

INSTRUCTIONS FOR FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR A COMMERCIAL BROADCAST STATION

GENERAL INSTRUCTIONS

A. This FCC Form is to be used to apply for authority to construct a new commercial AM, FM, or TV broadcast station or to make changes in the existing facilities of such a station. In the case of new station and major modification proposals, this application is filed by either the successful bidder at a broadcast frequency auction or by an applicant proposing facilities that are not mutually exclusive with any other application filed during the same window and thus not subject to the Commission's comparative bidding procedures. All proposals for minor changes to authorized commercial stations are also to be filed on this form. The form consists of the following sections:

- I. General Information
- II. Legal Qualifications
- III. Preparer's Certification (for preparer of engineering sections of the application)
 - III-A AM Broadcast Engineering Data
 - III-B FM Broadcast Engineering Data
 - III-C TV Broadcast Engineering Data
 - III-D Digital Television (DTV) Engineering Data

Applicants must complete Sections I, II, III, and the relevant engineering section. No section may be omitted. However, in Section II, an applicant for minor change in facilities need fill out only Items 1 and 11, as well as Item 4 regarding the Commission's multiple ownership rules and cross-ownership rules. An applicant for a minor change to an existing AM or FM facility, in which the applicant seeks to change the community of license, must also fill out Item 9 of Section II. In Section II, an applicant for major change in facilities need fill out only Items 1, 9, 10, and 11 and the multiple ownership certifications in Item 4. All radio applicants (new, major and minor changes) need to submit an Exhibit explaining their response for Item 4b (see Worksheet 2A).

B. This application form makes many references to FCC rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 73 "Radio Broadcast Services"
- (4) Part 74 "Experimental Radio, Auxiliary, Special Broadcast and Other Program Distributional Services"

FCC Rules may be downloaded or purchased from the Government Printing Office (GPO). To download the rules, the website link is www.gpoaccess.gov/index.html. To purchase the rules, contact GPO Customer Service Desk at (202) 512-1803 for current prices. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

C. Electronic Filing of Application Forms. The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this application form. As each application form and report goes online, the Commission will by Public Notice announce its availability and the procedures to be followed for accessing and filing the application form or report electronically via the Internet. For a six-month period following the issuance of the Public Notice, the subject application form or report can be filed with the Commission either electronically or in a paper format. Electronic filing will become mandatory, on a form-by-form basis, six months after each application form or report becomes available for filing electronically.

D. Mandatory electronic filing of FCC Form 301 commenced on February 15, 2001. See 16 FCC Rcd 3989 (2001). Paper versions of FCC Form 301 will not be accepted for filing, unless accompanied by an appropriate request for waiver of the electronic filing requirement. Applicants can access the electronic filing system via the Internet from the Media Bureau's Website at: <http://www.fcc.gov/mb>.

E. Public Notice Requirements:

- (1) 47 C.F.R. Section 73.3580 requires that applicants for construction permits for new broadcast stations and for major change in existing broadcast facilities (as defined in 47 C.F.R. Sections 73.3571(a)(1) (for AM applicants), 73.3572(a)(1) (for television applicants), or 73.3573(a) (1) (for FM applicants)) give local notice in a newspaper of general circulation in the community to which the station is licensed. This publication requirement also applies with respect to major amendments as defined in 47 C.F.R. Sections 73.3571(b) (AM), 73.3772(b) (television), and 73.3573(b) (FM). This publication requirement also applies with respect to applications for minor modification to existing AM and FM

facilities in which the applicant seeks to change the existing facility's community of license. Local notice is also required to be broadcast over the station, if operating. However, if the station is the only operating station in its broadcast service licensed to the community involved, publication of the notice in a newspaper is not required. (Noncommercial educational FM and TV stations are classified as a "different service" from commercial FM and TV stations for purposes of this policy.)

- (2) Completion of publication may occur within 30 days before or after the tender of the application to the Commission. Compliance or intent to comply with the public notice requirements must be certified by the applicant in Item 9 of Section II of this application. The required content of the local notice is described in Paragraph (f) of 47 C.F.R. Section 73.3580; Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.
- F. A copy of the completed application and all related documents shall be made available for inspection by the public in the station's public inspection file pursuant to 47 C.F.R. Section 73.3526 for commercial stations and 47 C.F.R. Section 73.3527 for noncommercial educational stations.
- G. Applicants should provide all information requested by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. Section 73.3564(b).
- H. In accordance with 47 C.F.R. Section 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.
- I. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions and worksheets provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria which the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Section II, Item 1.
- J. This application is presented primarily in a "Yes/No" certification format. However, it contains places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.
- K. Applicants are not required to certify as to their financial qualifications on FCC Form 301. See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Fixed Service Licenses, 13 FCC Rcd 15920, 15989 (1998) ("Auctions Order"). Nevertheless, the Commission's substantive financial qualification requirements are unchanged. All applicants for new broadcast facilities must have reasonable assurance of committed financing sufficient to construct the proposed facility and operate it for three months without revenue **at the time they file the FCC Form 301**. See Merrimack Valley Broadcasting, Inc., 82 FCC 2d 166, 167 (1980); Liberty Productions, 7 FCC Rcd 7581, 7584 (1992).
- L. Applicants filing this FCC Form 301 also are not required to certify that the site specified in FCC Form 301 is available for its intended use. See Auctions Order, 13 FCC Rcd at 15988. Nevertheless, the Commission's substantive site availability requirements are unchanged. All applicants for broadcast facilities must have a reasonable assurance that the specified site will be available **at the time they file FCC Form 301**. See William F. and Anne K. Wallace, 49 FCC 2d 1424, 1427 (Rev. Bd. 1989); Genesee Communications, Inc., 3 FCC Rcd 3595 (1988); National Innovative Programming Network, 2 FCC Rcd 5641 (1987).
- M. **The applicant and the applicant's authorized engineering representative, if any, must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. See 47 C.F.R. Section 73.3513. If the application is filed electronically, the

signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23,056, 23,064 (1998).

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

- A. **Item 1: Applicant Name.** The name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

Applicants should use only those state abbreviations approved by the U.S. Postal Service.

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN number, a ten-digit unique entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your Facility ID Number by calling: Radio (202) 418-2700, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

- B. **Item 2: Contact Representative.** If the applicant is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified in Item 2.
- C. **Item 3: Fees.** The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking authority to construct a new broadcast station or modify an outstanding authorization are required to submit a fee with the filing of FCC Form 301. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or

governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, **provided** that the proposed facility will be operated noncommercially. See 47 C.F.R. Section 1.1114.

When electronically filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate. Paper versions of applications **NOT** subject to a fee may be hand-delivered or mailed to the FCC at its Washington, D.C. offices. See 47 C.F.R. Section 0.401(a). Fee-exempt applications should not be sent to the Mellon Bank Lockbox; so doing will result in a delay in processing the application.

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of electronic filing procedures, all FCC Form 301 applications requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 301 should be mailed or otherwise delivered are also set forth in the "Media Bureau Fee Filing Guide." This document can be obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capitol Heights, Maryland 20743, or by calling 1-800-418-FORM and leaving your request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

Payment of any required fee must be made by check, bank draft, money order, or credit card. If payment is by check, bank draft, or money order, the remittance must be denominated in U.S. dollars, drawn upon a U.S. institution, and made payable to the Federal Communications Commission. No postdated, altered, or third-party checks will be accepted. **DO NOT SEND CASH.** Additionally, checks dated six months or older will not be accepted.

Procedures for payment of application fees when applications are filed electronically will be announced by subsequent Public Notice. See General Instruction C above. Payment of application fees may also be made by Electronic Payment **prior to** the institution of electronic filing procedures, provided that prior approval has been obtained from the Commission. Applicants interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 301 may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be

furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

For further information regarding the applicability of a fee, the amount of the fee, or the payment of the fee, applicants should consult the "Media Bureau Fee Filing Guide."

- D. **Item 4: Purpose of Application.** This question requires that the applicant identify the purpose of the application and provide certain information for the facilities proposed in the FCC Form 301.

DTV Service Type: The DTV Pre-Transition service type is for a station whose application relates solely to its pre-transition DTV operation on a channel that is not allotted for post-transition use by this station and will not affect its authorized post-transition operation. The DTV Post-Transition service type is for a station whose application relates solely to its post-transition operation and will not affect its authorized pre-transition operation. The DTV Both (Pre- and Post-Transition) service type is for a station whose application relates to both its pre- and post-transition operation. Only a station whose pre-transition DTV channel is the same as its post-transition channel may use the DTV Both service type.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

- A. **Item 1: Certification.** Each applicant is responsible for the information that the application instructions and worksheets convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each question response is based on the applicant's review is required.
- B. **Item 2: Parties to the Application.** This question requires the disclosure of information on the applicant and all parties to the application. As used in this application form, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. In responding to Item 2, applicants should review the Commission's multiple ownership attribution policies and standards which are set forth in the Notes to 47 C.F.R. Section 73.3555, as revised pursuant to Report and Order in MB Dockets 02-277 and 03-130, and MM Dockets 01-235, 01-317, and 00-244, 18 FCC Rcd 13620 (2003), aff'd in part and remanded in part, Prometheus Radio Project, et al. v. F.C.C., 373 F.3d 372 (3d Cir. 2004), stay modified, No. 03-3388 (Sept. 3, 2004), and/or as revised in Review of the Commission's

Regulations Governing Attribution of Broadcast and Cable/MDS Interests, 14 FCC Rcd 12559 (1999), reconsideration granted in part, 16 FCC Rcd 1097 (2000).

Generally, insulated limited partners or members of a limited liability corporation, certain investors, and certain creditors are not considered parties to the application. However, as set forth in Worksheet #2E entitled, "Investor Insulation and Non-Party Influence over Applicant," the holder of such an interest may be deemed a party to the application and, if so, must be listed in the table in Item 2a. In the event that the Investor Insulation and Non-Party Influence over Applicant worksheet requires the submission of an explanatory exhibit, the applicant must respond "No" to Section II, Item 2b and complete this exhibit.

Equity/Debt Plus Attribution Standard. Certain interests held by substantial investors in, or creditors of, the applicant may also be attributable and the investor reportable as a party to the application, if the interest falls within the Commission's equity/debt plus (**EDP**) attribution standard. Under the **EDP** standard, the interest held, aggregating both equity and debt, must exceed 33% of the total asset value (all equity plus all debt) of the applicant, a broadcast station licensee, cable television system, daily newspaper or other media outlet subject to the Commission's broadcast multiple ownership rules **AND** the interest holder must either also hold an attributable interest in a media outlet in the same market or supply over 15% of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of an insulated limited partner in a limited partnership applicant would normally not be considered attributable. However, under the **EDP** standard, that interest would be attributable if the limited partner's interest exceeded 33% of the applicant's total asset value **AND** the limited partner also held a 5% voting interest in a radio or television station licensee in the same market.

Additionally, "parties to the application" includes the following with respect to each of the listed applicant entities:

INDIVIDUAL APPLICANT: The natural person seeking to hold in his or her own right the authorization specified in this application.

PARTNERSHIP APPLICANT: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a party to the application **IF** the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership and the applicant so certifies in response to Question 2b. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

- (1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;
- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;
- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;
- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification **cannot** be made **IF** the limited partner's interest is attributable under the Commission's EDP attribution standard described below; or **IF** the applicant has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related businesses of the partnership. In the event that the applicant cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a party to this application.

LIMITED LIABILITY COMPANY APPLICANT: The Commission treats an LLC as a limited partnership, each of whose members is considered to be a party to the

application. However, where an LLC member is insulated in the manner specified above with respect to a limited partnership and where the relevant state statute authorizing the LLC permits an LLC member to insulate itself in accordance with the Commission's criteria, that LLC member is not considered a party to the application. In such a case, the applicant should certify "Yes" in response to Section II, Item 2b.

CORPORATE APPLICANT: Each officer, director and owner of stock accounting for 5% or more of the issued and outstanding voting stock of the applicant is considered a party to the applicant. Where the 5% stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application **UNLESS** the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application **ONLY IF** that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25% of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5% or more indirect interest in the applicant ($.25 \times .20 = .05$) and, therefore, are considered parties to this application. In applying the multiplier in this context, any entity holding more than 50% of its subsidiary will be considered a 100% owner. Where the 5% stock owner is a partnership, each general partner and any limited partner that is non-insulated, regardless of the partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 50% or more of the votes in a corporate applicant will be treated as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application.

An investment company, insurance company or trust department of a bank is not considered a party to this application, and an applicant may properly certify that such entity's interest is non-attributable, **IF** its aggregated holding accounts for less than 20% of the outstanding votes in the applicant **AND IF:**

- (1) such entity exercises no influence or control over the

corporation, directly or indirectly; and

- (2) such entity has no representatives among the officers and directors of the corporation.

ANY OTHER APPLICANT: Each executive officer, member of the governing board and owner or holder of 5% or more of the votes in the applicant is considered a party to the applicant.

C. **Item 4: Multiple Ownership.** This item requires that the applicant either certify compliance with, or request waiver of, the Commission's broadcast ownership rules, including restrictions on investor insulation and participation of non-party investors and creditors. Radio applicants must submit an Exhibit in either case, *i.e.*, an Exhibit is required demonstrating compliance with 47 C.F.R. § 73.3555(a) or, if the applicant cannot certify compliance, requesting a waiver or exemption, with adequate justification. For all other applicants, an Exhibit is required only if requesting a waiver. In order to facilitate the evaluation of the transaction that is the subject of this FCC Form 301, applicants are directed to Worksheet #2, which is tailored to the individual inquiries in Item 4.

D. **Items 5 and 6: Character Issues/Adverse Findings.** Item 5 requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to Item 6 whether the applicant or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Items 5 and 6, applicants should review the Commission's character qualifications policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 5 is "No," the applicant must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to Item 6, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station, or in another broadcast station application and the

Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 6 is "No," the applicant must provide in an exhibit a full disclosure of 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 pending application, or as required by 47 C.F.R. Section 1.65(c), the applicant need only provide 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. The applicant should also fully explain why the adverse finding is not an impediment to a grant of this application.

E. **Item 7: Alien Ownership and Control.** All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country.

Compliance with Section 310 is determined by means of a two-prong analysis, one pertaining to voting interests and the second to ownership interests. See, e.g., BBC License

Subsidiary L.P., 10 FCC Rcd 10968 (1995). The voting interests held by aliens in a licensee through intervening domestically organized entities are determined in accordance with the multiplier guidelines for calculating indirect ownership interests in an applicant as set forth in the "Corporate Applicant" Instructions for Section II, Item 2. For example, if an alien held a 30-percent voting interest in Corporation A which, in turn, held a non-controlling 40-percent voting interest in Licensee Corporation B, the alien interest in Licensee Corporation B would be calculated by multiplying the alien's interest in Corporation A by that entity's voting interest in Licensee Corporation B. The resulting voting interest (30% x 40% = 12%) would not

exceed the 25% statutory benchmark. However, if Corporation A held a controlling 60% voting interest in Corporation B, the multiplier would not be utilized and the full 30 percent alien voting interest in Corporation A would be treated as a 30 percent interest in Licensee Corporation B, *i.e.*, an impermissible 30% indirect alien voting interest in the licensee. If Partnership A held a 40% voting interest in Licensee Corporation B, that voting interest would be similarly impermissible if any general partner or any non-insulated limited partner of partnership A was an alien, regardless of his or her partnership interest.

Applicants must also comply with the separate alien equity ownership benchmark restrictions of Section 310. Under the second prong of the analysis, an applicant must determine the *pro rata* equity holdings of any alien investor in a licensee entity or its parent. In calculating alien ownership, the same voting interest multiplier rules apply.

In order to complete this two-prong analysis, an applicant must determine the citizenship of each entity holding either a voting or equity interest or explain how it determined the relevant percentages. Corporate applicants and licensees whose stock is publicly traded have employed a variety of practices, including sample surveys using a recognized statistical methodology, a separate restrictive class of stock for alien owners, and the compiling of citizenship information on each stockholder by the corporation's stock transfer agent, to ensure the accuracy and completeness of their citizenship disclosures and their continuing compliance with Section 310.

F. Item 8: Programming. Applicants for broadcast construction permits need no longer file a specific program service proposal. Nevertheless, prior to making the certification called for in Item 8, the applicant should familiarize itself with its obligation to provide programming responsive to the needs and interests of the residents of its community of license. See Programming Information in Broadcast Applications, 3 FCC Rcd 5467 (1988).

G. Item 10: Auction Authorization. The Commission's Part 1 auction rules require all winning bidders for construction permits or licenses to include certain exhibits with their long-form applications. **If this application is being submitted to obtain a construction permit for which the applicant was a winning bidder in an auction**, then the applicant must, pursuant to 47 C.F.R. Section 73.5005(a), include an exhibit containing the information required by the following Part 1 auction rules, if applicable.

(1) Section 1.2107(d) requires the applicant to provide a detailed explanation of the terms, conditions, and parties involved in any bidding consortium, joint venture, partnership, or other agreement or

arrangement it had entered into relating to the competitive bidding process. See 47 C.F.R. Section 1.2107(d).

(2) Section 1.2110(j) requires applicants claiming designated entity status to describe how they satisfy the requirements for eligibility for such status, and to list and summarize all agreements that affect designated entity status, such as partnership agreements, shareholder agreements, management agreements, and any other agreements, including oral agreements, which establish that the designated entity will have both *de facto* and *de jure* control of the entity. See 47 C.F.R. Section 1.2110(i).

(3) Section 1.2112(a) requires that each long-form application fully disclose the real party or parties in interest and disclose specified ownership information, including identifying any party holding a 10 percent or greater interest in the applicant. See 47 C.F.R. Section 1.2112(a).

(4) Section 1.2112(b) requires each applicant claiming status as a "small business" to disclose specified gross revenue information; to list and summarize all agreements or instruments that support the applicant's eligibility as a small business, including the establishment of *de facto* and *de jure* control; and to list and summarize any investor protection agreements. See 47 C.F.R. Section 1.2112(b).

H. Item 11: Anti-Drug Abuse Act Certification. This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 11 constitutes a certification that neither the applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

With respect to this question only, the term "party to the application" includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership association; and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a 5 percent or more interest in the partnership.

I. Item 12: Equal Employment Opportunity Program.

Applicants seeking authority to construct a new commercial broadcast station are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. See 47 C.F.R. Section 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees in its station employment unit must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). This program is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed simultaneously with this application. If an applicant proposes to employ less than five full-time employees in its station employment unit, no EEO program for women or minorities need be filed.

General guidelines for developing an Equal Employment Opportunity program are set forth in FCC Form 396-A.

- J. Item 13: Petition for Rulemaking/Counterproposal to Add Channel to FM Table of Allotments.** Petitioners/counter-proponents filing petitions for rulemaking or counterproposals in rulemaking proceedings in which they propose to add a new FM channel allotment to the FM Table of Allotments (47 C.F.R. Section 73.202) must simultaneously file Form 301 with their petition for rulemaking or counterproposal. In the petition for rulemaking or counterproposal, the petitioner/counter-proponent must include an expression of interest in applying for the FM channel allotment proposed, if allotted. This item requires the applicant, as part of its formal filing, to certify that, if the FM channel allotment proposed herein is allotted, it will apply to participate in the auction.

INSTRUCTIONS FOR SECTION III: PREPARER'S CERTIFICATION AND ENGINEERING DATA

- A. Preparer's Certification.** When someone other than the applicant has prepared the engineering section of the FCC Form 301, Section III requires that person to certify, to the best of his/her knowledge and belief, the veracity of the technical data supplied. The Section III preparer's certification need not be completed if the engineering portion of the application has been prepared by the applicant. In that event, the applicant's certification on Page 3 of FCC Form 301 will encompass both the legal and engineering sections of the application.
- B. General Engineering Instructions for Sections III-A, B, C, & D.** The engineering section relevant to each service covered by this form -- AM, FM, and TV -- contains a "Tech Box" to incorporate in one central location all critical technical data required for engineering review. In the event

that there are any discrepancies between data in the "Tech Box" and data submitted elsewhere in the application, the data in the "Tech Box" will be controlling. Additionally, individual "Tech Boxes" in Section III-A for Daytime, Nighttime, and Critical Hours operations have been provided to facilitate both preparation and evaluation of the application. See 47 C.F.R. Sections 73.14 and 73.187.

An indication as to the specific transmitter make and model is not required by FCC Form 301. Rather, any permit authorizing construction will require installation of a type-accepted transmitter or one complying with the provisions of 47 C.F.R. Section 73.1660. Applicants for AM facilities are reminded of the maximum rated power limitations on transmitters imposed by 47 C.F.R. Section 73.1665. Similarly, we no longer require the applicant to list the specific make, manufacturer, model number and number of bays for FM directional antennae. That data will be required by any subsequently filed application for covering license.

Applicants for AM facilities must provide a site map, which is critical for determining the exact distances and relations between towers in an AM array. Applicants for FM and TV facilities need not submit a site map.

AM directional antenna patterns submitted pursuant to 47 C.F.R. Sections 73.150 and 73.152 (standard patterns and modified standard patterns) are to be tabulated using units of millivolts per meter at one kilometer.

The latitude and longitude coordinates for all points in the United States are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps with NAD 83 datum. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data using two different sources, the Commission has announced that, until further notice, all applicants are to furnish coordinates based on NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. Applicants that have already filed applications with coordinates reflecting NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988). Accordingly, applicants should use NAD 27 in furnishing the information in "Tech Box" Section III-A, Items 4b, 5b, and 6b (AM applicants), Section III-B, Items 3-4 (FM applicants), Section III-C, Item 4 (TV applicants), and Section III-D, Item 4 (DTV applicants).

- C. Environmental Protection Act: Section III-A, Item 11; Section III-B, Item 17.** The National Environmental

Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations and modifications of existing stations must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See Section 1.1307(b). In this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. Worksheet #3 includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. These pages are designed to facilitate and substantiate the certification called for in Section III-A, Item 11 (AM applicants) and Section III-B, Item 17 (FM applicants). Their use is voluntary, but strongly encouraged.

New RF Exposure Requirements. In 1996, the Commission adopted new guidelines and procedures for evaluating environmental effects of RF emissions. All applications subject to environmental processing filed on or after October 15, 1997 must demonstrate compliance with the new requirements. These new guidelines incorporate two tiers of exposure limits:

General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Members of the general public are always considered under this category when exposure is not employment-related.

Occupational/controlled exposure limits apply to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. These limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

The new guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as

"OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www/fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (telephone: (202) 857-3800; fax: (202) 857-3805). Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

The RF worksheets and tables appended to Worksheet 3 below will enable certain categories of stations to determine whether or not the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental Worksheet. Some, but not all, stations will be able to use the RF worksheets. Generally, the RF worksheets can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure. *See* "RF Exposure Compliance Worksheet Instructions" for more detail on eligibility.

If after using the worksheets the applicant finds that levels will exceed the RF guidelines, levels may still be acceptable based on a more detailed evaluation of a number of variables (*e.g.*, antenna radiation patterns or measurement data). In that case, the applicant must submit an exhibit to the application that explains why the proposed facility does not exceed the RF radiation exposure guidelines at locations where humans are likely to be present, or describing measures or circumstances which will prevent or discourage humans from entering those areas where the RF exposure exceeds the guidelines (*e.g.*, fencing or remote location). The guidelines are explained in more detail in OET Bulletin 65.

If the applicant is not eligible to use the worksheets, it is not an indication that the proposed facility will cause excessive exposure. Generally, applicants that are not able to use the worksheets will need to utilize more complex calculations or measurements to demonstrate compliance. For this reason, applicants who are not eligible to use the worksheets should consider seeking the assistance of a qualified consulting engineer in determining whether the proposed facility will meet the RF exposure guidelines.

Should the applicant be unable to conclude that its proposal

will have no significant impact on the quality of the human environment, it must submit an Environmental Assessment containing the following information:

- (1) A description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high-intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
- (2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) by zoning, planning, environmental and other local, state, or federal authorities on matters relating to environmental effects.
- (3) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
- (4) A discussion of environmental and other considerations that led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects; and any alternative sites or facilities that have been or reasonably might be considered.
- (5) If relevant, a statement why the site cannot meet the FCC guidelines for RF exposure with respect to the public and workers.

D. Notifications. All applicants must comply with the requirements of Section 73.1030. Specifically, applicants must notify United States Government radio astronomy installations, radio receiving installations, and FCC monitoring stations of the proposed facility and its possible impact on their operations. The Commission need not be informed of the date of such notification.

E. **SECTION III-A (AM ENGINEERING)**

1. **Tech Box.** The applicant must ensure that the facility specifications listed in items 1-6 of the Tech Box are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

Item 1: Frequency. The proposed frequency must be between 535 and 1705 kHz.

Item 2: Class. See Section 73.21.

Item 3: Hours of operation. No new daytime-only, share time, or specified hours stations are allowed.

Items 4 - 6: See Sections 73.150 and 73.160.

Power - The nominal power must be rounded as follows:

Nominal Power (kW)	Rounded to nearest figure (kW)
0.001 to 0.249	0.001
0.25 to 0.99	0.01
1.0 to 9.9	0.1
10.0 to 50.0	1.0

Antenna Location - If a directional array is proposed, list the coordinates of the center of the array.

Antenna Parameters - The proposed antenna parameters must be submitted according to these specifications:

RMS Values	4 significant digits.
Azimuth of augmentation and Span	nearest 0.1 degree.
Augmented radiation	4 significant digits.

Array Parameters - The proposed array parameters must be submitted according to these specifications:

Tower height	nearest 0.1 degree/meters.
Field ratio	3 significant digits.
Phase	nearest 0.1 degree.
Spacing	nearest 0.1 degree.
Orientation	nearest 0.1 degree.

Tower reference switch - The tower reference switch is set as follows:

Blank or 0	with respect to origin.
1	with respect to immediately preceding tower.

Top-loaded/Sectionalized (A, B, C, D)

Blank or 0	normal tower.
1	top-loaded tower.
2 and up	sectionalized tower.

Proposed toploading tower: Applicants must provide electrical heights in A and B, where A is the physical height of the tower, in electrical degrees, and B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the tower and the physical height of the tower.

Proposed Sectionalized tower: Applicants must provide electrical heights in A, B, C, and D, where A is the physical height of the lower section of the tower, in electrical degrees, B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the lower section of the

tower and the physical height of the lower section of the tower, C is the physical height of the entire tower, in electrical degrees, and D is the difference between the apparent electrical height of the tower (based on current distribution of the upper section) and the physical height of the entire tower. D will be zero if the sectionalized tower is not top-loaded.

2. **Certifications.** Items 7-11 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for AM stations.

Item 7: Broadcast Facility. The applicant must certify that it complies with the Commission's engineering standards and assignment requirements for AM stations. Applicants must submit and provide, as applicable, the following information:

Top loaded or sectionalized antenna - Antenna must be fully described. Apparent electrical height values must be included. See Sections 73.150 and 73.160.

Non-directional Antenna - The theoretical efficiency (see Section 73.14) based on Figure 8 of Section 73.190 and adjusted for ground losses must be submitted.

Directional Antenna Specifications - Engineering data specified in Sections 73.150 or 73.152 must be submitted for each proposed directional antenna.

Antenna Site Plat - Antenna Site Plat must clearly show the following items:

- Boundary lines, roads, railroads, other obstructions, and the ground system or counterpoise.
- Number and dimensions of ground radials or height and dimensions of counterpoise.
- Spacing and orientation of each element in the array with respect to true north.
- A scale in meters.

Antenna Site Map - A 7.5 minute U.S. Geological Survey topographic quadrangle map, if available, must be submitted that clearly shows the proposed antenna site accurately plotted, latitude and longitude lines clearly marked and a scale in kilometers.

Aerial Photographs - A sufficient number of aerial photographs taken in clear weather at appropriate altitudes and angles to permit identification of all structures in the vicinity. The photographs must be marked so as to show compass directions, exact boundary lines of the proposed site, and a map showing the proposed 1000 mV/m contour for both the day and night operation. Photographs taken in eight different directions from an elevated position on the

ground will be acceptable in lieu of the aerial photographs if the data referred to above can be clearly shown.

Contour Maps - For daytime operation, applicants must submit a map or maps having appropriate scales, showing the 1000, 5, 2, and 0.5 (0.1 if Class A) mV/m daytime contours for both existing and proposed facilities. The map showing the 5 mV/m contour must clearly show the legal boundaries of the principal community to be served.

For critical hours operation, applicants must submit a map or maps having appropriate scales, showing the 1000, 5, and 0.5 mV/m critical hours contours for both existing and proposed facilities. The map showing the 5 mV/m contour must clearly show the legal boundaries of the principal community to be served.

For nighttime operation, applicants must submit a map or maps having appropriate scales, showing the 1000 mV/m and coverage contours (the proposed 5 mV/m nighttime groundwave contour, or the nighttime interference-free contour, whichever is the greater value) for both existing and proposed facilities. The map showing the nighttime coverage contour must clearly show the legal boundaries of the principal community to be served.

See Sections 73.24(e), 73.33, 73.37, 73.45, 73.150, 73.152, and 73.182(a)-(i).

Item 8: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's AM community coverage requirements. See Section 73.24(i). For all AM stations, the daytime 5 mV/m contour must cover the entire principal community to be served. Additionally, however:

- (1) **For stations in the 535-1605 kHz band**, 80% of the principal community must be encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher, see Section 73.182(k); and
- (2) **For stations in the 1605-1705 kHz band**, 50% of the principal community is encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher, see Section 73.182(k).

Class D stations holding nighttime authorizations do not need to demonstrate nighttime principal community coverage.

Item 9: Main Studio Location. The applicant must certify that its proposed main studio location complies

with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of any station licensed to that community; **or** (2) within 25 miles from the reference coordinates of the center of its community of license.

A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinate of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995). Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 10: Interference. An applicant for a station on a frequency between 535 kHz and 1605 kHz must certify that it complies with the Commission's AM interference standards. In order to be approved, the applicant must meet all pertinent interference analyses: groundwave, skywave, and critical hours. While not every AM proposal will need to be analyzed under each mode of interference -- a proposal for or to modify daytime operation only will not need a nighttime skywave study -- the applicant must submit an Exhibit providing specific technical data with respect to each applicable section.

Section 73.37 bars the acceptance of an application for AM facilities if the proposed operation would create overlap of certain specified signal-strength groundwave contours; the signal strengths vary with the frequency separation of the station(s) involved. The technical exhibit for this item must contain an allocation study that includes the following information:

- (1) Protected and interfering contours for the proposed facility.
- (2) Protected and interfering contours of all relevant existing stations and proposed facilities to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap

is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.37.

- (3) Transmitter locations, call signs, and file numbers of each existing station and proposed facility included in the above-specified contour overlap analysis.
- (4) Properly labeled longitude and latitude markings and a distance scale.

Item 10 also requires that any applicant on a frequency between 1605 KHz and 1705 KHz certify that it complies with the Commission's AM interference standards specified in Section 73.37(f) and the Report and Order in MM Docket No. 87-267, 6 FCC Rcd 6273 (1991).

Section 73.182 contains general allotment standards, including specified signal strength contours which are to be protected from objectionable nighttime skywave signal interference. If a proposal involves nighttime operation, the applicant must submit a technical Exhibit containing an allocation study that includes the following information:

- (1) *Nighttime Channel Study:* (a) the relevant existing and proposed nighttime limitations which contribute to the 50% "root sum square" ("RSS") of the proposed facility, (b) the existing and proposed nighttime limitations which enter into the 25% and 50% RSS nighttime limitation of each existing station and proposed facility. If interference is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.
- (2) *Skywave Study:* The protected groundwave, skywave, and interfering contours of all relevant existing co- and first-adjacent-channel Class A stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.
- (3) *Nighttime Groundwave Study:* The protected and interfering groundwave contours of all relevant existing second- and third-adjacent channel stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to

occur, the applicant must submit appropriate justification for waiver of Section 73.37.

Section 73.187 specifies limitations on critical-hour daytime radiation. "Critical Hours" are the two hours after local sunrise and the two hours before local sunset. Applicants that propose critical-hour operation must submit an Exhibit containing an allocation study that includes the following information:

The 0.1 mV/m groundwave contour in pertinent arcs in the direction of protected co-channel Class A station and appropriate studies to establish compliance with Section 73.187.

Item 12: Community of License Change – Section 307(b). Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. § 307(b)) provides that the Commission shall, in considering modifications of licenses, “make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” If this application is being submitted to change an existing AM facility’s community of license, then the applicant must include an exhibit containing information demonstrating that the proposed change of community of license will result in a preferential arrangement of assignments under Section 307(b), compared to the existing station assignment. The exhibit may include any and all information the applicant deems relevant to the Commission’s consideration, but should include at a minimum the following:

- (1) If new technical facilities are proposed, the area and population within the proposed 2 mV/m and 0.5 mV/m contours of the station.
- (2) If new technical facilities are proposed, the area and population within the proposed nighttime interference-free contour of the station.
- (3) The number of stations licensed to the proposed new community of license.
- (4) The number of stations providing protected service to the proposed community of license.
- (5) The population (according to the latest Census data) of the proposed community of license.
- (6) Where relevant to establish the precondition of a licensable community, a description of the civic, cultural, religious, social and

commercial attributes of the proposed community of license.

- (7) Any other information deemed relevant.

See, e.g., Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982).

F. SECTION III-B (FM ENGINEERING)

1. **Tech Box:** The applicant must accurately specify the requested facilities in Items 1 through 12 of the Tech Box. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

Item 1: Channel. The proposed channel must be between 200 and 300. See Section 73.201.

Item 2: Class. The proposed class must meet the requirements in Sections 73.210 and 73.211.

Item 3: Antenna Location Coordinates. The proposed antenna site must be specified using North American Datum 27 (NAD 27) coordinates. Please indicate North or South Latitude, and East or West Longitude.

Item 4: Proposed Allotment or Assignment Coordinates. If proposing a new or modified vacant allotment or a modified assignment (that is, channels and communities occupied by or reserved for authorized facilities), the proposed allotment or assignment site must be specified using NAD27 coordinates. Allotment or assignment sites must comply with the requirements in Section 73.203 (b), and/or 73.3573(g) (Including that it must be fully spaced under Section 73.207, and must provide 70 dBu coverage to 100 percent of the community of license pursuant to Section 73.315). If the application is not proposing a new or modified allotment or a modified assignment, the applicant should check “Not Applicable.”

Item 5: Antenna Structure Registration Number. The Antenna Structure Registration number should be entered here. Most towers greater than 61 meters (200 feet) in height, or those located near airports require antenna registration numbers. See Section 17.4. If the tower does not require registration, indicate that registration is Not Applicable, or if the FAA has not yet ruled on a proposed structure, indicate whether the FAA Notification has been filed with the FAA.

Items 6-9: Elevation and Heights. All heights must

be in meters, rounded to the nearest whole number.

Items 10-11: Effective Radiated Power. The effective radiated power must be entered in kilowatts, and rounded pursuant to Section 73.212. Applicants proposing a beam-tilt antenna must complete Item 11.

Item 12: Directional Antenna. If a directional antenna is proposed, the directional antenna must comply with Section 73.316. Applicants need not submit the exact antenna manufacturer, make, model, and size along with FCC Form 301. Applicants proposing a directional antenna must complete the table in Item 12. Relative field values (0.001-1.000) must be entered for every 10 degrees on the unit circle. Up to five azimuths may be added at the bottom of the table for additional accuracy. If the "No Rotation" box is checked, the antenna pattern will be entered with 0 Degrees oriented towards True North in the Commission's database. However, if the "Rotation" question is completed the antenna pattern will be rotated clockwise by the number of whole degrees indicated in the "Rotation" box. For example, if the maximum relative field value from the table is 0 Degrees, and the Rotation is 135 Degrees, the maximum lobe of the antenna will be oriented at 135 Degrees in the Commission's database.

2. **Certifications.** Items 13-17 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for FM stations.

Item 13: Availability of Channels. The applicant must certify that it complies with the Commission's requirements for FM Channel availability, Section 73.203. In order to answer "Yes" to this question, the applicant must either propose to use an existing allotment in, or add a new allotment to the FM Table of Allotments, or propose the modification of an assignment. *See* Section 73.202. If the allotment is not listed in the Table of Allotments, or if a modified assignment is proposed, the applicant certifies that the proposed facility complies with the requirements set forth in Section 73.203(b), and/or 73.3573(g). *See Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, Report and Order, 8 FCC Rcd 4735 (1993) and Revision of Procedures Governing Amendment to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Report and Order, MB Docket No. 05-210, FCC 06-163 (adopted Nov. 3, 2006).* Applicants proposing a co-channel downgrade, pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment, Report and Order, 4 FCC Rcd 2413 (1989)*, are not required to specify a fully-spaced assignment site.

Item 14: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. *See* Section 73.315. In order to answer "Yes" to this question, the proposed 3.16 mV/m contour must cover the entire principal community to be served, using the standard prediction method from Section 73.313. If compliance with Section 73.315 is based on alternative prediction methods, exhibits must be submitted demonstrating compliance with all appropriate rule sections.

Item 15: Main Studio Location. The applicant must certify that its proposed main studio location complies with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of any station licensed to that community; **or** (2) less than 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. *See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995).* Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 16: Interference. The applicant must certify that the proposal complies with the Commission's spacing, contour overlap, and interference protection provisions. In order to answer "Yes" to this question, the applicant must submit exhibits as noted. All exhibits must contain sufficient information to demonstrate that the proposed facility complies with the applicable rule sections.

If the proposed facility will be fully-spaced under Section 73.207, the applicant need mark only the box in item 16a.

If the subject application proposes to modify a licensed station that is currently short-spaced, the applicant

must mark the applicable boxes 16b-16d and submit appropriate exhibits.

If the station is "grandfathered" due to its authorization prior to the adoption of the FM Table of Allotments in 1964, the applicant should (1) mark box 16b, (2) list the stations to which its licensed facility is currently short-spaced, and (3) supply an exhibit demonstrating that the proposal complies with Section 73.213(a).

If the station is short-spaced by virtue of a spacing-waiver grant or a rule change after 1964, the applicant should (1) mark box 16c or 16d as appropriate, (2) list all stations to which the licensed facility is short-spaced under these rules, and (3) supply the exhibit(s) demonstrating that the proposal complies with Section 73.213(b) and/or (c).

If the applicant is proposing a spacing less than that specified in Section 73.207 but wishes to be processed under the contour protection standards of Section 73.215, the applicant should (1) mark box 16e, (2) list all stations for which it proposes to employ contour protection, and (3) supply the exhibit(s) demonstrating that the proposal complies with Section 73.215.

Item 18: Community of License Change – Section 307(b). Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. § 307(b)) provides that the Commission shall, in considering modifications of licenses, “make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” If this application is being submitted to change an existing FM facility’s community of license, then the applicant must include an exhibit containing information demonstrating that the proposed change of community of license will result in a preferential arrangement of allotments or assignments under Section 307(b), compared to the existing allotment or assignment. The exhibit may include any and all information the applicant deems relevant to the Commission’s consideration, but should include at a minimum the following:

- (1) If new technical facilities are proposed, the area and population within the proposed 70 dBμ and 60 dBμ contours of the station.
- (2) The number of stations licensed to the proposed new community of license.
- (3) The number of stations providing protected service to the proposed community of license.

(4) The population (according to the latest Census data) of the proposed community of license.

(5) Where relevant to establish the precondition of a licensable community, a description of the civic, cultural, religious, social and commercial attributes of the proposed community of license.

(6) Any other information deemed relevant.

See, e.g., Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982).

G. SECTION III-C (TV Engineering)

1. **Tech Box.** The applicant must ensure that the facility specifications listed in items 1-11 of the Tech Box are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be competed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

Item 11e.: Directional Antenna. If a directional antenna is proposed, the directional antenna must comply with 47 C.F.R. Sections 73.682(a)(14) and 73.685, and the applicant must submit an exhibit demonstrating such compliance. See Section 73.685.

2. **Certifications.** Items 12-17 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for TV stations. The applicant must certify that the proposed facility complies with the Commission's allotment requirements for TV stations, Section 73.607.

Item 12: Allotment. The applicant must certify compliance with the allotment requirements contained in 47 C.F.R. Section 73.607, i.e., that the application specifies a channel and community in accordance with the Commission's Table of Television Allotments, 47 C.F.R. Section 73.606.

Item 13: Power and Antenna Height. The applicant must certify that it complies with the maximum and minimum power and antenna height requirements specified in 47 C.F.R. Section 73.614.

Item 14: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. The principal community contour is as follows for television stations:

Channels 2 -6: 74 dBμ
Channels 7-13: 77 dBμ

Channels 14-69: 80 dBμ

To determine if the proposed facility complies with the requirements of Section 73.685(a) and (b), the predicted distance to the pertinent signal-strength contour must be calculated using the standard methodology in 47 C.F.R. Section 73.684.

Item 15: Main Studio Location. The applicant must certify that its proposed main studio location complies with the requirements of 47 C.F.R. Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of any station licensed to that community; **or** (2) within 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

In order to qualify as a "main studio," the proposed location must be equipped with type-accepted equipment and capable of originating programming at any time. Additionally, the studio must be staffed by **at least** one management-level employee **and** one staff-level employee at all times during regular business hours. See Jones, Eastern of the Outer Banks, Inc., 6 FCC Rcd 3615 (1991), clarified, 7 FCC Rcd 6800 (1992), aff'd 10 FCC Rcd 3759 (1995). Additionally, each AM, FM, and TV broadcast station must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

Item 16: Separation Requirements: The applicant must certify that the proposed facility complies with the minimum distance separation between television stations set forth in 47 C.F.R. Section 73.610.

Item 18: Environmental Protection Act. For information pertaining to the FCC's new RF exposure requirements and the showing called for if an Environmental Assessment is required, applicants are directed to Instruction C of Section III.

H. SECTION III-D (DTV ENGINEERING)

1. **Certifications Checklist.** Items 1-5 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for DTV stations.

Item 1: The applicant must certify compliance with the digital television channel allotment and operational

requirements contained in 47 C.F.R. Section 73.622. Specifically, this question requires that the applicant certify that (a) the application specifies a channel and community in accordance with the Commission's Table of Television Allotments, 47 C.F.R. Section 73.622(b) or (i), (b) it will operate a pre-transition facility with a transmitting antenna located within 5 kilometers of the DTV reference coordinates for the station, as referenced in Section 73.622(d) and set forth in the Sixth Report and Order in MM Docket No. 87-268, 12 FCC Rcd 14588 (1997), (c) it will operate with pre-transition facilities that do not exceed the power and antenna height maxima specified in Section 73.622(f), (d) it will operate at post-transition facilities that do not expand the noise-limited service contour in any direction beyond that established by Appendix B of the Seventh Report and Order in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622(i), and (e) it will operate at post-transition facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the new DTV Table Appendix B.

If any of items 1(a)-1(c) are answered "No," in an application facility, the applicant must demonstrate in response to Section III-D, Item 11 that the proposal will not cause or increase interference to any other DTV broadcast application, DTV allotment, or analog TV broadcast authorization. Interference is to be predicted for pre-transition facilities in accordance with the procedure set forth in Appendix B of the Sixth Report and Order in MM Docket No. 87-268. See 47 C.F.R. Section 73.623.

If any of items 1(a), 1(d)-(e) are answered "No" in an application of a post-transition facility, the applicant will not qualify for expedited processing. Interference is to be predicted for post-transition facilities in accordance with the procedure set forth in the Third DTV Periodic Report and Order in MB Docket No. 07-91. See 47 C.F.R. Sections 73.616 and 73.623.

Item 3: Community Coverage. The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. The principal community contour is as follows for digital television stations:

Channels 2-6: 28 dBμ
Channels 7-13: 36 dBμ
Channels 14-69: 41 dBμ

To determine if the proposed facility complies with the requirements of Section 73.625(a) and (b), the predicted distance to the pertinent signal-strength contour must be calculated using the standard

methodology in 47 C.F.R. Section 73.625(b).

2. **Tech Box.** The applicant must ensure that the facility specifications listed in items 1-10 of the Tech Box are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.
3. **Item 18: Environmental Protection Act.** For information pertaining to the FCC's new RF exposure requirements and the showing called for if an Environmental Assessment is required, applicants are directed to Instruction C of Section III.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take from 2 to 4 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0027), Washington, DC 20554. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. 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 3060-0027.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

WORKSHEET # 1

LOCAL NOTICE CHECKLIST

Applicants must certify that they have complied with Section 73.3580 regarding publication of local notice of the subject application. This worksheet may be used in responding to Section II, Item 9 of FCC Form 301.

1. Newspaper notice.

(a) Dates of publication:

(i) All within 30 days of tender of the application?

Yes No

(b) Daily newspaper published in community?

(i) If yes, public notice must appear twice a week for two consecutive weeks.

Yes No

(c) No such daily newspaper, weekly newspaper published in community?

(i) If yes, notice must appear once a week for three consecutive weeks.

Yes No

(d) If no such daily or weekly newspaper, local notice must appear in daily newspaper with the greatest circulation in the community twice a week for two consecutive weeks.

2. Broadcast notice.

(a) Once daily for 4 days in the second week following the filing of the application?

Yes No

(b) At least 2 announcements during "prime time" (6 p.m. - 11 p.m. for television) or "drive time" (7 a.m. - 9 a.m. and/or 4 p.m. - 6 p.m. for radio), as applicable?

Yes No

3. Text: do the announcements contain the following information?

(a) Applicant name(s)

Yes No

(b) Names of all officers, directors, 10% shareholders (if corporation), all non-insulated partners (if partnership)

Yes No

(c) Purpose of application

Yes No

(d) Date on which application was filed

Yes No

(e) Call letters and frequency/channel of station

Yes No

(f) Statement that copy of application is available in Public File

Yes No

(g) Location of public file

Yes No

For FCC Form 301 applicants only:

(h) Facilities sought: type and class of station

Yes No

(i) Power sought

Yes No

(j) Antenna height

Yes No

(k) Transmitter site

Yes No

(l) Location of studios

Yes No

WORKSHEET #2

This Worksheet may be used in connection with Section II, Item 4 of FCC Form 301 regarding media ownership. For the convenience of the applicant, the various ownership restrictions are treated under the following separate headings:

A. Multiple Ownership and Cross Ownership; B. Familial Relationships; C. Future Ownership Rights; D. Time Brokerage/Local Marketing/Joint Sales Agreements; and E. Investor Insulation/Non-party Influence.

A. MULTIPLE OWNERSHIP AND CROSS OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4 of FCC Form 301 to determine the applicant's compliance with the Commission's multiple ownership rules and cross-ownership rules set forth in 47 C.F.R. § 73.3555. Radio applicants: See also the Commission's Report and Order in MB Dockets 02-277 and 03-130 and MM Dockets 00-244, 01-235 and 01-317, 18 FCC Red 13620 (2003), aff'd in part and remanded in part, Prometheus Radio Project, et al. v. F.C.C., 373 F.3d 372 (3d Cir. 2004), stay modified, No. 03-3388 (Sept. 3, 2004) ("Report and Order"). The applicant must determine that it complies with all applicable rules in order to respond "YES" to the certification in Item 4b.

NOTE: Such a certification of compliance does not exempt radio applicants from submitting an Exhibit that demonstrates such compliance, including, if applicable, relevant contour maps.

I. LOCAL RADIO STATION OWNERSHIP

The local radio ownership rules place a numerical limit on the number of stations in which an entity in the local market may have a cognizable interest. See 47 C.F.R. Sec. 73.3555(a). See also Report and Order, Section on "Local Radio Ownership Rule."

1. Will grant of this application result in the applicant or any party to this application having a cognizable interest in more than one commercial or noncommercial educational full-power radio station located in (i.e., having its community of license within) or "home" to the same metropolitan area (Metro), as defined by Arbitron and reported by BIA?¹

Yes

No

If "Yes," provide in your Exhibit the name of the Arbitron Metro; proceed to Items 2 and 3, below. Use a separate worksheet for each applicable Arbitron Metro (see supra note 1) and provide in the Exhibit the relevant information for all applicable Metros. If "No," the transaction does not involve stations in an Arbitron Metro; proceed to Item 4.

2. (a) How many commercial and noncommercial educational radio full-power stations are located within or are reported by BIA as "home" to the Metro covered by this worksheet?²

1. The applicant must demonstrate compliance with the local radio ownership rule in each applicable Metro. Use a separate worksheet for each Metro. Note that BIA may report a particular station as "home" to more than one Metro, including embedded or overlapping Metros. Note also that a station may be reported by BIA as "home" to one Metro and have its community of license in a separate Metro. Each such Metro is "applicable."

2. Include all stations whose community of license is inside the boundaries of the counties that make up the Arbitron Metro. Also include stations outside the counties that make up the Arbitron Metro if they are reported by BIA as "home" to that Metro. The BIA Database generally includes all of the stations in a Metro. See also supra note 1.

(b) How many full-power commercial AM stations in the Metro will be attributable to the applicant or any party to this application if the application is approved?

(c) How many full-power commercial FM stations in the Metro will be attributable to the applicant or any party to this application if the application is approved?

(d) Total number of commercial stations in the Metro that will be attributable to the applicant or any party to this application if the application is approved: 3

If the applicant will own both commercial and noncommercial educational radio broadcast stations in the Metro, please also answer questions 2(e) through 2(g) and include this information in the Exhibit:

(e) How many full-power noncommercial educational AM stations in the Metro will be attributable to the applicant or any party to this application if the application is approved?

(f) How many full-power noncommercial educational FM stations in the Metro will be attributable to the applicant or any party to this application if the application is approved?

(g) How many commercial and noncommercial educational full-power AM and FM stations in the Metro in total will be attributable to the applicant or any party to this application if the application is approved? 4

The following local radio ownership "tiers" have the stated limits on the number of stations in which a party (*i.e.*, a person or single entity or entities under common control) may have a cognizable interest in a Metro:

- * In a Metro reported by BIA as having 45 or more "home" commercial and noncommercial educational full-power stations, a party may have a cognizable interest in up to 8 full-power commercial radio stations, not more than 5 of which are in the same service (AM or FM);
- * In a Metro reported by BIA as having between 30 and 44 (inclusive) "home" commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 7 commercial full-power radio stations, not more than 4 of which are in the same service (AM or FM);
- * In a Metro reported by BIA as having between 15 and 29 (inclusive) "home" commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 6 commercial full-power radio stations, not more than 4 of which are in the same service (AM or FM);

3. 2(d) should equal 2(b) plus 2(c).

4. 2 (g) should equal 2(d) plus 2(e) plus 2(f).

- * In a Metro reported by BIA as having 14 or fewer "home" commercial and noncommercial full-power radio stations, a party may have a cognizable interest in up to 5 commercial full-power radio stations, not more than 3 of which are in the same service (AM or FM), except that a party may not have a cognizable interest in more than 50 percent of the total number of full-power commercial and noncommercial stations in such a market; provided, however, that an attributable interest in one AM/FM combination in the Metro is permissible without regard to this 50 percent limitation.

If the application complies with the limits set forth above, it complies with the local radio ownership portion of the multiple ownership rules set forth in 47 C.F.R. Section 73.3555. As indicated above, all applicants must submit an Exhibit explaining their determination. Be sure to include a copy of the Exhibit with the copy of the application that is sent to the station's public inspection file.

3. To demonstrate compliance with the numerical limits in the local radio ownership rule, applicants may not rely on a change in a Metro's geographic boundaries that has occurred since September 3, 2004, unless such change has been in effect for at least two years. In addition, applicants may not rely on the inclusion of a radio station as "home" to a Metro unless (a) such station was listed by BIA as "home" to the Metro as of September 3, 2004, or (b) such "home" designation has been in effect for at least two years, or (c) such station's community of license is located within the Metro. Applicants also may not rely on the removal, after September 3, 2004, of their own stations from BIA's list of "home" stations in a Metro unless (i) such exclusion has been in effect for at least two years or (ii) the exclusion results from an FCC-approved change in the community of license of a station from within the Metro to outside the Metro. Applicants who wish to rely on such changes should explain in their Exhibit, taking into account the timing conditions set forth above in this paragraph, (1) any changes since September 3, 2004, to the geographic boundaries of the relevant Metros, (2) any changes since September 3, 2004, to the "home" designations of the applicant's stations in the relevant Metros, (3) whether one or more radio stations licensed to communities outside the Metro have been added to BIA's list of "home" stations for that Metro since September 3, 2004; and (4) whether any of the changes reported in (1) through (3) of this paragraph is necessary for the proposed transaction to comply with the local radio ownership rule.

4. **Interim Contour-overlap Methodology.** If any station subject to the application does not have its community of license located within the geographic boundaries of any Arbitron Metro, then the following guidelines should be used to determine compliance with the local radio ownership rule for any such station. These guidelines reflect the interim contour-overlap methodology ("Interim Methodology") that, for any station whose community of license is in a non-Metro area, is in effect until such time as the rulemaking proceeding in MB Docket 03-130 is completed and new rules are established for such radio stations. See Report and Order, Section VI.B., "Local Radio Ownership Rule," 282-286, and Section IX, "Notice of Proposed Rulemaking." If a station is listed by BIA as "home" to a Metro but the station's community of license is not within the geographic boundaries of that Metro or any other Metro, the applicant must comply with the local radio ownership rule both under the Interim Methodology and under the Arbitron Metro methodology.

Under the Interim Methodology, a radio market is defined as the area encompassed by the principal community contours (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of the stations that are both mutually overlapping and proposed to be "commonly attributable" post-transaction. The number of radio stations in this defined radio market (i.e., the numerator) cannot exceed the limits set forth in Section 73.3555(a) (see below). A commonly attributable station whose contour overlaps the contour of some but not all of the contours of the stations that define the radio market does not count toward the local radio ownership limits (i.e., is not counted in the numerator). A graphic example is provided further below.

5. For purposes of this worksheet, "commonly attributable" means stations in which the applicant or any party to the application will have a cognizable interest (see 47 C.F.R. § 73.3555, Notes) if the application is granted.

6. As long as at least one of the commonly attributable radio stations has a community of license that is located outside a Metro, applicants should count in the numerator every commonly attributable station that mutually overlaps such station(s), regardless of whether the other commonly attributable stations are listed as being in Metros.

Under this same Methodology, the number of stations in the market (i.e., the denominator) is determined by counting the full-power, operating commercial and noncommercial educational stations whose principal community contours overlap or intersect at least one of the principal community contours that define the radio market as described above, subject to the following exception: such a station will not be counted as being in the market (i.e., in the denominator) if (1) its transmitter is located more than 92 km from the perimeter of the area of mutual overlap of the commonly attributable stations that define the radio market, or (ii) the applicant or any party to the application has a cognizable interest in the station and the station does not define the subject market (i.e., is not in the numerator). Any radio station that meets this test should be included in the denominator, regardless of whether such station is in a Metro. A graphic example is provided further below.

The following local radio ownership "tiers" have the stated limits on the number of stations in which a party (i.e., a person or single entity or entities under common control) may have a cognizable interest in a non-Metro radio market:

- * In a radio market with 45 or more commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 8 commercial radio stations, not more than 5 of which are in the same service (AM or FM);
- * In a radio market with between 30 and 44 (inclusive) commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 7 commercial radio stations, not more than 4 of which are in the same service (AM or FM);
- * In a radio market with between 15 and 29 (inclusive) commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 6 commercial radio stations, not more than 4 of which are in the same service (AM or FM);
- * In a radio market with 14 or fewer commercial and noncommercial educational full-power radio stations, a party may have a cognizable interest in up to 5 commercial radio stations, not more than 3 of which are in the same service (AM or FM), except that a party may not have a cognizable interest in more than 50% of the total number of commercial and noncommercial educational full-power stations in such market; provided, however, that an attributable interest in one AM/FM combination in the Metro is permissible without regard to this 50% limitation.

If the application complies with the limits set forth above, it complies with the local radio ownership rule set forth in 47 C.F.R. Section 73.3555(a). The applicant should mark "Yes" to Section II, Item 4b of Form 301 and must submit an Exhibit providing information regarding the market(s), broadcast station(s), and other information demonstrating compliance with 47 C.F.R. § 73.3555 (a).

If the application does not comply with 47 C.F.R. § 73.3555(a), the applicant should mark "No" to Section II, Item 4b to Form 301 and must submit as an Exhibit a detailed explanation in support of a waiver of 47 C.F.R. § 73.3555 (a).

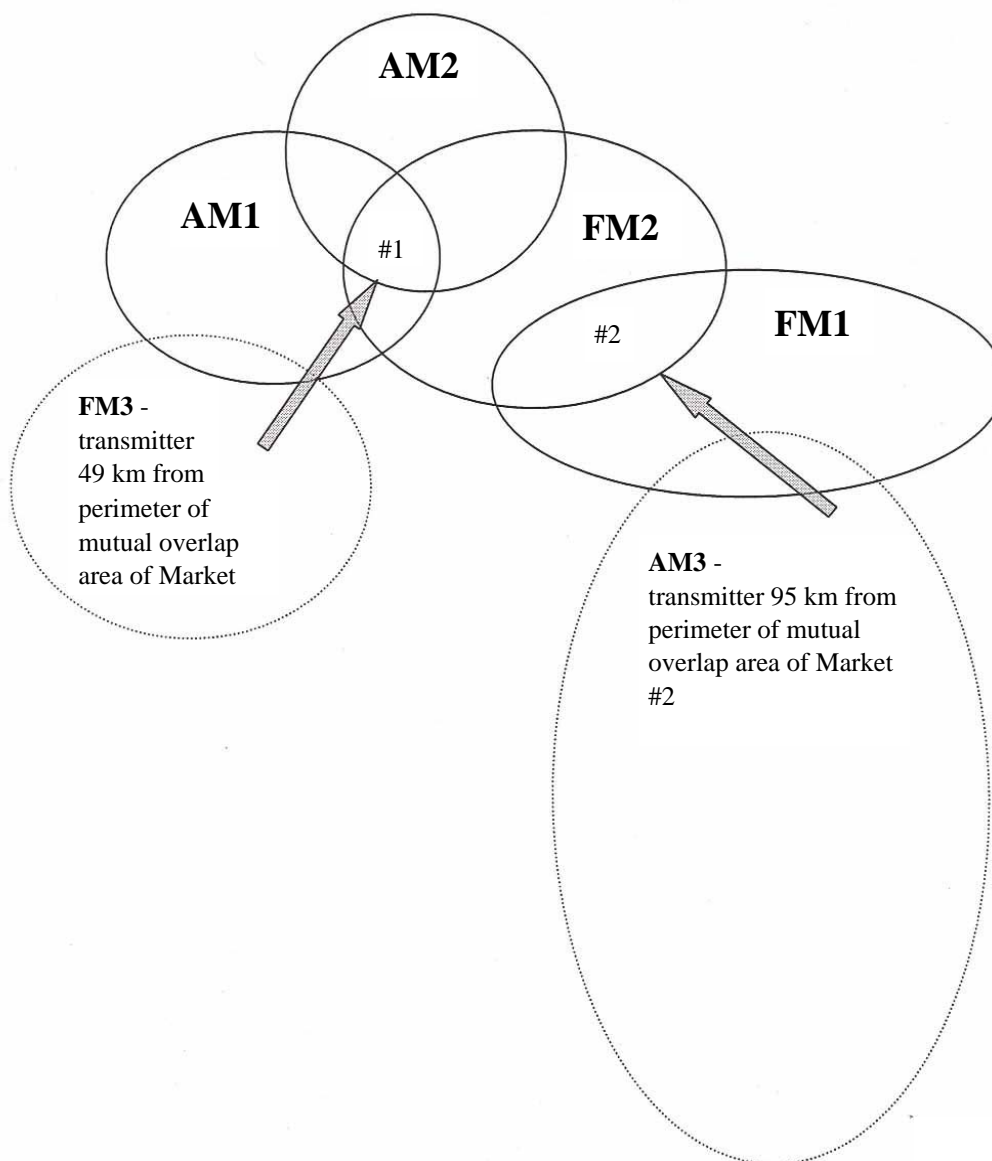
See the following page for an illustration of the Interim Methodology.

In the simplified example below, Stations AM1, AM2, FM1 and FM2 are proposed to be commonly attributable. Stations AM1, AM2, and FM2 have mutually overlapping contours. They constitute a "radio market" -- in this example, Market #1 -- for purposes of the local radio ownership rules in a non-Metro area, and are thus counted against the local radio limit (*i.e.*, in the numerator) in Market #1.

Because Station FM1's contour does not overlap the mutually overlapping contours of Stations AM1, AM2 and FM2, the proposed acquisition of Station FM1 would not count as being in Market #1 and therefore would not be counted toward the local ownership limit (*i.e.*, in the numerator) for purposes of Market #1. Rather, in a non-Metro area, Stations FM1 and FM2 would need to be analyzed as forming a separate "radio market" - in this example, Market #2. (Station FM2 would thus be counted as being in Market #1 as well as in Market #2.)

Station FM3 is not commonly attributable and it would be counted as "in" Market #1 (*i.e.*, in the denominator) because the transmitter of Station FM3 is not more than 92 km from the perimeter of Market #1's mutual overlap area. Station FM1 would not be counted as being "in" Market #1 (*i.e.*, in the denominator) because it is commonly attributable to the proposed permittee.

Station AM3 in this example is not commonly attributable. It would, nonetheless, not be counted as being "in" Market #2 (*i.e.*, in the denominator) because its transmitter is located more than 92 km from the perimeter of Market #2's mutual overlap area. Stations AM1 and AM2 also would not be counted as "in" Market #2 (*i.e.*, in the denominator) because they are commonly attributable.



II. TELEVISION OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4b for the proposed construction of a full-service television station. The television ownership rules place a numerical limit on the number of stations that can be owned by one entity in the local market and restrict the total national audience reach that can be attained by any one television station owner. See 47 C.F.R. Sections 73.3555(b), 73.3555(e), and Notes.

1. **Local Ownership.** Will grant of this application for a commercial television station result in the applicant or any party to this application having an attributable interest in another commercial television station which is located within the same Designated Market Area (DMA) as measured by Nielsen Media Research and whose Grade B contour overlaps the Grade B contour of the proposed station? Yes No

If "Yes" to Question 1, at the time of filing of this application:

- a. are both of the commercial television stations ranked among the top four stations in the DMA, based on the most recent all-day (9:00 a.m.-midnight) audience share as determined by Nielsen or a comparable professional survey organization? Yes No
- b. are there fewer than 8 independently-owned, operating, full-power commercial and noncommercial television stations in the DMA? Yes No

If "Yes" to Question 1 a or b, the applicant must mark "No" to Section II, Item 4a and submit an exhibit stating the reasons in support of an exemption from, or waiver of, the Commission's television ownership regulations.

2. **National Audience Reach.** Will the grant of this application for a commercial television station result in the applicant or any party to this application having an attributable interest in commercial television stations which have an aggregate national audience reach exceeding 35 percent? Yes No

If "Yes" to Question 2, the applicant must mark "No" to Section II, Item 4a and submit an exhibit stating the reasons in support of an exemption from, or waiver of, the Commission's television ownership regulations.

III. JOINT TELEVISION/RADIO OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4b, when the applicant will have both full-service television and full-service radio interests in the same local market, as defined by 47 C.F.R. Section 73.3555(c)(3).

1. Will the grant of this application result in the applicant or any party to this application having or maintaining an attributable interest in a commercial AM or FM station and a commercial television station where:
- a. the 1 mV/m contour of the commercial FM station or the 2 mV/m contour of the commercial AM station encompasses the entire community (communities) of license of the commercial television station? Yes No
- b. the Grade A contour of the commercial television station encompasses the entire community (communities) of license of the commercial AM or FM station? Yes No

If "Yes" to Question 1 a or b, proceed to Question 2.

2. Will the applicant or any party to this application directly or indirectly own, operate or control more than 2 commercial television and 1 commercial radio station, as a result of this transaction? Yes No

If "Yes" to Question 2:

- a. where there are 20 or more independently-owned media voices in the television and radio markets, as defined by 47 C.F.R. Section 73.3555(c)(3), at the time of the filing of this application,
- i. would the applicant or any party to this application directly or indirectly own, operate or control more than 2 commercial television and 6 commercial radio stations? Yes No
- ii. would the applicant or any party to this application directly or indirectly own, operate or control more than 1 commercial television and 7 commercial radio stations? Yes No
- iii. if the applicant or any party to this application would control as a result of this transaction 1 commercial television and 7 commercial radio stations, is the television station located in a market which the applicant or any party to this application could not directly or indirectly own, operate or control 2 commercial television stations pursuant to 47 C.F.R. Section 73.3555(b)?
- b. where there are 10, but fewer than 20, independently-owned media voices in the television and radio markets, as defined by 47 C.F.R. Section 73.3555(c)(3), at the time of the filing of this application,
- i. would the applicant or any party to this application directly or indirectly own, operate or control more than 2 commercial television and 4 commercial radio stations? Yes No

If "Yes" to Question 2(a), (i), (ii), or (iii), or to Question 2(b)(i), the applicant must mark "No" to Section II, Item 4a and submit an exhibit stating the reasons in support of an exemption from, or waiver of, the Commission's joint television and radio ownership regulations.

IV. CROSS OWNERSHIP

This section of the worksheet may be used in connection with Section II, Item 4a of FCC Form 301 when the applicant will have newspaper interests in the same local market as the station(s) it seeks to construct.

Will the grant of this application result in the applicant or any party to this application having or maintaining an attributable interest in a daily English-language newspaper which is published in a community entirely encompassed by:

a. the 1 mV/m contour of one of the FM station(s)

Yes No

b. the 2 mV/m contour of one of the AM station(s)

Yes No

c. the Grade A contour of one of the commercial television station(s)

Yes No

If "Yes" to any question above, the applicant must mark "No" to Section II, Item 4b and submit an exhibit stating the reasons in support of a waiver of the Commission's broadcast/daily newspaper cross-ownership rule.

B. FAMILY RELATIONSHIPS

This section of the worksheet may be used in connection with Section II, Item 4c.1 of FCC Form 301, which requires the applicant to certify that the proposed acquisition does not "present an issue" under the Commission's policies relating to media interests of immediate family members (i.e., husband, wife, father, mother, brother, sister, son or daughter).

The Commission does not prohibit, but rather considers relevant, media interests owned by immediate family members. Accordingly, the applicant should examine the media interests of its principals' immediate family members to determine whether or not those media interests will be independent and not subject to common influence or control. See Policy Statement, Clarification of Commission's Policies Regarding Spousal Attribution, 7 FCC Rcd 1920 (1992), Sevier Valley Broadcasting, Inc., 10 FCC Rcd 9795 (1995).

An applicant should review this worksheet if the answer to the following question is "Yes":

Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to the application have any interest in or connection with any other broadcast station, pending broadcast application or daily newspaper in the same market?

Yes No

Answer the following questions for each such relationship:

1. Has the family member who is not included as a party to the application been involved in negotiations for the construction of the station?

Yes No

2. Has the family member who is not included as a party to the application provided financing or otherwise been involved in the process of making financial arrangements for the construction of the station?

Yes No

3. Is this the first broadcast ownership interest of the family member who is a party to the application?

Yes No

4. Are the family members involved together in the management or operation of any other media

Yes No

5. Are there any agreements, arrangements or understandings, either written or oral, between the family members with same-market media interests for the participation of one family member in the financial affairs, commercial practices, programming, or employment practices of the other family member's media entity. Consider, for example, joint sales agreements, local marketing agreements, and arrangements to share facilities or personnel.

Yes No

If applicant answers "No" to all of the above questions, applicant may conclude that it complies with the Commission's policies relating to media interests of immediate family members. If applicant answers "Yes" to any one of the above questions, the applicant must mark "No" to Section II, Item 4c and should submit an exhibit giving full particulars, including the family relationship involved and a detailed account of the business or media relationship between family members.

C. FUTURE OWNERSHIP RIGHTS

This section of the worksheet may be used in connection with Section II, Item 4c.2, which requires the applicant to certify that the proposed acquisition complies with the Communications Act and the Commission's regulations and policies concerning future ownership rights in broadcast stations.

Section 310(d) of the Communications Act of 1934, as amended, prohibits assignment, transfer or any disposition of a broadcast license without first applying to the Commission and receiving approval prior to any disposition of the license. Similarly, Commission precedent currently prohibits (1) pledge of a broadcast license as collateral for a loan, **or** (2) grant of a security interest (or any similar encumbrance) in a broadcast license. These inquiries are directed to current and prospective third-party interests in the applicant.

In order to certify compliance with Section II, Item 4c.2 of FCC Form 301, the applicant should review the following questions:

1. Are there **any** documents, instruments, contracts, or understandings relating to future ownership rights in the applicant or any party to the application including, but not limited to: (1) stock pledges; (2) security agreements; (3) non-voting stock interests; (4) beneficial stock ownership interests; (5) options; (6) warrants; or (7) debentures? Yes No

If "No," applicant may certify compliance with the future ownership inquiry.

If "Yes," proceed to the questions below.

2. Is there any provision in the agreements which provides for a security interest in the station license(s), permits or authorizations? Yes No

The response to Question 2 must be "No" in order to certify that the contractual documents "comply fully with the Commission's rules and policies."

Note: Under existing precedent, it is permissible to grant a security interest in the **proceeds of the sale** of a station license, permit, or authorization, but not in the license, permit, or authorization itself.

3. Do the agreements contain a stock pledge? Yes No

(a) If "Yes," do the agreements expressly state that voting rights will remain with the applicant, even in the event of default? Yes No

(b) If "Yes," do the agreements indicate that, in the event of default, there will be either a public (i.e., auction) or private arm's-length sale of the pledged interests? Yes No

(c) If "Yes," do the agreements provide that, prior to the exercise of stockholder rights by the purchaser at such public or private sale, prior consent of the Commission (pursuant to 47 U.S.C. §310(d)) will be obtained? Yes No

If the answer to (a), (b), or (c) is "No," the applicant must mark "No" to Section II, Item 4c and submit an exhibit providing all details of the stock pledge agreement and demonstrating how the agreement is not violative of Section 73.1150 and Commission precedent.

4. If the agreements contain provisions relating to the acquisition of non-voting stock interests, beneficial stock interests, warrants, debentures convertible into voting or non-voting stock, would the exercise of those interests, individually or in the aggregate, effectuate a positive or negative transfer of control of the applicant/applicant?

Yes No

If "Yes," the agreements must clearly indicate that, prior to the acquisition, exercise, or conversion of any future interest into equity that would effectuate a positive or negative transfer of control, prior Commission approval will be sought and received. If they do not, the applicant must mark "No" to Section II, Item 4c, and submit an explanatory exhibit providing all details and explaining how the agreements do not violate Commission policy or precedent.

D. TIME BROKERAGE/LOCAL MARKETING AGREEMENTS /JOINT SALES AGREEMENTS

This worksheet may be used in connection with the certification in Section II, Item 4a of FCC Form 301. It is intended for use when the applicant's agreements with lenders, potential investors, or other third parties include a "time brokerage agreement," "local marketing agreement," any other document pursuant to which that party will provide programming for the subject station, or a radio joint sales agreement.

1. Does or, as a result of this transaction, will the applicant or any party to this application, supply more than 15 percent of another, same-market station's weekly program hours? Yes No

If "Yes," that interest is attributable to the applicant and must be considered in certifying compliance with the Commission's multiple ownership rules.

2. Does the applicant hold a time brokerage agreement, local marketing agreement or radio joint sales agreement pursuant to which an entity with an attributable interest in another broadcast station in the market supplies programming or (if a radio station) sells commercial advertising time comprising more than 15% of the proposed station's weekly program hours? Yes No

3. Has the applicant retained sufficient rights and obligations over the station's proposed personnel, programming, and finances such that it would retain control of the station under applicable Commission precedent, i.e., does the applicant:

- (a) retain the right to reject/substitute programming (including commercial advertising) without excessive fee or penalty? Yes No

- (b) retain the right to terminate the agreement without excessive fee or penalty? Yes No

- (c) retain responsibility for broadcasting programming to meet local needs? Yes No

- (d) retain the obligation to prepare and file the quarterly issues/programs list? Yes No

- (e) retain the responsibility to comply with the Commission's political programming rules? Yes No

- (f) retain the obligation to pay station expenses? Yes No

- (g) retain the obligation to maintain the station's main studio and staff that studio with at least one management-level and one staff-level employee, Monday through Friday during regular business hours? Yes No

If the response to any of these questions is "No," the agreement may not comport with existing Commission precedent. The applicant should therefore mark "No" in the appropriate certification and supply an exhibit explaining how the agreement would not amount to a premature assumption of control.

4. Does the programming agreement or radio joint sales agreement extend beyond one full license term (i.e., eight years)? Yes No

If "Yes," the agreement may exceed the length allowable under Commission precedent. The applicant must therefore mark "No" to Section II, Item 4a, and submit an exhibit containing the complete agreement (with all attachments) and discussing how its operation would comply with precedent.

NOTE: All applicants required to demonstrate compliance with 47 C.F.R. Section 73.3555(a) must submit, with this application, complete copies of all attributable radio time brokerage/local marketing and radio joint sales agreements for the subject station or any other stations in the same market as the subject station.

E. INVESTOR INSULATION AND NON-PARTY INFLUENCE OVER ASSIGNEE/APPLICANT

This section of the worksheet may be used in connection with Section II, Item 4c.3, which requires the applicant to certify that it complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors. See e.g., Report and Order in MM Docket Nos. 94-150, 92-51, and 87-154, FCC 99-207, released August 6, 1999. It indicates the kinds of contractual relationships that may, in the Commission's view, exceed the authority of a properly insulated investor or demonstrate some indicia of de facto control by a creditor.

I. Investor Insulation

If an applicant is a limited partnership or a limited liability company ("LLC") that seeks to insulate partners or members in accordance with the Commission's attribution rules, the assignee shall ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC. To ensure that each such limited partner or LLC member is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership or LLC, the applicant must answer the following inquiries. Do the limited partnership or LLC enabling documents:

- a. specify that any exempt limited partner/LLC member (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership/LLC member if his or her functions, directly or indirectly, relate to the media enterprises of such entity? Yes No
- b. bar any exempt limited partner/LLC from serving, in any material capacity, as an independent contractor or agent with respect to the partnership/LLC's media enterprises? Yes No
- c. restrict any exempt limited partner/LLC member from communicating with the limited partnership/LLC, the general partner, or any LLC management committee on matters pertaining to the day-to-day operations of its business? Yes No
- d. empower the general partner/LLC management committee to veto any admissions of additional general partners/LLC members admitted by vote of the exempt limited partners/LLC members? Yes No
- e. prohibit any exempt limited partner/LLC member from voting on the removal of a general partner/LLC member or limit this right to situations where the general partner/LLC member is (i) subject to bankruptcy proceedings, as described in Section 402(4)-(5) of the Revised Uniform Limited Partnership Act, (ii) is adjudicated incompetent by a court of competent jurisdiction, or (iii) is removed for cause, as determined by an independent party? Yes No
- f. bar any exempt limited partner/LLC member from performing any services to the limited partnership/LLC materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business? Yes No
- g. state, in express terms, that any exempt limited partner/LLC member is prohibited from becoming actively involved in the management or operation of the media businesses of the limited partnership/LLC? Yes No

If the answer is "Yes" to **each** of these conditions with regard to every limited partner and LLC member that the applicant seeks to insulate **and** the relevant state statute authorizing the LLC permits a LLC member to insulate itself in accordance with the Commission's criteria, the applicant may certify that it complies with the Commission's restrictions regarding insulation of non-party investors. If "No" to the foregoing, the applicant must submit an exhibit detailing the rights of any non-party investor and setting forth the applicant's reasons for not treating the investor as a party to the application.

II. Non-Party Influence Over Applicant

A. Non-party investors, i.e., investors with nonattributable interests, may have very limited powers over the operations of a licensee. Accordingly, with respect to any agreement, arrangement or understanding involving insulated parties or other investors with nonattributable interests, including creditors, secured parties, program suppliers, and any other persons not disclosed as parties to this application, does such agreement:

1. give any non-party investor the right to vote on any matters decided by the applicant's board of directors, partnership committee or other management group; Yes No
2. give any non-party investor the right to attend, or appoint an observer to attend, applicant board, partnership or other management meetings; Yes No
3. place any limitation on applicant programming discretion; Yes No
4. give any non-party investor the right to vote on, approve or restrict applicant's actions on any matter relating to programming, personnel or finances; Yes No
5. give any non-party creditor or any bond, debenture or warrant holder the right to vote on, approve or restrict the applicant's actions on any matter relating to programming, personnel or finances; Yes No
6. give any non-party creditor or any bond, debenture or warrant holder the right to share in the profits of the applicant; Yes No
7. give any non-party investor that holds a non-voting convertible interest the right to convert such an interest and acquire control of the applicant based on the applicant's actions relating to programming, personnel and finances; Yes No
8. give any non-party investor, creditor, or bond, debenture or warrant holder the right to vote on, approve or deny the selection or removal of a general partner of an applicant partnership or a member of the applicant's governing body; and Yes No
9. give any non-party investor, creditor, or bond, debenture or warrant holder the right to convert, tender or require the tendering of stock pursuant to a put-or-call agreement based on the actions of the applicant relating to programming, personnel or financing. Yes No

If the answer to all of these conditions is "No" with regard to every non-party investor and creditor, **and there are no other provisions that cede de facto control to a non-party**, applicant may certify that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors. If the answer to any of these inquiries is "Yes," the applicant must submit an exhibit detailing the rights of any non-party investor and setting forth the applicant's reasons for not treating the investor as a party to the application.

Yes No

B. With respect to any loan agreement, has the applicant ensured that such agreement:

1. includes an unconditional promise by the applicant to pay on demand or on a specific date a sum certain; Yes No
2. contains a fixed or defined variable rate of interest on the loan; and Yes No
3. does not prohibit the redemption of the loan by the applicant, or permit redemption at the option of the lender only? Yes No

If the answer to each of these inquiries is "Yes," and if there are no other provisions that may give non-party investors control, the applicant may conclude that it complies with the Commission's restrictions regarding non-participation of non-party investors and creditors. If not, the applicant must submit an exhibit detailing the rights of the lender and the obligations of the applicant for each loan agreement.

**WORKSHEET #3:
ENVIRONMENTAL**

All applicants can use the General Environmental Worksheet. Some, but not all, applicants for AM and FM facilities will also be able to use the RF worksheets. Generally, an AM or FM applicant can use the RF worksheets if: (1) it is the only user on its tower; (2) its station is one of several FM/FM translator stations located on a single tower; or (3) its station uses a multiple-tower AM array but no other user is co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by use of a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure.

If an applicant cannot use the RF worksheets, it may show its compliance with RF guidelines in other ways, as detailed in OET Bulletin 65.

If the worksheets indicate that an applicant exceeds acceptable RF levels, it does not necessarily mean that the proposed station does not or cannot meet the Commission's RF requirements. The worksheets are based on generalized "worst case" presumptions. It may be that a more individualized evaluation of the proposed station (possibly with the help of a consulting engineer) will demonstrate that RF levels are acceptable. Among the individual factors that may be relevant are antenna radiation patterns, actual RF measurements, barriers/precautions that prevent access to high RF areas, etc. These factors are also explained in OET Bulletin 65.

Applicants satisfying the RF requirements on the basis of such non-worksheet factors should submit a detailed explanation demonstrating their compliance. Otherwise, applicants should submit an Environmental Assessment, as explained in 47 C.F.R. Section 1.1311, explaining the environmental consequences of the proposed station's operation.

A. GENERAL ENVIRONMENTAL WORKSHEET

Commission grant of an application may have a significant environmental impact, thereby requiring an Environmental Assessment (EA), if you answer "Yes" to any of the following 8 items:

- 1. involves high intensity white lighting located in residential neighborhoods. Yes No
- 2. is located in an officially designated wilderness area or wildlife preserve. Yes No
- 3. threatens the existence or habitat of endangered species. Yes No
- 4. affects districts, sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering or culture that are listed in the National Register of Historic Places or are eligible for listing. Yes No
- 5. affects Indian religious sites. Yes No
- 6. is located in a floodplain. Yes No
- 7. requires construction that involved significant changes in surface features (e.g., wetland fill, deforestation or water diversion). Yes No
- 8. does not comply with the FCC established guidelines regarding exposure to RF electromagnetic fields as described in OET Bulletin 65. Yes No

CONCLUSION

Applicants who answered "No" to all questions on this General Worksheet but who are relying on information **other than that in our RF Worksheets** to support their RF compliance statement should submit a detailed explanation demonstrating their compliance.

Applicants answering "Yes" to any question on this General Worksheet should submit an Environmental Assessment, which is described in the instructions for Section III.

B. RF EXPOSURE COMPLIANCE WORKSHEETS/INSTRUCTIONS

Who may use these worksheets?

1. A directional AM station (i.e., one using a multiple tower array) that does not share its towers with any other non-excluded RF sources (including, but not limited to, FM or TV transmitting antennas) and is located more than 315 meters (1,034 feet) from any other tower or non-excluded RF radiation sources; or
2. A non-directional AM station located on a single-use tower more than 315 meters (1,034 feet) from any other tower or other non-excluded RF radiation sources; or
3. An FM station on a single tower that may or may not support other FM stations (including FM translators and boosters) and that is more than 315 meters (1,034 feet) from any other tower or other non-excluded RF sources.

Ineligible Sites.

Please note that the applicant cannot use these worksheets if any of the following apply:

1. The application is for a television or digital television facility;
2. There are other towers or supporting structures with non-excluded (see 4 C.F.R. Section 1.1307(b)) RF sources within 315 meters of the tower;
3. There are TV antennas and/or other RF sources on the tower other than AM or FM antennae that are not categorically excluded from environmental processing by 47 C.F.R. Section 1.1307;
4. There is an FM, TV or other non-excluded RF source co-located within a multiple tower AM array;
5. The tower is located at a site where the terrain or a building or other inhabited structure (other than a transmitter building) within a 315 meter radius is higher than the level of the terrain at the base of the tower (**Note:** Sites with transmitter buildings at the base of the tower are considered "eligible" provided that procedures are established in accordance with the methods described in OET Bulletin 65 to protect persons with access to such buildings from RF exposure in excess of the FCC-adopted limits.); or
6. AM towers where access is not restricted by fencing or other barrier that preclude casual or inadvertent access to the site and warning signs are not included at appropriate intervals describing the potential for RF exposure.

The above categories have been excluded from the RF worksheets not because of a propensity to cause excessive RF radiation, but because a determination of their compliance involves more complex calculations and measurements. If you are not eligible to use the RF worksheets, or elect not to use them, before reaching a determination with respect to your facilities you should review **OET Bulletin 65 and Supplement A** in order to properly evaluate your facility for compliance with the RF guidelines. The bulletin provides information and assistance on the RF guidelines, prediction methods, measurement procedures and instrumentation, methods for controlling exposure, and reference material. It will instruct the applicant on the type of data which may demonstrate compliance with the Commission's RF guidelines in support of your response. If you continue to have trouble evaluating your site after consulting the Bulletin, you may want to seek the assistance of a qualified consulting engineer in determining whether these facilities meet the FCC RF exposure guidelines.

Other Evaluations

These worksheets represent "worst case" calculations, and, as such, should be used in your initial attempt to determine compliance. If use of the worksheet indicates that you would exceed the RF guidelines, levels may still be acceptable based on more detailed evaluation of variables such as antenna type and vertical radiation patterns. In this case you may submit a statement explaining why your facilities do not exceed the RF exposure guidelines at locations where humans are likely to be present, or describing those measures or circumstances which will prevent or discourage humans from entering those areas where the RF levels exceed the guidelines or which will otherwise control access in accordance with the time-averaging limits described in the guidelines. See OET Bulletin 65 and Supplement A. This statement may include:

- (i) antenna radiation patterns showing that the site complies with the guidelines described in OET Bulletin 65
- (ii) measurements that show the site to comply with the FCC-adopted guidelines
- (iii) a description of what warning signs, fences or other barriers preclude excessive RF exposure
- (iv) any other statement necessary to demonstrate compliance with the RF guidelines.

How to Use the RF Worksheets

Attached are:

Worksheet #1 - FM, FM translator & FM booster
Worksheet #1A-Multiple FM User Tower
Worksheet #2 - AM
Worksheet#2A - Multiple Tower AM array
AM Fence Distance Tables

FM Contributors:

- a. **Single Use FM or FM translator tower** - Use **Worksheet #1** to determine compliance with the FCC RF exposure limits.
- b. **Multiple-use FM (including translator & booster)** - Use **Worksheet #1A** for each FM facility on the tower to obtain an approximate power and antenna height and complete **Worksheet #1** as above.

AM Contributors:

- a. **Single Tower Site** - Use **Worksheet #2** to determine if the distance to the fence or other restrictive barrier provides adequate protection to the general public pursuant to FCC guidelines.
- b. **Multiple Tower Site** - Use **Worksheet #2** for each tower in the array to determine if each tower is adequately distanced from the fence (or other restrictive barrier). This determination may be made by either of the following methods:
 - i. a "worst case" prediction could be made by assuming that all transmitted power is radiated from each tower. Use **Worksheet #2A** to list the power and fence distance for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.
 - ii. use the actual transmitted power of each tower. Use **Worksheet #2A** to list transmitted powers and restriction distances for each tower. Then, use **Worksheet #2** for each tower to determine compliance with the FCC guidelines for the single tower.

If any single tower is not adequately distanced from the fence or restrictive barrier, you may not continue to use these worksheets.

CAUTION: Even if you conclude from the use of these worksheets that human exposure to RF electromagnetic fields is consistent with our guidelines, be aware that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users.

See OET Bulletin 65 for further details.

RF WORKSHEET #1 - FM (including translators & boosters)

PLEASE COPY BEFORE USING. THE DETERMINATION OF COMPLIANCE MAY INVOLVE REPEATED CALCULATIONS. IF LOCATED ON A MULTIPLE FM USER TOWER, PLEASE COMPLETE RF WORKSHEET 1A BEFORE PROCEEDING.

EFFECTIVE RADIATION CENTER HEIGHT

Enter proposed "Height of radiation center above ground" OR as listed in line 1 _____ m (1)

Is antenna supporting structure located on the roof of a building ? (check one) Yes No (2)

If line 2 is "yes," enter the building height measured at the base of the antenna

If line 2 is "no," enter "0" in line 3 _____ m (3)

Subtract line (3) from line (1) _____ m (4)

Subtract the value 2.0 from line (4) _____ m (5)

TOTAL EFFECTIVE RADIATED POWER

(If "beam tilt" is utilized, list maximum values)

List Effective Radiated Power in the Horizontal Plane. _____ kW

List Effective Radiated Power in the Vertical Plane _____ kW

Add Lines (6) and (7) OR list value from Line 2 in Worksheet 1A _____ kW (8)

PERCENTAGE OF FCC RF LIMIT(S) FOR MAXIMUM PERMISSIBLE EXPOSURE

Multiply Line (8) by 33.41 _____ (9)

Multiply the value listed in line (5) by itself _____ (10)

Divide Line (9) by Line (10) _____ (11)

Multiply Line (11) by (100) _____ % (12)

DETERMINATION OF COMPLIANCE WITH CONTROLLED/OCCUPATIONAL LIMIT

Does Line (12) exceed 100% Yes No (13)

IF YOU ANSWERED "YES" IN LINE (13), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

IF YOU ANSWERED "NO" IN LINE (13), THEN THE SITE SHOULD COMPLY WITH THE FCC'S CONTROLLED/OCCUPATIONAL RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE.

CONTINUE

* In this case, you may need to prepare an Environmental Assessment. See Instructions for Section III-C of FCC Form 301.

RF WORKSHEET #1 - FM (continued)

DETERMINATION OF COMPLIANCE WITH THE UNCONTROLLED/GENERAL POPULATION LIMIT

Does Line (12) exceed 20% Yes No (14)

IF YOU ANSWERED "NO" IN LINE (14), THEN THE SITE SHOULD COMPLY WITH THE FCC'S UNCONTROLLED/ GENERAL POPULATION RF EXPOSURE LIMITS FOR GROUND LEVEL EXPOSURE. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED "YES" IN LINE (14), CONTINUE.

Rooftop with restricted access.

If you answered "yes" in Line (14) and "yes" in Line (2) (indicating that the tower is located on the roof of a building), and the general public is not allowed access to the rooftop level, repeat lines 5 through 12, entering the value in Line (1) directly in Line (4). (If Multiple FM Use Tower, recalculations should be in accordance with instructions on Worksheet #1A.) **Otherwise, go to the next section.**

Upon recalculation, Does Line (12) exceed 20% Yes No (15)

IF YOU ANSWERED "YES" IN LINE (15), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

IF YOU ANSWERED "NO" IN LINE (15), THEN THE AREA AT GROUND LEVEL SHOULD COMPLY WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

Access to base of tower restricted by fencing.

If the tower is not located on the roof of a building, is the base of the tower surrounded by fencing or other restrictive barrier and are appropriate warning signs posted on the fence that adequately detail the nature of the RF exposure environment contained therein? Yes No (16)

IF YOU ANSWERED "NO" IN LINE (16), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

If you answered "yes" in line (16), what is the distance from the base of the _____ m (17)
Multiply Line (9) (as calculated previously) by 5 _____ (18)
Subtract Line (10) (as calculated previously) from Line (18). _____ (19)
Take the square root of Line (19). _____ m (20)
Is Line (20) less than or equal to Line (17). Yes No (21)

IF YOU ANSWERED "YES" IN LINE (21), THEN THE RF FIELD OUTSIDE THE FENCE COMPLIES WITH THE FCC'S UNCONTROLLED/GENERAL POPULATION EXPOSURE LIMIT. NO FURTHER STUDY REQUIRED.

IF YOU ANSWERED "NO" IN LINE (21), THE WORKSHEETS MAY NOT BE USED IN THIS CASE. *

* In this case, you may need to prepare an Environmental Assessment. See Instructions for Section III-C of FCC Form 301.

RF WORKSHEET #1A - Multiple FM User Tower

The procedure below will allow for a "worst-case" determination to be made in situations where several FM stations share a common tower. This determination is based upon the "worst case" assumption that all RF energy is emanating from a single antenna located at the same height (i.e. antenna center of radiation above ground level) as the lowest user on the tower.

Complete this sheet for all call signs.

For each call sign, **the total** of the Horizontal and the Vertical ERP's must be used. If "beam tilt" is utilized, list maximum values.

COLUMN 1 CALL SIGN	COLUMN 2 HEIGHT OF ANTENNA RADIATION CENTER ABOVE GROUND LEVEL	COLUMN 3 TOTAL EFFECTIVE RADIATED POWER (HORIZONTAL AND VERTICAL)
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts
	meters	kilowatts

List the smallest value in Column 2 _____ m (1)
 List the total of all values in Column 3 _____ kW

The value listed in line (1) above must be used in line (1) on Worksheet 1.
The value listed in line (2) above must be used in line (8) on Worksheet 2.

Now complete worksheet 1 (except for lines 6 and 7).

RF WORKSHEET #2: AM

PLEASE COPY THIS WORKSHEET PRIOR TO USING. IN THE CASE OF A MULTIPLE TOWER ARRAY, A COPY IS NECESSARY FOR EACH TOWER LISTED IN RF WORKSHEET #2A. See AM Instruction b. to "How to Use RF Worksheets" on page 5 of Appendix A.

SINGLE TOWER

Enter the transmitted power _____ kW
Enter the distance from the tower to the nearest point of the fence or other
restrictive barrier enclosing the tower _____ m (2)

DETERMINATION OF WAVELENGTH

Method 1: Electrical Height

The tower height in wavelength may be obtained from the electrical height in degrees of the radiator.

Electrical height of the radiator _____ degrees (3a)
Divide Line 3(a) by 360 degrees _____ wavelength (3b)

Method 2: Physical Height

Alternatively, the wavelength may be obtained from the physical height of the radiator above the tower base and the frequency of the station.

Overall height of the radiator above the tower base _____ m (4a)
List the station's frequency _____ kHz (4b)
Divide 300,000 by line (4b) _____ m (4c)
Divide Line (4a) by Line (4c) _____ wavelength (4d)

REQUIRED RESTRICTION DISTANCE

Use the appropriate AM fence distance table based on the wavelength determined in either Line (3b) or Line (4d) above. If the transmitted power is not listed in the table, use next highest value (e.g., if the transmitted power is 2.5 kW, use the fence value in the 5 kW column).

List the fence distance obtained from the appropriate table _____ m (5)
Is the value listed in Line (5) less than or equal to the value listed in Line (2)? Yes No (6)
If Line (6) is "Yes," are warning signs posted at appropriate intervals which Yes No (7)

IF EITHER LINE (6) OR LINE (7) WAS ANSWERED "NO", you may need to prepare an Environmental Assessment. However, in order to determine the need for such an Assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled "Environmental Assessment."

IF BOTH LINE (6) AND LINE (7) WERE ANSWERED "YES", it appears that this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF fields caused by other facilities on the tower, or RF fields caused by facilities on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

RF WORKSHEET #2A Multiple Tower AM Array

Do not use this table if there are FM, TV or other non-excluded RF sources on any single tower of the array.

Tower Number	Transmitted Power (kW)	Distance to Fence (meters)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		

If each tower listed above meets the distance requirements of worksheet #2, it appears this tower complies with the FCC guidelines with respect to the general public. Please be aware, that each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site. These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. See OET Bulletin 65 for more details.

If the distance from the base of the tower to the fence is less than the value listed above, you may need to prepare an Environmental Assessment. However, in order to determine the need for such an assessment please see the NOTE on page 5 of Appendix A. If after consideration of such factors as the antenna radiation pattern, measurement data and the barriers which restrict access you conclude that an Environmental Assessment is required, please see Section I of the instructions to this worksheet entitled "Environmental Assessment."

AM FENCE DISTANCE TABLES

TABLE 1. Predicted Distances for Compliance with FCC Limits: 0.1-0.2 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	13	7	6	3
750-940	12	7	5	3
950-1140	11	6	5	3
1150-1340	10	6	5	3
1350-1540	10	6	5	3
1550-1705	10	6	5	3

TABLE 2. Predicted Distances for Compliance with FCC Limits: 0.21-0.4 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	2	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	5	2	2	1

TABLE 3. Predicted Distances for Compliance with FCC Limits: 0.41-0.55 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	2
750-940	4	2	2	2
950-1140	4	2	2	1
1150-1340	4	2	2	2
1350-1540	4	2	2	2
1550-1705	4	3	2	1

TABLE 4. Predicted Distances for Compliance with FCC Limits: 0.56-6255 Wavelength

Frequency (kHz)	Transmitter Power (kW)			
	50	10	5	1
	Predicted Distance for Compliance with FCC Limits (meters)			
535-740	4	3	2	1
750-940	4	2	2	1
950-1140	4	2	2	1
1150-1340	4	2	2	1
1350-1540	4	2	2	1
1550-1705	4	2	2	2

FOR
FCC
USE
ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1. Legal Name of the Applicant

Mailing Address

City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	
FCC Registration Number	Call Sign	Facility ID Number

2. Contact Representative (if other than applicant)

Firm or Company Name

Mailing Address

City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

Governmental Entity Other _____

4. **Application Purpose.**

- | | |
|--|--|
| <input type="checkbox"/> New station | <input type="checkbox"/> Major Modification of construction permit |
| <input type="checkbox"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments | <input type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> Major Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Minor Amendment to pending application |

a. File number of original construction permit: _____ N/A

b. Service Type: AM FM TV DTV

c. DTV Type: Pre-Transition Post-Transition Both

d. Community of License:

City	State
------	-------

e. Facility Type: Main Auxiliary

If an amendment, **submit as an Exhibit** a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Legal

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets. Yes No

2. **Parties to the Application.**

a. List the applicant, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

- | | |
|---|---|
| <p>(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.</p> | <p>(2) Citizenship.</p> |
| | <p>(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's equity/debt plus standard, etc.</p> |
| | <p>(4) Percentage of votes.</p> |
| | <p>(5) Percentage of total assets (equity plus debt).</p> |

(1)	(2)	(3)	(4)	(5)

b. Applicant certifies that equity and financial interests not set forth above are non-attributable. Yes No See Explanation in Exhibit No.

N/A

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest. Exhibit No. N/A

4. **Multiple Ownership.**

a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application? Yes No

If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations. Exhibit No.

Section II - Legal

- b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules and cross-ownership rules.

Yes No

Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. § 73.3555(a).

See Explanation
in Exhibit No.

All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R § 73.3555.

- c. Applicant certifies that the proposed facility:
 - (1) does not present an issue under the Commission's policies relating to media interests of immediate family members;
 - (2) complies with the Commission's policies relating to future ownership interests; and
 - (3) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Yes No

See Explanation
in Exhibit No.

- 5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application
 - a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
 - b. any pending broadcast application in which character issues have been raised.

Yes No

See Explanation
in Exhibit No.

- 6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any 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 law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

Yes No

See Explanation
in Exhibit No.

- 7. **Alien Ownership and Control.** Applicant 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.

Yes No

See Explanation
in Exhibit No.

- 8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

Yes No

- 9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.

Yes No

- 10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.

Yes No N/A

Exhibit No.

An exhibit is required unless this question is inapplicable.

- 11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Yes No

- 12. **Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.

Yes No N/A

13. **Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments.** If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.

Yes No N/A

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	Typed or Printed Title of Person Signing
Signature	Date

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).

SECTION III PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name	Relationship to Applicant (e.g., Consulting Engineer)	
Signature	Date	
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

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).

TECH BOX - DAYTIME OPERATION

d. Directional:

Yes No
 Exhibit No.

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Theoretical _____ mV/m at 1 km
 Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

Augmented:

Yes No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km
 Azimuth Span Augmentation radiation (mV/m at 1 km)

TECH BOX - NIGHTTIME OPERATION

5. Nighttime Operation:

Yes No

a. Power: _____ kW

b. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " N S Latitude
 _____ ° _____ ' _____ " E W Longitude

c. **Nondirectional:**

Yes No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical _____ mV/m per kW at 1 km

Tower	
Overall height above ground (include obstruction lighting) (meters)	
Antenna structure registration	<div style="text-align: center;">_____</div> Number <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height (degrees)	
A	
B	
C	
D	

TECH BOX - NIGHTTIME OPERATION

d. Directional:

Yes No
 Exhibit No.

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Theoretical _____ mV/m at 1 km
 Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

Augmented:

Yes No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km
 Azimuth Span Augmentation radiation

TECH BOX - CRITICAL HOURS OPERATION

6. Critical Hours Operation:

Yes No

a. Power: _____ kW

b. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " N S Latitude
 _____ ° _____ ' _____ " E W Longitude

c. **Nondirectional:**

Yes No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical _____ mV/m per kW at 1 km

Tower	
Overall height above ground (include obstruction lighting) (meters)	
Antenna structure registration	<p style="text-align: center;">_____ Number</p> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height (meters)	
A	
B	
C	
D	

TECH BOX - CRITICAL HOURS OPERATION

d. Directional:

Yes No
 Exhibit No.

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Theoretical _____ mV/m at 1 km
 Standard RMS: _____ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	_____ <input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

Augmented:

Yes No

If "Yes," complete the following:

Augmented RMS: _____ mV/m at 1 km
 Azimuth Span Augmentation radiation

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

7. **Broadcast Facility.** The proposed facility complies with the engineering standards and assignment requirements of 47 C.F.R. Sections 73.24(e), 73.24(g), 73.33, 73.45, 73.150, 73.152, 73.160, 73.182(a)-(i), 73.186, 73.189, 73.1650. **Exhibit Required.** Yes No See Explanation in Exhibit No. Exhibit No.

8. **Community Coverage.** The proposed facility complies with community coverage requirements of 47 C.F.R. Section 73.24(i). Yes No See Explanation in Exhibit No.

9. **Main Studio Location.** The proposed main studio location complies with requirements of 47 C.F.R. Section 73.1125. Yes No See Explanation in Exhibit No.

10. **Interference.** The proposed facility complies with all of the following applicable rule sections. Check all those that apply. An exhibit is required for each applicable section. Yes No See Explanation in Exhibit No.

Groundwave.

a. 47 C.F.R. Section 73.37 Exhibit No.

Skywave.

b. 47 C.F.R. Section 73.182. Exhibit No.

Critical Hours.

c. 47 C.F.R. Section 73.187. Exhibit No.

11. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.** Yes No See Explanation in Exhibit No.

By checking "Yes" above, the applicant 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 radiofrequency electromagnetic exposure in excess of FCC guidelines.

12. **Community of License Change - Section 307(b).** If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). Yes No N/A Exhibit No.

An exhibit is required unless this question is not applicable.

PREPARER'S CERTIFICATION ON PAGE 3 MUST BE COMPLETED AND SIGNED.

SECTION III-B FM Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel: _____
2. Class: A B1 B C3 C2 C1 C D

3. Antenna Location Coordinates: (NAD 27)
- _____ ° _____ ' _____ " N S Latitude
- _____ ° _____ ' _____ " E W Longitude

4. Proposed Allotment or Assignment Coordinates: Not applicable (NAD 27)
- _____ ° _____ ' _____ " N S Latitude
- _____ ° _____ ' _____ " E W Longitude

5. Antenna Structure Registration Number: _____
- Not applicable FAA Notification Filed with FAA

6. Overall Tower Height Above Ground Level: _____ meters
7. Height of Radiation Center Above Mean Sea Level: _____ meters (H) _____ meters (V)
8. Height of Radiation Center Above Ground Level: _____ meters (H) _____ meters (V)
9. Height of Radiation Center Above Average Terrain: _____ meters (H) _____ meters (V)
10. Effective Radiated Power: _____ kW (H) _____ kW (V)
11. Maximum Effective Radiated Power: Not applicable _____ kW (H) _____ kW (V) (Beam-Tilt Antenna ONLY)

12. Directional Antenna Relative Field Values: Not applicable (Nondirectional)
- Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

AUXILIARY ANTENNA APPLICANTS ARE NOT REQUIRED TO RESPOND TO ITEMS 13-16. PROCEED TO ITEM 17.

13. **Availability of Channels.** The proposed facility complies with the allotment requirements of 47 C.F.R. Section 73.203. Yes No See Explanation in Exhibit No.

14. **Community Coverage.** The proposed facility complies with 47 C.F.R. Section 73.315. Yes No See Explanation in Exhibit No.

15. **Main Studio Location.** The proposed main studio location complies with 47 C.F.R. Section 73.1125. Yes No See Explanation in Exhibit No.

16. **Interference.** The proposed facility complies with all of the following applicable rule sections. Check all those that apply. Yes No See Explanation in Exhibit No.

Separation Requirements.

a. 47 C.F.R. Section 73.207.

Grandfathered Short-Spaced.

b. 47 C.F.R. Section 73.213(a) with respect to station(s): _____ Exhibit No.
Exhibit Required.

c. 47 C.F.R. Section 73.213(b) with respect to station(s): _____ Exhibit No.
Exhibit Required.

d. 47 C.F.R. Section 73.213(c) with respect to station(s): _____ Exhibit No.
Exhibit Required.

Contour Protection.

e. 47 C.F.R. Section 73.215 with respect to station(s): _____ Exhibit No.
Exhibit Required.

17. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.** Yes No See Explanation in Exhibit No.

By checking "Yes" above, the applicant 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 radiofrequency electromagnetic exposure in excess of FCC guidelines.

18. **Community of License Change - Section 307(b).** If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of allotments or assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)). Yes No N/A Exhibit No.

An exhibit is required unless this question is not applicable.

SECTION III-C TV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: _____

2. Offset: Plus _____ Minus _____ Zero _____

3. Zone: I II III

4. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " N S Latitude
_____ ° _____ ' _____ " E W Longitude

5. Antenna Structure Registration Number: _____

Not applicable FAA Notification Filed with FAA

6. Height of Radiation Center Above Mean Sea Level: _____ meters

7. Overall Tower Height Above Ground Level: _____ meters

8. Height of Radiation Center Above Ground Level: _____ meters

9. Height of Radiation Center Above Average Terrain: _____ meters

10. Maximum Effective Radiated Power (ERP): _____ kW

11. Antenna Specifications:

a. Manufacturer	Model
-----------------	-------

b. Electrical Beam Tilt: _____ degrees Not Applicable

c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.685.

Exhibit No.

d. Polarization: Horizontal Circular Elliptical

TECH BOX

e. Directional Antenna Relative Field Values: Not applicable (Nondirectional)
 Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Sections 73.682(a)(14) and 73.685 must be satisfied. **Exhibit required.**

Exhibit No.

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

CERTIFICATION

- 12. **Allotment.** The proposed facility complies with 47 C.F.R. Section 73.607. Yes No
- 13. **Power and Antenna Height.** The proposed facility complies with 47 C.F.R. Section 73.614. Yes No
- 14. **Community Coverage.** The proposed facility complies with 47 C.F.R. Sections 73.685(a) and (b). Yes No
- 15. **Main Studio Location.** The proposed main studio location complies with 47 C.F.R. Section 73.1125. Yes No

16. **Separation Requirements.** The proposed facility complies with the separation requirements 47 C.F.R. Section 73.610. Yes No See Explanation in Exhibit No.
17. **Objectionable Interference.** The applicant accepts full responsibility in accordance with 47 C.F.R. Sections 73.685(d) and (g) for the elimination of any objectionable interference (including that caused by intermodulation) to facilities in existence or authorized prior to the grant of this application. Yes No See Explanation in Exhibit No.
18. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (*i.e.*, the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Yes No See Explanation in Exhibit No.
Exhibit No.

If "Yes," **submit as an Exhibit** a brief explanation of why an Environmental Assessment is not required. Also describe therein the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" above, the applicant 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 radiofrequency electromagnetic exposure in excess of FCC guidelines.

If "No," submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.

SECTION III-D - DTV Engineering

Complete Questions 1-5, and provide all data and information for the proposed facility, as requested in Technical Specifications, Items 1-13.

Pre-Transition Certification Checklist: An application concerning a pre-transition channel must complete questions 1(a)-(c), and 2-5. A correct answer of "Yes" to all of the questions will ensure an expeditious grant of a construction permit application to modify pre-transition facilities. However, if the proposed facility is located within the Canadian or Mexican borders, coordination of the proposal under the appropriate treaties may be required prior to grant of the application. An answer of "No" will require additional evaluation of the applicable information in this form before a construction permit can be granted.

Post-Transition Expedited Processing. An application concerning a post-transition channel must complete questions 1(a), (d)-(e), and 2-5. A station applying for a construction permit to build its post-transition channel will receive expedited processing if its application (1) does not seek to expand the noise-limited service contour in any direction beyond that established by Appendix B of the Seventh Report and Order in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622(i) ("new DTV Table Appendix B"); (2) specifies facilities that match or closely approximate those defined in the new DTV Table Appendix B facilities; and (3) is filed within 45 days of the effective date of Section 73.616 of the rules adopted in the Report and Order in the Third DTV Periodic Review proceeding, MB Docket No. 07-91.

1. The proposed DTV facility complies with 47 C.F.R. Section 73.622 in the following respects:
 - (a) It will operate on the DTV channel for this station as established in 47 C.F.R. Section 73.622. Yes No
 - (b) It will operate a pre-transition facility from a transmitting antenna located within 5.0 km (3.1 miles) of the DTV reference site for this station as established in 47 C.F.R. Section 73.622. Yes No
 - (c) It will operate a pre-transition facility with an effective radiated power (ERP) and antenna height above average terrain (HAAT) that do not exceed the DTV reference ERP and HAAT for this station as established in 47 C.F.R. Section 73.622. Yes No
 - (d) It will operate at post-transition facilities that do not expand the noise-limited service contour in any direction beyond that established by Appendix B of the Seventh Report and Order in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622(i) ("new DTV Table Appendix B"). Yes No
 Don't Know
 - (e) It will operate at post-transition facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the new DTV Table Appendix B. Yes No
 Don't Know
2. The proposed facility will not have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding the applicable health and safety guidelines, and therefore will not come within 47 C.F.R. Section 1.1307. Yes No

Applicant must **submit the Exhibit** called for in Item 13.

3. Pursuant to 47 C.F.R. Section 73.625, the DTV coverage contour of the proposed facility will encompass the allotted principal community. Yes No
4. The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied or are not applicable. Yes No
5. The antenna structure to be used by this facility has been registered by the Commission and will not require reregistration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely effect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7. Yes No

SECTION III-D DTV Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel Number: DTV _____ Analog TV, if any _____

2. Zone: I II III

3. Antenna Location Coordinates: (NAD 27)

_____ ° _____ ' _____ " N S Latitude
_____ ° _____ ' _____ " E W Longitude

4. Antenna Structure Registration Number: _____

Not applicable FAA Notification Filed with FAA

5. Antenna Location Site Elevation Above Mean Sea Level: _____ meters

6. Overall Tower Height Above Ground Level: _____ meters

7. Height of Radiation Center Above Ground Level: _____ meters

8. Height of Radiation Center Above Average Terrain: _____ meters

9. Maximum Effective Radiated Power (average power): _____ kW

10. Antenna Specifications:

a.	Manufacturer	Model
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b. Electrical Beam Tilt: _____ degrees Not Applicable

c. Mechanical Beam Tilt: _____ degrees toward azimuth _____ degrees True Not Applicable

Attach as an Exhibit all data specified in 47 C.F.R. Section 73.625(c).

Exhibit No.

d. Polarization: Horizontal Circular Elliptical

TECH BOX

e. Directional Antenna Relative Field Values: Not applicable (Nondirectional)
 Rotation: _____ ° No rotation

Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value	Degree	Value
0		60		120		180		240		300	
10		70		130		190		250		310	
20		80		140		200		260		320	
30		90		150		210		270		330	
40		100		160		220		280		340	
50		110		170		230		290		350	
Additional Azimuths											

If a directional antenna is proposed, the requirements of 47 C.F.R. Section 73.625(c) must be satisfied. **Exhibit required.**

Exhibit No.

11. Does the proposed facility satisfy the pre-transition interference protection provisions of 47 C.F.R. Section 73.623(a) (Applicable only if **Certification Checklist** Items 1(a), (b), or (c) are answered "No.") and/or the post-transition interference protection provisions of 47 C.F.R. Section 73.616? Yes No

Exhibit No.

If "No," attach as an Exhibit justification therefor, including a summary of any related previously granted waivers.

12. If the proposed facility will not satisfy the coverage requirement of 47 C.F.R. Section 73.625, attach as an Exhibit justification therefor. (Applicable only if **Certification Checklist** Item 3 is answered "No.")

Exhibit No.

13. **Environmental Protection Act. Submit in an Exhibit** the following:

Exhibit No.

a. If **Certification Checklist** Item 2 is answered "Yes," a brief explanation of why an Environmental Assessment is not required. Also describe in the Exhibit the steps that will be taken to limit RF radiation exposure to the public and to persons authorized access to the tower site.

By checking "Yes" to **Certification Checklist** Item 2, the applicant 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 radiofrequency electromagnetic exposure in excess of FCC guidelines.

If **Certification Checklist** Item 2 is answered "No," an Environmental Assessment as required by 47 C.F.R. Section 1.1311.

PREPARER'S CERTIFICATION IN SECTION III MUST BE COMPLETED AND SIGNED.