

INSTRUCTIONS FOR FCC 346

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION

GENERAL INSTRUCTIONS

A. This FCC form is to be used to apply for authority to construct a new television translator, low power television or television booster station, or to make changes in the existing facilities of such station. The form consists of the following sections:

- I. General Information
- II. Legal Qualifications
- III. Engineering Data and Preparer's Certification (for preparer of engineering sections of the application)

An applicant seeking a permit to construct a new station must complete Sections I, II and III. No section may be omitted. However, with respect to Section II, an applicant for major change in facilities need fill out only Items 1, 7, 9 and 10 in that section. Similarly, an applicant for a minor change in facilities need fill out only Items 1 and 10 of Section II.

B. This application form makes 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, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. 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. This application must be filed electronically by using broadcast radio and television electronic filing system (CDBS). The CDBS system can be obtained at FCC's Internet Website at <http://www.fcc.gov>.

D. A copy of the completed application and all related documents shall be made available for inspection at the request of the Commission. The station records should be maintained at an accessible location in one of the communities of license of the LPTV, TV translator or TV booster, except that the station records of a translator or booster owned by the licensee of the primary station rebroadcast may be kept at the same place where the primary station's records are kept. See 47 C.F.R. Section 74.781.

E. Applicants should provide all information requested by this application. No section may be omitted. 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.

F. 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.

G. This application requires applicants to certify compliance with certain statutory and regulatory requirements. Detailed instructions 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, they are not required to complete or retain any documentation created or collected to complete the application.

H. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate 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.

- I. **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. 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 23056, 23064 (1998).

INSTRUCTIONS FOR SECTION I – GENERAL INFORMATION

- A. **Item 1: Applicant Name.** The legal name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the applicant should list 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, and telephone/electronic mail address may be specified in Item 2.
- C. **Item 3: Fees.** By law, the Commission is required to collect charges for certain of the regulatory services it provides to the public. Generally, applicants seeking to construct a new low power television, television translator, or television booster station or to make a major change in the authorized facilities of such stations are required to pay and submit a fee with the filing of FCC Form 346. However, governmental entities, which include any possession, state, city, county, town, village, municipal corporation or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational FM and full-service television broadcast station licensees and permittees seeking to construct a new low power television, television translator or television booster stations, or to make major changes in the authorized facilities of such stations, provided those stations will be operated or operate on a noncommercial educational basis. A licensee or permittee of a low power television or television translator station, which is filing a major change application and which earlier obtained either a fee refund because of a NTIA facilities grant for that station or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47 C.F.R. Section 73.621, is similarly exempt from payment of this fee. See 47 C.F.R. Section 1.1112. There are no fees required with the submission of a minor change application.

When filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate. 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 346 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 346 should be mailed or otherwise delivered are also set forth in the "Media Services 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 a 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 made 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, 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.

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: Service Type.** This question requires the applicant to identify the facility for which the application is filed. Television booster stations provide a means whereby the permittee or licensee of a full-service television broadcast station may retransmit the programs and signals of such primary station to areas of low signal strength in any region within the primary station's Grade B contour. Only permittees and licensees of primary television broadcast stations may apply for television booster station authorizations. Such applications can be filed at any time. Applications for new low power

television or television translator stations or for major changes in the authorized facilities of such stations can be filed only during certain "window" periods that are specified by Commission Public Notices. See 47 C.F.R. Sections 74.732(g) and 73.3572.

E. **Item 5: Purpose of Application.** This question requires the applicant to identify the purpose of the application.

INSTRUCTIONS FOR SECTION II – LEGAL INFORMATION

A. **Item 1: Certification.** Each applicant is responsible for the information that the application instructions 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.** The words "Parties to the Application" have the following meanings:

APPLICANT: The individual or entity seeking the proposed facilities.

INDIVIDUAL APPLICANT: The natural person applying for the facilities in his or her own right.

PARTNERSHIP APPLICANT: All partners, including limited partners having an interest of one percent or more in profits. If any partner is a corporation or other entity, the definitions set forth below will apply.

CORPORATE APPLICANT: All officers and directors, and all persons or entities who are the beneficial or record owners or have the right to vote any capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, shall be considered parties to this application. If any corporation or other legal entity owns stock in the applicant, its officers, directors and persons or entities who are the beneficial or record owners or have the right to vote capital stock, membership or ownership interests of one percent or more, or subscribers to such interests, of that entity shall also be considered parties to this application.

ANY OTHER APPLICANT: All executive officers, members of the governing board, and owners or subscribers to membership with ownership interests of one percent or more in the applicant.

C. **Items 3 and 4: Character Issues/Adverse Findings.** Item 3 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 4 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 3 and 4, 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).

NOTE: As used in this question, 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. See Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986).

Where the response to Item 3 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 4, 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 4 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 U.S.C. 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.

- D. **Item 5: 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 by multiplication of any intervening indirect ownership interests. 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.

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.

E. **Item 6: Program Service Certification.** Low power television stations must offer a broadcast program service. A non-broadcast service is not permitted.

F. **Item 7: Local Public Notice.** Applicants for construction permits for a new low power, TV translator or TV booster station or to make changes in the existing facilities of such a station (as defined in 47 C.F.R. Section 73.3572(a)) give local notice in a daily, weekly or biweekly newspaper of general circulation in the community or area to be served. See 47 C.F.R. Section 73.3580. However, if there is no newspaper published or circulated in the community or area to be served, the applicant can choose an appropriate means of providing this notice to the public.

Completion of publication may occur within 30 days 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 7 of Section II of this application. The required content of the local notice is described in Paragraph (g) 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.

G. **Item 8: Rebroadcast Certification.** A LPTV or TV translator station operator proposing to rebroadcast the signal of a primary station which it does not own must obtain written permission of that station **prior** to retransmission of that signal. See 47 C.F.R. Section 74.784. Section II, Item 8 requires the applicant to certify that such written authority has been received. TV translator applicants proposing to rebroadcast the signal of stations that they own, as well as applicants for TV booster stations, should mark the box labelled "Yes."

H. **Item 9: 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).

I. **Item 10: 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 10 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.

NOTE: 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.

INSTRUCTIONS FOR SECTION III – ENGINEERING DATA (Analog) AND PREPARER’S CERTIFICATION

- A. **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.
- B. **Item 1: Channel.** The proposed channel must be between 2 and 69. See 47 C.F.R. Section 74.702.
- C. **Item 2: Frequency Offset.** The frequency offset must be specified. See 47 C.F.R. Section 74.750.
- D. **Items 3 and 4:** TV translator applicants only must specify the proposed station’s input channel number and identify the primary station to be rebroadcast.
- E. **Item 5: Antenna Location Coordinates.** 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 datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on the NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations. In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988).
- F. **Item 6: 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 47 C.F.R. 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.
- G. **Items 7-9: Elevation and Heights.** All heights must be in meters, rounded to the nearest whole number.
- H. **Items 10-11: Effective Radiated Power.** The effective radiated power must be entered in kilowatts, and rounded pursuant to 47 C.F.R. Section 73.212.
- I. **Item 12: Transmitting Antenna.** Specify the make and model of the proposed antenna. 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.
- J. **Item 13: Interference.** The applicant must certify that the proposal complies with all applicable interference protection requirements governing LPTV and TV translator stations.
- K. **Item 14: Environmental Protection Act.** 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, modifications of existing stations, and license renewals 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 47 C.F.R. 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.
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 of any available materials can be made in the FCC Reference Center or obtained through the FCC's copy contractor, Best Copy Printing, Inc. (BCPI) at (202) 488-5300 Voice, (202) 488-5563 or www.bcpweb.com. 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).

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.

INSTRUCTIONS FOR SECTION III – ENGINEERING DATA (Digital) AND PREPARER'S CERTIFICATION

- A. **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.
- B. **Item 1: Channel.** The proposed channel must be between 2 and 69. See 47 C.F.R. Section 74.702.
- C. **Items 2 and 3:** TV translator applicants only must specify the proposed station's input channel number and identify the primary station to be rebroadcast.
- D. **Item 4: Antenna Location Coordinates.** 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 datums, however, the Commission announced that until further notice, applicants are to furnish coordinates based on the NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations.

In addition, applicants who have already filed applications with coordinates that reflect NAD 83 datum must provide NAD 27 coordinates to the appropriate Commission licensing bureau. See Public Notice, entitled "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988).

- E. **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 47 C.F.R. 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.
- F. **Items 6-8: Elevation and Heights.** All heights must be in meters, rounded to the nearest whole number.
- G. **Items 9: Effective Radiated Power.** The effective radiated power must be entered in kilowatts, and rounded pursuant to 47 C.F.R. Section 73.212.
- H. **Item 10: Transmitter Output Power.** The transmitter output power must be entered in kilowatts.
- I. **Item 11: Transmitting Antenna.** Specify the make and model of the proposed antenna. 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.
- J. **Item 12: Out-of-Channel Emission Mask.** Specify what kind of mask is employed.
- K. **Item 13: Interference.** The applicant must certify that the proposal complies with all applicable interference protection requirements governing LPTV and TV translator stations.
- L. **Item 14: Environmental Protection Act.** Refer to Item 12 analog section.

M. **Item 15: Channels 52-59.** Applicants for digital LPTV and TV translator operation on channels 52-59 must complete two certifications. See 47 C.F.R. § 74.786(d). First, if the applicant is applying for a digital companion channel it must certify that no suitable channel from channel 2-51 ("suitable in-core channel") is available. "Suitable in-core channel" is defined as one that would enable the station to produce a digital service area comparable to its analog service area. Second, all applicants for digital operations on channels 52-59 must notify all potentially affected 700 MHz commercial wireless licensees of the spectrum comprising the proposed TV channel and the spectrum in the first adjacent channels thereto. See 47 C.F.R. § 74.786(d). Notification must be made to wireless licensees within those licensed geographic boundaries a digital LPTV or TV translator station propose to locate. Notification is also required to co-channel and first adjacent channel licensees whose geographic service area boundaries lie within 75 miles and 50 miles, respectively, of the proposed digital LPTV or TV translator station location. A station seeking an on-channel digital conversion must provide such written notifications at least 30 days in advance of filing its minor change application. An applicant for a digital companion channel must provide the required notifications within 30 days of submitting its "long-form" application. The identity and contact information for all wireless entities in the 700 MHz band is readily available through the Commission's Universal Licensing System on the Commission's web site (www.fcc.gov). Digital LPTV and TV translator stations may continue to operate on channels 52-59 on a secondary basis as long as they do not technically conflict with the operations of a primary service licensee.

N. **Item 16: Channels 60-69.** Applications for digital LPTV and TV translator operation on channels 60-69 are limited to on-channel digital conversions of authorized analog stations and to those related to analog or digital channel displacement. Applicants should note that digital low power operation on channels 60-69 must cease at the end of the full-service DTV transition.

Applicants for digital LPTV and TV translator operation on channels 60-69 must complete two certifications. See 47 C.F.R. § 74.786(e). First, the applicant must certify that no suitable channel from channel 2-51 ("suitable in-core channel") is available. "Suitable in-core channel" is defined as one that would enable the station to produce a digital service area comparable to its analog service area. Second, applicants for digital operations on channels 60-69 must notify all potentially affected 700 MHz commercial wireless licensees of the spectrum comprising the proposed TV channel and the spectrum in the first adjacent channels thereto. See 47 C.F.R. § 74.786(e). Notification must be made to wireless licensees within those licensed geographic boundaries a digital LPTV or

TV translator station propose to locate. Notification is also required to co-channel and first adjacent channel licensees whose geographic service area boundaries lie within 75 miles and 50 miles, respectively, of the proposed digital LPTV or TV translator station location. A station seeking an on-channel digital conversion must provide such written notifications at least 30 days in advance of filing its minor change application. The identity and contact information for all wireless entities in the 700 MHz band is readily available through the Commission's Universal Licensing System on the Commission's web site (www.fcc.gov). Digital LPTV and TV translator stations may continue to operate on channels 52-59 on a secondary basis as long as they do not technically conflict with the operations of a primary service licensee.

Applicants for digital LPTV and TV translator operation on channels 63, 64, 68 and 69 ("public safety channels") must also successfully coordinate their proposed facilities with representatives of the potentially affected public safety entities. Coordination with both regional planning committees and states is required. The identity of such entities may be obtained from the Commission's web site (www.fcc.gov). Coordination must be undertaken with the regional planning committee and state 700 MHz spectrum administrator for the region and state within which a digital low power station proposes to locate and for other regions and states having boundaries located within 75 miles of the proposed digital low power station location. See 47 C.F.R. § 74.786(e). Within 30 days of filing their applications, applicants proposing digital conversion on a channel adjacent to channels 63, 64, 68 or 69 must notify their proposed facilities to the pertinent regional planning committees and state administrators, i.e., for the geographic region and state encompassing the proposed broadcast antenna site and other regions and states having boundaries located within 50 miles of the proposed site. Digital low power broadcast operations must not cause interference to public safety operations, and these operations must cease if such interference occurs, and in any event at the end of the full-service DTV transition.

- O. **Preparer's Certification.** When someone other than the applicant has prepared the engineering section of FCC Form 346, 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 in FCC Form 346 need not be completed if the engineering portion of the application has been prepared by the applicant. In that event, the applicant's certification in Section III of FCC Form 346 will encompass both the legal and engineering sections of the application.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take 7 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 (3060-0016), 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 3060-0016.

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

FCC 346

APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN A LOW POWER TV, TV TRANSLATOR OR TV BOOSTER STATION

FOR
FCC
USE
ONLY

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 Identifier
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 Noncommercial Educational Licensee Other _____

4. Service Type:

a. Low Power Television TV Translator TV Booster
 Digital Low Power TV Digital TV Translator

b. Community of License:

City	State
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5. Application Purpose.

New station Major Modification of construction permit
 Major Change in licensed facility Minor Modification of construction permit
 Minor Change in licensed facility Amendment to pending application
 Digital Flash Cut Digital Companion Channel
 Displacement

Exhibit No.

a. File number of original construction permit or pending application: _____ Not applicable

If an amendment, **submit as an Exhibit** a listing by Section and Question Number 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 Yes No 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.
2. **Parties to the Application.** List the applicant and all parties to the application. If other than natural persons, list officers, directors, stockholders with an interest of 1% or more, general and limited partners and/or members.
- a. Name and address of the applicant and, if applicable, its officers, directors, stockholders with interests of 1% or greater, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
 - b. Citizenship.
 - c. Positional Interest: Officer, director, general partner, limited partner, LLC member, etc.
 - d. Percentage of votes.
 - e. Percentage of equity.

a.	b.	c.	d.	e.

Section II - Legal

3. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: Yes No See Explanation in Exhibit No.
- 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.
4. **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 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.
5. **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.
6. **Program Service Certification.** (For Low Power Television Applicants Only) Applicant certifies that this station will offer a broadcast program service. Yes No
7. **Local Public Notice.** (For new station and major change Applicants Only) Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580. Yes No
8. **Rebroadcast Certification.** (For Applicants proposing translator rebroadcasts that are not the licensee of the primary station) Applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. Yes No
9. **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
- An exhibit is required unless** this question is inapplicable. Exhibit No.
10. **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

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

Section III - Engineering (Analog)

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. Frequency Offset:

No offset Zero offset Plus offset Minus offset

3. Translator Input Channel No. _____

4. Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel
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5. Antenna Location Coordinates: (NAD 27)

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

6. Antenna Structure Registration Number: _____

Not applicable See Explanation in Exhibit No. FAA Notification Filed with FAA

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

8. Overall Tower Height Above Ground Level: _____ meters

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

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

11. Maximum ERP in any Horizontal and Vertical Angle: _____ kW

12. Transmitting Antenna: Nondirectional Directional "Off-the-shelf" Directional composite

Manufacturer	Model
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Directional Antenna Relative Field Values:

Rotation: _____ ° No rotation N/A (Nondirectional)

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

13. **Interference.** The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.705, 74.706, 74.707, 74.708, 74.709, 74.710. Yes No See Explanation in Exhibit No.

14. **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 RF compliance. An **Exhibit is required.** Yes No See Explanation in Exhibit No.
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.

PREPARER'S CERTIFICATION ON PAGE 8 MUST BE COMPLETED AND SIGNED.

Section III - Engineering (Digital)

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. Translator Input Channel No. _____
- 3. Station proposed to be rebroadcast:

Call Sign	City	State	Channel
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- 4. Antenna Location Coordinates: (NAD 27)
_____ ° _____ ' _____ " N S Latitude
_____ ° _____ ' _____ " E W Longitude

- 5. Antenna Structure Registration Number: _____
 Not applicable See Explanation in Exhibit No. FAA Notification Filed with FAA

- 6. Antenna Location Site Elevation Above Mean Sea Level: _____ meters
- 7. Overall Tower Height Above Ground Level: _____ meters
- 8. Height of Radiation Center Above Ground Level: _____ meters
- 9. Maximum Effective Radiated Power (ERP): _____ kW
- 10. Transmitter Output Power: _____ kW

- 11. a. Transmitting Antenna: Nondirectional Directional Directional composite

Manufacturer	Model
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- b. Electrical Beam Tilt: _____ degrees Not applicable

c. Directional Antenna Relative Field Values:

Rotation: _____ ° No rotation N/A (Nondirectional)

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.

12. **Out-of-Channel Emission Mask:** Simple Stringent

CERTIFICATION

13. **Interference.** The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793(e), 74.793(f), 74.793(g), 74.793(h), 74.794(b) and 73.1030. Yes No See Explanation in Exhibit No.

14. **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 RF compliance. **An Exhibit is required.** Yes No See Explanation in Exhibit No.
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.

15. **Channels 52-59.** If the proposed channel is within channels 52-59, the applicant certifies compliance with the following requirements, as applicable:

- The applicant is applying for a digital companion channel for which no suitable channel from channel 2-51 is available.
- Pursuant to Section 74.786(d), the applicant has notified, within 30 days of filing this application, all commercial wireless licensees of the spectrum comprising the proposed TV channel and the first adjacent channels thereto, for which the proposed digital LPTV or TV translator antenna site lies inside the licensed geographic boundaries of the wireless licensees or within 75 miles and 50 miles, respectively, of the geographic boundaries of co-channel and adjacent-channel wireless licensees.

PREPARER'S CERTIFICATION ON PAGE 8 MUST BE COMPLETED AND SIGNED.

16. **Channels 60-69.** If the proposed channel is within channels 60-69, the applicant certifies compliance with the following requirements, as applicable:

Pursuant to Section 74.786(e), the applicant has notified, within 30 days of filing this application, all commercial wireless licensees of the spectrum comprising the proposed TV channel and the first adjacent channels thereto, for which the proposed digital LPTV or TV translator antenna site lies inside the licensed geographic boundaries of the wireless licensees or within 75 miles and 50 miles, respectively, of the geographic boundaries of co-channel and adjacent-channel wireless licensees,

Pursuant to Section 74.786(e), the applicant proposing operation on channel 63, 64, 68 and 69 ("public safety channels") has secured a coordinated spectrum use agreement(s) with 700 MHz public safety regional planning committee(s) and state frequency administrator(s) of the region(s) and state(s) within which the antenna site of the digital LPTV or TV translator station is proposed to locate, and those adjoining regions and states with boundaries within 75 miles of the proposed station location.

Pursuant to Section 74.786(e), an applicant for a channel adjacent to channel 63, 64, 68 or 69 has notified, within 30 days of filing this application, the 700 MHz public safety regional planning committee(s) and state administrator(s) of the region and state containing the proposed digital LPTV or TV translator antenna site and regions and states whose geographic boundaries lie within 50 miles of the proposed LPTV or TV translator antenna site.

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).