most of the major cable networks are encoding their programming with this ratings information to work with the V-Chip. However, some programming, such as news and sporting events, and unedited movies aired on premium cable channels, are not rated. In 2004, the FCC expanded the V-Chip requirement to apply also to devices that do not have a display screen but are used with a TV set, such as a VCR or a digital-to-analog converter box.

For more information about this ratings program, including a description of each ratings category, please see the FCC's V-Chip website at <http://www.fcc.gov/cgb/consumerfacts/vchip.html>.

## **Other Broadcast Content Regulation**

**Station Identification.** Stations must air identification announcements when they sign on and off for the day. They also must broadcast these announcements every hour, as close to the start of the hour as possible, at a natural programming break. TV stations may make these announcements on-screen or by voice only. Official station identification includes the station's call letters, followed by the community specified in its license as the station's location. Between the call letters and its community, the station may insert the name of the licensee, the station's channel number, and/or its frequency. It may also include any additional community or communities, as long as it first names the community to which it is licensed by the FCC. DTV stations also may identify their digital multicast programming streams separately if they wish, and, if so, must follow the format described in the FCC's rules.

Commencing as of a date to be determined, for television stations, twice daily, the station identification will also have to include a notice of the existence, location and accessibility of the station's public file. The notice will have to state that the station's public file is available for inspection and that members of the public can view it at the station's main studio and on its station website. Broadcast of at least one of these announcements will be required between the hours of 6 p.m. and midnight.

**Children's Television Programming.** Throughout its license term, every TV station must serve the educational and informational needs of children both by means of its overall programming and through programming that is specifically designed to serve those needs. Licensees are eligible for routine staff-



level approval of the Children's Television Act portion of their renewal applications if they air at least three hours of "core" children's television programming, per week, or proportionally more if they provide additional free digital programming streams. Core programming is defined as follows:

- **Educational and Informational.** The programming must further the educational and informational needs of children 16 years old and under (this includes their intellectual/cognitive or social/emotional needs).
- **Specifically Designed to Serve These Needs.** A program is considered "specifically designed to serve the educational and information needs of children" if: (1) that is its significant purpose; (2) it is aired between the hours of 7 a.m. and 10 p.m.; (3) it is a regularly scheduled weekly program; and (4) it is at least 30 minutes in duration.

To ensure that parents and other interested parties are informed of the educational and informational children's programming that their area stations offer, television licensees must identify each program specifically designed to "educate and inform" children by displaying the icon "E/I" throughout the program. In addition, commercial stations must provide information identifying such programs to the publishers of program guides.

During the broadcast of TV programs aimed at children 12 and under, advertising may not exceed 10.5 minutes an hour on weekends and 12 minutes an hour on weekdays.

These rules apply to analog and digital broadcasting. As discussed at page 9 of this Manual, television stations have traditionally operated with analog technology. Television stations, however, are in the process of switching to digital broadcasting, which greatly enhances their capability to serve their communities. Among other things, digital technology permits stations to engage in multicasting, that is, to air more than one stream of programming at the same time. Digital stations that choose to air more than one stream of free, over-the-air video programming must air proportionately more children's educational programming than stations that air only one stream of free, over-the-air video programming.

Each television licensee is required to prepare and place in the public inspection file at the station a quarterly Children's Television Programming Report (FCC Form 398) identifying its core programming. These reports must also be filed electronically with the FCC each quarter and can be viewed on the FCC's website, at <http://www.fcc.gov/mb/engineering/kidvid>. This requirement of the station's public file is discussed at page 29 of this Manual.

The FCC has created a children's educational television website to inform parents and other members of the public about the obligation of every television broadcast station to provide educational and informational programming for children. This website provides access to background information about these obligations, as well as information about children's educational programs that are aired on television stations in your area and throughout the country. This website also can help TV stations comply with the children's television requirements. You can access the children's educational television website by going to the FCC's main website at <http://www.fcc.gov> and double-clicking on the "Parents' Place" listing under "Consumer Center" on the FCC home page. Alternatively, you can go directly to the children's television

website at <http://www.fcc.gov/parents/childrenstv.html>.

**Station-Conducted Contests.** A station that broadcasts or advertises information about a contest that it conducts must fully and accurately disclose the material terms of the contest, and must conduct the contest substantially as announced or advertised. Contest descriptions may not be false, misleading, or deceptive with respect to any material term, including the factors that define the operation of the contest and affect participation, such as entry deadlines, the prizes that can be won, and how winners will be selected. Additional information about the contest rule can be found at <http://www.fcc.gov/cgb/consumerfacts/contests.html>.

**Lotteries.** Federal law prohibits the broadcast of advertisements for a lottery or information concerning a lottery. A lottery is any game, contest, or promotion that contains the elements of prize, chance, and "consideration" (a legal term that means an act or promise that is made to induce someone into an agreement). For example, casino gambling is generally considered to be a "lottery" subject to the terms of the advertising restriction although, as discussed below, the prohibition is not applied to truthful advertisements for lawful casino gambling. Many types of contests, depending on their particulars, also are covered under this definition.

The statute and FCC rules list a number of exceptions to this prohibition, principally advertisements for: (1) lotteries conducted by a state acting under the authority of state law, when the advertisement or information is broadcast by a radio or TV station licensed to a location in that state or in any other state that conducts such a lottery; (2) gambling conducted by an Indian Tribe under the Indian Gaming Regulatory Act; (3) lotteries authorized or not otherwise prohibited by the state in which they are conducted, and which are conducted by a not-for-profit organization or a governmental organization; and (4) lotteries conducted as a promotional activity by commercial organizations that are clearly occasional and ancillary to the primary business of that organization, as long as the lotteries are authorized or not otherwise prohibited by the state in which they are conducted.

In 1999, the Supreme Court held that the prohibition on broadcasting advertisements for lawful casino gambling could not constitutionally be applied to truthful advertisements broadcast by radio or television stations licensed in states in which such gambling is legal. Relying upon the reasoning in that decision, the FCC and the United States Department of Justice later concluded that the lottery advertising prohibition may not constitutionally be applied to the broadcast of any truthful advertisements for lawful casino gambling, whether or not the state in which the broadcasting station is located permits casino gambling. Additional information about the rule concerning lotteries can be found at <http://www.fcc.gov/cgb/consumerfacts/contests.html>.

**Soliciting Funds.** No federal law prohibits the broadcast by stations of requests for funds for legal purposes (including appeals by stations for contributions to meet their operating expenses), if the money or other contributions are used for the announced purposes. However, federal law prohibits fraud by wire, radio or television – including situations in which money solicited for one purpose is used for another – and doing so may lead to FCC sanctions, as well as to criminal prosecution by the U.S. Department of Justice. Additional information about fund solicitation can be found at <http://www.fcc.gov/cgb/>



[consumerfacts/contests.html](http://www.fcc.gov/consumerfacts/contests.html).

**Broadcast of Telephone Conversations.** Before broadcasting a telephone conversation live or recording a telephone conversation for later broadcast, a station must inform any party to the call of its intention to broadcast the conversation. However, that notification is not necessary when the other party knows that the conversation will be broadcast or such knowledge can be reasonably presumed, such as when the party is associated with the station (for example, as an employee or part-time reporter) or originates the call during a program during which the station customarily broadcasts the calls. For additional information on the rule concerning the broadcast of telephone conversations, see <http://www.fcc.gov/eb/broadcast/telphon.html>.

## **ACCESS TO BROADCAST MATERIAL BY PEOPLE WITH DISABILITIES**

The Communications Act and the Commission's rules require television station licensees to broadcast certain information that makes viewing more accessible to people with disabilities.

**Closed Captioning.** Closed captioning is a technology designed to provide access to television programming by persons with hearing disabilities by displaying, in text form, the audio portion of a broadcast, as well as descriptions of background noise and sound effects. Closed captioning is hidden as encoded data transmitted within the television signal. A viewer wishing to see the captions must use a set-top decoder or a television with built-in decoder circuitry. All television sets with screens 13 inches or larger manufactured since mid-1993, including digital sets, have built-in decoder circuitry.

As directed by Congress in the Telecommunications Act of 1996, the FCC has adopted rules requiring closed captioning of most, but not all, television programming. The rules require those that distribute television programs directly to home viewers, including broadcast stations, to comply with these rules. The rules also provide certain exemptions from the captioning requirements. Additional information on the closed captioning requirements may be found on the FCC website at <http://www.fcc.gov/cgb/dro/caption.html>.

**Access to Emergency Information.** The FCC also requires television stations to make the local emergency information that they provide to viewers accessible to persons with disabilities. Thus, if emergency information is provided aurally, such information also must be provided in a visual format for persons who are deaf or hard of hearing. The emergency information may be closed captioned or presented through an alternative method of visual presentation. Such methods include open captioning, crawls, or scrolls that appear on the screen. The information provided visually must include critical details regarding the emergency and how to respond. Critical details could include, among other things, specific information regarding the areas that will be affected by the emergency, evacuation orders, detailed descriptions of areas to be evacuated, specific evacuation routes, approved shelters or the way to take shelter in one's home, instructions on how to secure personal property, road closures, and how to obtain relief assistance. Similarly, if the emergency information is presented visually, it must be made accessible. If the emergency information interrupts programming, such as through a crawl, such information must be accompanied with an aural tone to alert persons with visual disabilities that the station

is providing this information so that such persons may be alerted to turn to another source, such as a radio, for more information. Additional information concerning this requirement can be found on the FCC website at <http://ftp.fcc.gov/cgb/consumerfacts/emergencyvideo.html>.

## **BUSINESS PRACTICES AND ADVERTISING**

**Business Practices, Advertising Rates, and Profits.** Except for the requirements concerning political advertisements (discussed at pages 13-14 of this Manual), the limits on the number of commercials that can be aired during children's programming (see page 17), and the prohibition of advertisements over noncommercial educational stations (see pages 21-22), the Commission does not regulate a licensee's business practices, such as its advertising rates or its profits. Rates charged for broadcast time are matters for private negotiation between sponsors and stations. Further, except for certain classes of political advertisements (see pages 13-14), station licensees have full discretion to accept or reject any advertising.

**Employment Discrimination and Equal Employment Opportunity ("EEO").** The FCC requires that all licensees of radio and TV stations afford equal opportunity in employment. We also prohibit employment discrimination on the basis of race, color, religion, national origin, or sex. However, religious stations are permitted to require that some or all of their employees meet a religious qualification.

Our EEO recruitment rules have three prongs. They require all stations that employ five or more full-time employees (defined as those regularly working 30 hours a week or more) to:

- widely distribute information concerning each full-time job vacancy, except for vacancies that need to be filled under demanding or other special circumstances;
- send notices of openings to organizations in the community that are involved in employment if the organization requests such notices; and
- engage in general outreach activities every two years, such as job fairs, internships, and other community events.

Each licensee with five or more full-time employees must maintain records of its recruitment efforts, and create and place in its public file an annual public file report listing specified information about its recruitment efforts. (The requirements for the EEO portion of the public file are discussed at page 28 of this Manual.) The annual EEO public file report must also be posted on a station's website, if one exists. In addition, television licensees with five or more full-time employees and radio licensees with 11 or more full-time employees must file an FCC Form 397 Broadcast Mid-Term Report. Each licensee, regardless of size, must file an FCC Form 396 EEO Program Report with its license renewal application. Finally, a prospective station licensee must file an FCC Form 396-A Broadcast Model Program Report with its new station or assignment or transfer application. The FCC reviews EEO compliance at the time that it considers the station renewal application, when it reviews Broadcast Mid-Term Reports, when it receives EEO complaints, and during random station audits. A full range of enforcement actions is available for EEO violations, including the imposition of reporting conditions, forfeitures, short-term license renewal,

and license revocation.

All EEO forms are electronically filed and are available for public review in CDBS, the FCC's access database (to access these reports, see [http://fjallfoss.fcc.gov/prod/cdbbs/pubacc/prod/eo\\_search.htm](http://fjallfoss.fcc.gov/prod/cdbbs/pubacc/prod/eo_search.htm)). As discussed at page 27 of this Manual, in addition, copies of all FCC EEO audit letters, licensee responses, and FCC rulings must be included in the audited station's public file and are available for public review at the FCC Public Reference Center in Washington, D.C. Additional information concerning the EEO rules is available at <http://www.fcc.gov/mb/policy/eo/>.

**Sponsorship Identification.** The sponsorship identification requirements contained in the Communications Act and the Commission's rules generally require that, when money or other consideration for the airing of program material has been received by or promised to a station, its employees or others, the station must broadcast full disclosure of that fact at the time of the airing of the material, and identify who provided or promised to provide the consideration. This requirement is grounded in the principle that members of the public should know who is trying to persuade them with the programming being aired. This disclosure requirement also applies to the broadcast of musical selections for consideration (so-called "payola") and the airing of certain video news releases. In the case of advertisements for commercial products or services, it is sufficient for a station to announce the sponsor's corporate or trade name, or the name of the sponsor's product (where it is clear that the mention of the product constitutes a sponsorship identification). For additional information about the sponsorship identification and payola rules, see <http://www.fcc.gov/cgb/consumerfacts/PayolaRules.html>.

**Underwriting Announcements on Noncommercial Educational Stations.** Noncommercial educational stations may acknowledge contributions over the air, but they may not broadcast commercials or otherwise promote the goods and services of for-profit donors or underwriters. Acceptable "enhanced underwriting" acknowledgements of for-profit donors or underwriters may include: (1) logograms and slogans that identify but do not promote; (2) location information; (3) value-neutral descriptions of a product line or service; and (4) brand names, trade names, and product service listings. However, such acknowledgements may not interrupt the station's regular programming. For additional information about the underwriting rules, see <http://www.fcc.gov/eb/broadcast/enhanced.html>.

**Loud Commercials.** The FCC does not regulate the volume of broadcast programming, including commercials. Surveys and technical studies reveal that the perceived loudness of particular broadcast matter is a subjective judgment that varies with each viewer and listener and is influenced by many factors, such as the material's content and style and the voice and tone of the person speaking. The FCC has found no evidence that stations deliberately raise audio and modulation levels to emphasize commercial messages.

Manually controlling the set's volume level or using the "mute" button with a remote control constitutes the simplest approach to reducing volume levels deemed to be excessive. Many television receivers are equipped with circuits that are designed to stabilize the loudness between programs and commercials. These functions usually must be activated through the receiver's "set up/audio" menu. Should these techniques fail to resolve the problem, you may consider addressing any complaint about broadcast volume levels to the licensee of the station involved. Additional information about loud commercials can be found

at <http://www.fcc.gov/cgb/consumerfacts/backgroundnoise.html>.

**False or Misleading Advertising.** The Federal Trade Commission has primary responsibility for determining whether an advertisement is false or deceptive and for taking action against the sponsor. The Food and Drug Administration has primary responsibility for the safety of food and drug products. Depending on the nature of the advertisement, you should contact these agencies regarding advertisements that you believe may be false or misleading. Additional information about false or misleading advertising can be found at <http://www.fcc.gov/cgb/consumerfacts/advertising.html>.

**Offensive Advertising.** Unless a broadcast advertisement is found to be in violation of a specific law or rule, the government cannot take action against it. However, if you believe that an advertisement is offensive because of the nature of the item advertised, the scheduling of the announcement, or the manner in which the message is presented, you should consider addressing your complaint directly to the station or network involved, providing the date and time of the broadcast and the product or advertiser in question. This will help those involved in the selection of advertising material to become better informed about audience opinion.

**Tobacco and Alcohol Advertising.** Federal law prohibits the airing of advertising for cigarettes, little cigars, smokeless tobacco, and chewing tobacco on radio, TV, or any other medium of electronic communication under the FCC's jurisdiction. However, the advertising of smoking accessories, cigars, pipes, pipe tobacco, or cigarette-making machines is not prohibited. Congress has not enacted any law prohibiting broadcast advertising of any kind of alcoholic beverage, and the FCC does not have a rule or policy regulating such advertisements.

**Subliminal Programming.** The Commission sometimes receives complaints regarding the alleged use of subliminal perception techniques in broadcast programming. Subliminal programming is designed to be perceived on a subconscious level only. Regardless of whether it is effective, the broadcast of subliminal material is inconsistent with a station's obligation to serve the public interest because it is designed to be deceptive.

## **BLANKETING INTERFERENCE**

**Rules.** Some members of the public situated close to a radio station's transmitting antenna may experience impaired reception of other stations. This is called "blanketing" interference. The Commission's rules impose certain obligations on licensees to resolve such interference complaints. Complaints about such interference involving radio stations are handled by the Media Bureau's Audio Division. Blanketing interference is a less common occurrence with television stations than with radio stations due to the location and height of TV transmitting antennas. If this phenomenon does occur with a television station, the Media Bureau's Video Division will handle complaints on a case-by case-basis, subject to the radio guidelines noted below.

At the outset, the policy is designed to provide protection from interference for individuals within a certain distance from a station (in an area known as the station's "blanketing contour") and only involving

electronic devices that pick up an over-the-air signal from a broadcast radio or television station. Thus, stations are **not** required to resolve interference complaints involving the following:

- A complaint from a party located outside of the station's blanketing contour (115 dBu contour for FM stations, 1 V/m contour for AM stations).
- Improperly installed antenna systems.
- Use of high gain antennas or antenna booster amplifiers.
- Mobile receivers, including but not limited to car radios, portable stereos or cellular phones.
- Non-radio frequency ("RF") devices, including but not limited to, tape recorders, CD players, MP3 players or "land-line" telephones.
- Cordless telephones.

For complaints from parties located within the station's blanketing contour involving non-mobile television or radio receivers, a station must resolve the interference complaint at no cost to the complaining party if the party notifies the station of the problem during the first year that the station operates its new or modified facilities. For similar complaints received after the first year of such operation has passed, although the station is not financially responsible for resolving the complaint, it must provide effective technical assistance to the complaining party. These efforts must include the provision of information and assistance sufficiently specific to enable the complaining party to eliminate all blanketing interference and not simply an attempt by the station to correct the problems. Such assistance entails providing specific details about proper corrective measures to resolve the blanketing interference. For example, stations should provide the complaining party with diagrams and descriptions which explain how and where to use radiofrequency chokes, ferrite cores, filters, and/or shielded cable. In addition, effective technical assistance also includes recommending replacement equipment that would work better in high radiofrequency fields. Effective technical assistance does not mean referring the complainant to the equipment manufacturer.

**How to Resolve Blanketing Interference Problems.** If you believe that you are receiving blanketing or any other type of interference to broadcast reception, we encourage you to first communicate directly, in writing, with the licensee of the station that you believe is causing the interference. If the licensee does not satisfactorily resolve the problem, you can mail, fax, or e-mail a complaint to us as follows:

- For radio stations:      Federal Communications Commission  
                                 Audio Division, Media Bureau  
                                 445 12th St., S.W.  
                                 Washington, D.C. 20554  
  
                                 Fax number: (202) 418-1411  
                                 E-mail address: [radioinfo@fcc.gov](mailto:radioinfo@fcc.gov)

- For TV stations: Federal Communications Commission  
Video Division, Media Bureau  
445 12th St., S.W.  
Washington, D.C. 20554

Fax number: (202) 418-2827  
E-mail address: [tvinfo@fcc.gov](mailto:tvinfo@fcc.gov)

Your complaint should include: (1) your name, address, and phone number; (2) the call letters of each station involved; (3) each location at which the interference occurs; and (4) each specific device receiving the interference. The more specific your complaint is, the easier it is for us and any station involved to identify and resolve the interference problem.

## OTHER INTERFERENCE ISSUES

In many cases in which you receive interference on your television set or radio, the source of the problem could be with your equipment, which may not be adequately designed with circuitry or filtering to reject the unwanted signals of nearby transmitters. We recommend that you contact the equipment manufacturer or the store at which the equipment was purchased to attempt to resolve the interference problem. You can find more information about broadcast interference on the Commission's website, at <http://www.fcc.gov/cgb/consumerfacts/interference.html>.

## THE LOCAL PUBLIC INSPECTION FILE

**Requirement to Maintain a Public Inspection File.** Our rules require that all licensees and permittees of TV and radio stations and applicants for new broadcast stations maintain a file available for public inspection. This file must contain documents relevant to the station's operation and dealings with the community and the FCC. The public inspection file generally must be maintained at the station's main studio. To obtain the location and phone number of a station's main studio, consult your local telephone directory, or call the station's business office. You may also be able to find this information on the station's Internet website, if one exists.

**Purpose of the File.** Because we do not routinely monitor each station's programming and operations, viewers and listeners are an important source of information about the nature of their area stations' programming, operations, and compliance with their FCC obligations. The documents contained in each station's public inspection file have information about the station that can assist the public in this important monitoring role.

As discussed in this Manual, every station has an obligation to provide news, public affairs, and other programming that specifically treats the important issues facing its community, and to comply with the



Communications Act, the Commission's rules, and the terms of its station license. We encourage a continuing dialogue between broadcasters and members of the public to ensure that stations meet their obligations and remain responsive to the needs of the local community. Because you watch and listen to the stations that we license, you can be a valuable and effective advocate to ensure that your area's stations comply with their localism obligation and other FCC requirements.

**Viewing the Public Inspection File.** Each broadcast licensee, permittee, and applicant must make its station public inspection file available to members of the public at any time during regular business hours. Although you do not need to make an appointment to view the file, making one may be helpful both to the station and to you.

A station that chooses to maintain all or part of its public file on a computer database must provide you a computer terminal if you wish to review the file. As of a date to be determined, television stations will also be required to post most of the content of their public files on their Internet websites, if they have them, or on their state broadcasters association's website, if permitted. Radio stations have not yet been required to post their files on their websites, but may do so if they wish. If you want to view a station's public file over the Internet, you should check its website or contact the station to determine if the file is posted.

You may request copies of materials in the file, which the station must provide to you at a reasonable charge, by visiting the station in person. In addition, if the station's public file is located outside of its community of license (and you live within the station's service area *and* your request does not involve the station's political file), you may request copies of materials in the file over the telephone. To facilitate telephone requests, we require stations to provide you a copy of the current version of this Manual free of charge if you so request. The Manual can help you identify other documents you may ask to have mailed to you. Stations should assist callers in this process and answer questions you may have about the actual contents of the public file. This information may include, for example, the number of pages and time periods covered by a particular ownership report or children's television programming report, or the types of applications actually maintained in the station's public file and the dates on which they were filed with the FCC. Finally, if you ask a broadcast station for photocopies of material in its public inspection file, the station may require you to pay for those photocopies. Therefore, the station may require a guarantee of payment in advance (such as with a deposit or a credit card). The station must pay the postage for copies requested by telephone. Stations must fulfill requests for copies within a reasonable period of time, which generally should not exceed seven calendar days after the request is made. For additional information on these public file requirements, see <http://www.fcc.gov/eb/broadcast/pif.html>.

**Contents of the File.** The following materials must be maintained in each station public inspection file:

**The License.** Stations must keep a copy of their current FCC construction permit or license in the public file, together with any material documenting Commission-approved modifications to the authorization. The license or permit reflects the station's authorized technical parameters (such as its frequency, call letters, operating power and transmitter location), as well as any special conditions imposed by the FCC on the station's operation. It also indicates when it was issued and when it will expire.

**Applications and Related Materials.** The public file must contain copies of all applications involving the station filed with the Commission that are still pending before either the FCC or the courts. These include applications to sell the station or to modify its facilities (for example, to increase power, change the antenna system, or change the transmitter location). If a petition to deny any application was filed, the file must contain a statement to that effect, and the name and address of the petitioning party. Applications must be maintained until "final" FCC action on them, when the action can no longer be appealed or reversed.

The station must also keep copies of any granted construction permit or assignment or transfer application if its grant required us to waive our rules. Applications that required a waiver, together with any related material, will reflect each particular rule that we waived, and must be maintained as long as any such waiver remains in effect.

Also, if the FCC renewed the station license for less than a full term, the station must keep that renewal application (FCC Form 303-S) in the file until grant of its next renewal application by final FCC action. We may grant such a short-term renewal when we are concerned about the station's performance over the previous term. These concerns will be reflected in the renewal-related materials in the public file.

**Citizen Agreements.** Commercial stations must keep copies of any written agreements that they make with local viewers or listeners. These "citizen agreements" may deal with programming, employment, or other issues of community concern. The station must keep these agreements in the public file for as long as they are in effect.

**Contour Maps.** The public file must contain copies of any station service contour maps or other information submitted with any application filed with the FCC that reflects the station's service contours and/or its main studio and transmitter locations. The Commission's application forms require submission of contour maps only from stations that do not certify that their signals cover their city of license. These documents must stay in the file for as long as they remain current and accurate regarding the station.

**Material Relating to an FCC Investigation or Complaint.** Stations must keep material relating to any matter that is the subject of an FCC investigation (including EEO audits) or a complaint that the station has violated the Communications Act or FCC rules. The station must keep this material in its file until the FCC notifies it that the material may be discarded. Since the FCC is not involved in disputes regarding matters unrelated to the Communications Act or FCC rules, such as private contractual disputes, stations do not have to retain material relating to such disputes in the public file.

**Ownership Reports and Related Material.** The public file must contain a copy of the most recent, complete ownership report (FCC Form 323 for commercial stations, FCC Form 323-E for noncommercial educational stations) filed for the station. Among other things, these reports disclose the names of the owners of the station licensee and their ownership interests, list any contracts related to the station that are required to be filed with the FCC, and identify any interests in other



broadcast stations held by the station licensee or its owners.

**List of Contracts Required to be Filed with the FCC.** Stations must keep in the public file either copies of all the contracts that they have to file with the FCC, or an up-to-date list identifying all such contracts. If the station keeps a list and a member of the public asks to see copies of the actual contracts, the station must provide the copies to the requester within seven calendar days. Contracts required to be maintained or listed in the public inspection file include:

- contracts relating to network service (network affiliation contracts);
- contracts relating to ownership or control of the licensee or permittee or its stock. Examples include articles of incorporation, bylaws, agreements providing for the assignment of a license or permit or affecting stock ownership or voting rights (stock options, pledges, or proxies), and mortgage or loan agreements that restrict the licensee or permittee's freedom of operation; and
- management consultant agreements with independent contractors, and contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee.

**Political File.** Stations must keep a file which contains “a complete record of a request to purchase broadcast time that: (A) is made by or on behalf of a legally qualified candidate for public office; or (B) communicates a message relating to any political matter of national importance, including: (i) a legally qualified candidate; (ii) any election to federal office; or (iii) a national legislative issue of public importance.” The file must identify how the station responded to such requests and, if the request was granted, the charges made, a schedule of time purchased, the times the spots actually aired, the rates charged, and the classes of time purchased. The file also must reflect any free time provided to a candidate. The station must keep the political records in the file for two years after the spot airs. (You can find more information regarding the political broadcasting laws at pages 13-14 of this Manual.)

**EEO Materials.** As noted earlier, licensees must submit certain forms containing EEO information and include copies in their station public files. Thus, all stations employing five or more full-time employees must put an EEO public file report in their station public file each year. We also require each radio and TV station licensee to file a Form 396 EEO Program Report with its license renewal application and to include the Report in its public file. Those licensees that file a Form 397 Broadcast Mid-Term Report must also include a copy in the public file. These materials must be retained in the file until final action on the station’s next license renewal application. A new station applicant or prospective station buyer, if it intends to employ five or more full-time employees, must file a Form 396-A Broadcast EEO Model Program Report with its new station assignment or transfer application and the Report must be included in the public file as a part of the underlying application and retained in the file until the grant of the underlying application becomes final. (You can find more information regarding the EEO rules at pages 20-21 of this Manual.)

**“The Public and Broadcasting.”** Stations must keep a copy of the current version of this

Manual in the public file and provide a copy, upon request, to any member of the public. As noted above, you can also request a copy from the FCC or access it on our Internet website at [http://www.fcc.gov/mb/audio/decdoc/public\\_and\\_broadcasting.html](http://www.fcc.gov/mb/audio/decdoc/public_and_broadcasting.html).

**Letters and E-Mails from the Public.** Commercial stations must keep in their files, for at least three years, written comments, suggestions, and e-mails received from the public regarding their operation. (Noncommercial educational stations are not subject to this requirement.) This obligation is limited to comments, suggestions, and e-mails sent to station management or a publicized station address. Letters need not be placed in the public inspection file when the author has requested that the letter not be made public or when the licensee feels that it should be excluded from public inspection because of the nature of its content (such as defamatory or obscene letters). Moreover, although television stations that post their public file materials on their websites must include e-mails received from the public, they need not post letters from the public, as long as they include hard copies of such letters in their public files, and a notice on their website that the letters can be located in the file. As noted above, all or a part of a station public file may be maintained on a computer database, as long as a computer terminal is made available, at the location of the file, for members of the public who wish to review the file. Accordingly, as an alternative to maintaining hard copies of e-mails in the public file, a station may place the e-mails on a computer database, as long as a terminal is made available at the location of the public file to members of the public who wish to review the file.

**Quarterly Programming Reports.** Every three months, each broadcast radio and television station licensee must prepare and place in its station public file a list of programs containing its most significant treatment of community issues during the preceding three months ("issues/programs lists"). The list must briefly describe both the issue and the programming during which the issue was discussed, including the date and time that each such program was aired and its title and duration. The licensee must keep these lists in the file until the next grant of the station renewal application has become final. Television stations will be required to file a Standardized Television Disclosure Form instead of these lists once that form is approved and made available. The form, which will also be filed quarterly, will require commercial and noncommercial educational television broadcasters to provide detailed information on the efforts of their station to provide programming responsive to issues facing their communities in a standardized format.

**Children's Television Programming Reports.** As discussed at pages 17-18 of this Manual, the Children's Television Act of 1990 and our rules require each TV station to serve the educational and informational needs of children by means of its overall programming and through programming that is specifically designed to serve such needs. Commercial TV stations must make and retain in their files Children's Television Programming Reports (FCC Form 398) identifying the educational and informational programming for children aired by the station. (Noncommercial educational stations are not required to prepare these reports.) The report must include the name of the person at the station responsible for collecting comments on the station's compliance with the Children's Television Act. The station has to prepare these reports each calendar quarter, and it must place them in the public file separate from the file's other material. The licensee must keep these lists in the file until the next grant of the station renewal application has become final. You can also view each

station's reports on our website at <http://www.fcc.gov/parents/localprograms.html>.

**Records Regarding Children's Programming Commercial Limits.** As also discussed at page 17 of this Manual, the Children's Television Act of 1990 and our rules limit the type and amount of advertising that may be aired during TV programming directed to children 12 and under. Stations must keep records that substantiate compliance with this limitation in their public files and retain them until the next grant of the station renewal application has become final.

**Time Brokerage Agreements.** A time brokerage agreement is a type of contract that generally involves a station's sale of blocks of airtime to a third-party broker, who then supplies the programming to fill that time and sells the commercial spot announcements to support the programming. Commercial radio and television stations must keep in their public files a copy of every agreement involving: (1) time brokerage of that station, or (2) time brokerage by any other station owned by the same licensee. These agreements must be maintained in the file for as long as they are in force.

**Lists of Donors.** Noncommercial educational television and radio stations must keep in their public files a list of donors supporting each specific program. These lists must be retained for two years after the program at issue airs.

**Local Public Notice Announcements.** As discussed at pages 10-11 of this Manual, when someone files an application to build a new station or to renew, sell, or modify an existing station, we generally require the applicant to make a series of local announcements to inform the public of the application's existence and nature. These announcements are either published in a local newspaper or made over the air on the station, and are intended to give the public an opportunity to comment on the application. A statement certifying compliance with this requirement, including the dates and times that notice was given, must be placed in the public file. The only exception to this public notice requirement is when the proposed station sale is "pro forma" and will not result in a change of ultimate control, or the modification application does not contemplate a "major change" of the station facilities.

**Must-Carry or Retransmission Consent Election.** The public file for all commercial television stations must also contain documentation of the station's election for carriage over cable and satellite systems. In this regard, there are two ways that a broadcast TV station can choose to be carried over a cable or satellite system: "must-carry" or "retransmission consent." Each is discussed below.

**Must-Carry.** TV stations are generally entitled to be carried on cable television systems in their local markets. A station that chooses to exercise this right receives no compensation from the cable system. Satellite carriers may decide to offer local stations in a designated market area. If they choose to offer one station, then they must carry all the stations in that market that request carriage.

**Retransmission Consent.** Instead of exercising their "must-carry" rights,

commercial TV stations may choose to receive compensation from a cable system or satellite carrier in return for granting permission to the cable system or satellite carrier to carry the station. This option is available only to commercial TV stations. Because it is possible that a station that elects this option may not reach an agreement with the cable system, it may ultimately not be carried by the system.

Every three years, commercial TV stations must decide whether their relationship with each local cable system and satellite carrier that offers local service will be governed by must-carry or by retransmission consent agreements. Each commercial station must keep a copy of its decision in the public file for the three-year period to which it pertains.

Noncommercial stations are not entitled to compensation in return for carriage on a cable or satellite system, but they may request mandatory carriage on the system. A noncommercial station making such a request must keep a copy of the request in the public file for the duration of the period to which it applies.

**DTV Transition Consumer Education Activity Reports.** Each broadcast television station must place in its station public file on a quarterly basis an FCC Form 388 DTV Consumer Education Quarterly Activity Report outlining its efforts during the previous quarter to educate consumers on the transition to digital television. These reports must be maintained in the file for one year. Additional information about the DTV transition can be found at page 9 of this Manual.

## **COMMENTS OR COMPLAINTS ABOUT A STATION**

**Comments to Stations and Networks.** If you feel the need to do so, we encourage you to write directly to station management or to network officials to comment on their broadcast service. These are the people responsible for creating and selecting the station's programs and announcements and determining station operation. Letters to station and network officials keep them informed about audience needs and interests, as well as on public opinion on specific material and practices. Individuals and groups can often resolve problems with stations at the local level.

**Comments/Complaints to the FCC.** We give full consideration to the broadcast complaints, comments, and other inquiries that we receive. As stated above, we encourage you to first contact the station or network directly about programming and operating issues. If your concerns are not resolved in this manner, with the exception of complaints about obscene, indecent, or profane programming, which should be submitted in the manner described at page 15 of this Manual, and complaints about blanketing interference discussed at page 24, the best way to provide all the information the FCC needs to process your complaint about other broadcast matters is to complete fully the on-line complaint Form 2000E, which can be found at <http://www.fcc.gov/cgb/complaints.html>. You can also call in, e-mail or file your complaint in hard copy with the FCC's Consumer Center in the following manner:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau

Consumer Inquiries and Complaints Division  
445 12th St., S.W.  
Washington, D.C. 20554

Fax number: (202) 418-0232

Telephone number: (888) 225-5322 (voice); (888)835-5322 (TTY)

E-mail address:[fccinfo@fcc.gov](mailto:fccinfo@fcc.gov)

If you are submitting an audio or video tape, DVD, CD or other type of media with your complaint, you should send it to the following address to avoid mail processing damage:

Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Consumer Inquiries and Complaints Division  
9300 East Hampton Drive  
Capitol Heights, Maryland 20743

If you do not use the on-line complaint Form 2000E, your complaint, at a minimum, should indicate: (1) the call letters of the station; (2) the city and state in which the station is located; (3) the name, time, and date of the specific program or advertisement in question, if applicable; (4) the name of anyone contacted at the station, if applicable; and (5) a statement of the problem, as specific as possible, together with an audio or video tape, CD, DVD or other recording or transcript of the program or advertisement that is the subject of your complaint (if possible). Please include your name and address if you would like information on the final disposition of your complaint; you may request confidentiality. We prefer that you submit complaints in writing, although you may submit complaints that are time-sensitive by telephone, especially if they involve safety concerns. Please be aware that we can only act on allegations that a station has violated a provision of the Communications Act or the FCC's rules or policies.

In addition to (or instead of) filing a complaint, you can file a petition to deny or an informal objection to an application that a station licensee has filed, such as a license renewal application. This procedure is discussed at pages 10-11 of this Manual. You may obtain further information on the petition to deny process on the Commission's website, at [http://www.fcc.gov/localism/renew\\_process\\_handout.pdf](http://www.fcc.gov/localism/renew_process_handout.pdf). You may also wish to consider reviewing our rules or contacting an attorney. You can find links to our rules on the Commission website, at [http://wireless.fcc.gov/index.htm?job=rules\\_and\\_regulations](http://wireless.fcc.gov/index.htm?job=rules_and_regulations). As noted earlier, the rules governing broadcast stations are generally found in Part 73 of Title 47 of the Code of Federal Regulations.

## **BROADCAST INFORMATION SPECIALISTS**

We have created contact points at the Commission, accessible via toll-free telephone numbers, by fax, or over the Internet, dedicated to providing information to members of the public regarding how they can

become involved in the Commission's processes. Should you have questions about how to do so, including inquiries about our complaint or petitioning procedures or the filing and status of the license renewal, modification or assignment or transfer application for a particular station, you may contact one of our Broadcast Information Specialists, by calling, by facsimile, or by sending an e-mail, as noted below:

- If your question relates to a radio station:  
Toll-Free: (866) 267-7202 (Voice) or (877) 479-1433 (TTY)  
Fax: (202) 418-1411  
E-Mail: [radioinfo@fcc.gov](mailto:radioinfo@fcc.gov)
- If your question relates to a television station:  
Toll-Free: (866) 918-5777 (Voice) or (866) 787-6222 (TTY)  
Fax: (202) 418-2827  
E-Mail: [tvinfo@fcc.gov](mailto:tvinfo@fcc.gov)

If your question relates to both a radio and a television station or is general in nature, you may contact either specialist.

# Public Comments and Suggestions

# Community Issues Coverage

See

<http://spinitron.com/radio/playlist.php?station=wmfo&find=community&kind=artist>