

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION  
**OMB CONTROL NUMBER 3060-0837**

FCC Form 2100, Application for Media Bureau Audio and Video Service Authorization, Schedule B<sup>1</sup>

The Commission is submitting this non-substantive change request to the Office of Budget and Management (OMB) for approval of minor non-substantive changes made to FCC Form 302-DTV.<sup>2</sup> The Commission plans to implement a new on-line (electronic) licensing system called “Licensing Modernization” in which all FCC licensing forms, including former FCC Form 302-DTV, will be combined into a single common form - FCC Form 2100. Thus, FCC Form 302-DTV will be encompassed by the “Licensing Modernization” system and the new common form - FCC Form 2100. General questions which were formally asked in all licensing applications will compose the body of FCC Form 2100. The questions pertinent only to former FCC Form 302-DTV applicants will now be contained in Schedule B of FCC Form 2100. The substance of the former FCC Form 302-DTV remains the same in the new system. The wording of each question applicable to former FCC Form 302-DTV applicants in FCC Form 2100 is identical to that of FCC Form 302-DTV, with two exceptions – “Alien Ownership” and “Main Studio Location,” which are discussed below as Change #2 and Change #3; but as stated, the substance remains the same. The burden hours and costs are not impacted by the minor non-substantive changes to former FCC Form 302-DTV, which will now be a part of the “Licensing Modernization” system and FCC Form 2100. The minor non-substantive changes are highlighted below:

Change #1 – FCC Form 302-DTV is now encompassed by common form- FCC Form 2100, Schedule B and the “Licensing Modernization” system. All submission are now made on-line (electronically). Questions applicable to all licensing applicants are asked in the body of the common FCC Form 2100, and questions pertinent only to former FCC Form 302-DTV applicants are contained in Schedule B of FCC Form 2100. The substance, burden hours, and costs are not impacted.

Change #2 – “Alien Ownership.” (Note: This change effects only those applicants changing their license status from commercial to noncommercial in their Schedule B submission.) In order to simplify an applicant’s compliance with section 310 of the Communications Act of 1934, as amended, the Commission will now ask the applicant if they are specifically in compliance with each component of section 310 of the Communications Act, as amended, relating to interest of aliens and foreign governments, rather than asking the general question if the applicant is in compliance. We have broken this question down so that the applicant has a better understanding of what it is certifying. The substance of the question remains the same, as does the cost and burden hours to respond to the question. The former FCC Form 302-DTV, at question 11, directed applicants changing from commercial to noncommercial status to include Section II of FCC Form 340 as an exhibit. FCC Form 340, Section II, question 7 reads:

**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.

The new Form 2100 Alien Ownership certification reads (PLEASE NOTE: Initially only questions numbers 1 and 2 appear on the electronic Form 2100. If the applicant answers “no” to questions 1 and 2, question 3 through 9 do not appear. If the applicant answer “yes,” to either or both questions 1 and 2, then questions 3 through 6 appear. If the applicant proceeds to answer “no” to questions 3 through 6, then

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<sup>1</sup> Formerly titled, “Application for Digital Television Broadcast Station License, FCC Form 302-DTV.”

<sup>2</sup> Herein after “Application for Media Bureau Audio and Video Service Authorization, Schedule B.”

question 7 through 9 do not appear. If the applicant answers “yes” to any questions 3 through 6, then questions 7 through 9 appear.):

1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?

2) Is this application, as provided for under Section 310(b) of the Communications Act, for a broadcast, common carrier, aeronautical en route, or aeronautical fixed radio station Authorization?

3) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))

4) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))

5) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))

6) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))

7) Has the applicant received a ruling(s) under Section 310(b)(4) of the Communications Act with respect to the same radio service involved in this application?

8) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 7?

8a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act. It is not necessary to file a request for a foreign ownership declaratory ruling if the applicant attaches a showing that the requested authorization(s) is exempt from the provisions of Section 310(b)(4).

9) Does the applicant's foreign ownership comply with the declaratory ruling(s) cited in response to Question 7?

Change #3: “Main Studio Location.” In order to simplify and clarify an applicant’s compliance with 47 C.F.R §73.1125, the Commission will now require the applicant to provide the address of the main studio, rather than only asking the general question if the applicant is in compliance with 47 C.F.R §73.1125. 47 C.F.R §73.1125 sets the requirements for the location of a station’s main studio, thus by proving the address of the main studio, the applicant will better be able to certify compliance. The substance of the question remains the same, as does the cost and burden hours to respond to the question. Form 302-DTV, Section III, question 4 reads:

**Main Studio Location.** The main studio location complies with 47 C.F.R. Section 73.1125. (Applicant is then directed to answer yes or no)

The new Form 2100, Schedule B Alien Ownership certification reads:

**Main Studio Location**

The main studio location complies with 47 C.F.R. Section 73.1125. (Applicant is then directed to answer yes or no)

Country:

PO Box:

Address Line 1:

Address Line 2:

City:

State:

Zip Code:

The supporting statement and screen shots for FCC Form 2100, Schedule B, have been updated with this non-substantive change request submission.