

## INSTRUCTIONS FOR FCC 340

### APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

#### GENERAL INSTRUCTIONS

##### Introduction.

- A. **When to Use this Form/Filing Fees:** FCC Form 340 is used to apply for authority to construct a new full service noncommercial educational (“NCE”) FM or TV (including DTV) broadcast station, to make changes in an authorized NCE broadcast station, or to amend a pending Form 340 application. Form 340 is used only if the station will operate on a channel that is reserved exclusively for noncommercial educational use. Reserved channels include FM channels 200 to 220, as well as any FM, TV, and DTV channels appearing with an asterisk in the table of allotments. There is no fee to file Form 340.
- B. **When NOT to Use this Form:** Do not use Form 340 to file an application on behalf of any station that will operate on a non-reserved channel, i.e., a channel that is also available to commercial applicants. Non-reserved channels include FM channels 221 and above appearing without an asterisk in the table of allotments, and any TV and DTV channels appearing without an asterisk in the table of allotments. Because non-reserved channels can be used commercially, applicants for new stations and for major changes to existing stations using non-reserved channels are subject to the Commission’s competitive bidding (auction) procedures, even if they propose to operate noncommercially. Applicants can obtain more information about the Commission’s competitive bidding procedures in Subpart I of Part 73 of the Commission’s rules. Applicants applying for a minor change to an existing noncommercial educational station operating on a non-reserved channel should use Form 301. Applicants seeking authority to construct a new station or to make a major modification to existing facilities of a station operating on a non-reserved channel should use Form 175. For definitions of “major change” and “minor change” see 47 C.F.R. Section 73.3572(a) (for television applicants) and 47 C.F.R. Section 73.3573(a) (for FM applicants).
- C. **When to File:** The Commission periodically issues public notices that announce filing windows during which it will accept certain types of broadcast applications. When using Form 340 to apply for a new station or to propose major changes to an existing station, applicants must file during a window filing period for NCE applications. When using Form 340 to propose minor changes to an existing NCE authorization,
- an applicant may generally file at any time, subject to any restriction that the Commission may issue.
- D. **Which Form Sections to File:** This application consists of the following sections:
- I. General Information
  - II. Legal and Financial Information
  - III. Fair Distribution of Service (FM Radio Only)
  - IV. Point System Factors
  - V. Tie Breakers
  - VI. Certification
  - VII. NCE Engineering Data and Preparer’s Certification (for preparer of the engineering information in the application)
- An applicant for a new station on a reserved channel must submit all sections. Existing stations proposing a major change on a reserved channel need file only Sections I, II (Items 1, 12, 13, 18, and 19 only), IV, V, VI, and VII. Existing stations proposing a minor change on a reserved channel need file only Sections I, II (Items 1, 13, 18, and 19 only), VI, and VII. An applicant for a minor change to an existing FM facility, in which the applicant seeks to change the community of license, must also fill out Item 12 of Section II. Applicants using this form to amend an existing application should file the sections pertaining to the information to be amended and a certification.
- E. **FCC Rules:** This form makes many references to the Commission’s 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"
- 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](http://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.

In addition, any rule in Title 47, including the NCE rules in Part 73, may be retrieved by rule section number via the Commission's World Wide Web site. Applicants may locate any rule in Parts 0, 1, and 73 at <http://www.fcc.gov/mb/asd/bickel/47CFRrule.html>.

**F. Electronic or Paper Filing of Application Forms and Amendments:** The Commission is developing electronic versions of its forms. When the electronic version of this form is available, the Commission will issue a Public Notice and provide more details on its use.

Applicants that prepare this application in paper form should file an original and two copies of this form, all exhibits, and any subsequent amendments with: The Secretary, Federal Communications Commission, Washington, D.C. 20554. Applicants should follow the filing procedures in Parts 1 and 73 of the Commission's rules. There is no fee to file this form on paper or electronically.

Applicants submitting an amendment to a previously filed application, should prepare, sign, and file the amendment in the same manner as the original application, and should make sure it contains the following information to identify the associated application:

- (1) Applicant's name.
- (2) Service (FM or TV).
- (3) Call letters or specify "NEW" station.
- (4) Channel number (FM or TV).
- (5) Community of license.
- (6) File number of application being amended (if known).
- (7) Date of filing of application being amended (if file number is not known).
- (8) Facility ID Number.

**G. Public Notice Requirements:**

- (1) Many applicants filing Form 340 must publish a public notice to inform the community about the proposal. In accordance with 47 C.F.R. Section 73.3580, applicants for construction permits for new broadcast stations and for major change in existing broadcast facilities [as defined in 47 C.F.R. Sections 73.3572(a)(1) (for television applicants) or 73.3573(a) (1) (for FM applicants)] must give local public notice. This publication requirement also applies to major amendments as defined in 47 C.F.R. Sections 73.3572(b) (television), and 73.3573(b) (FM). This publication requirement also applies with respect to applications for minor modification to existing FM facilities in which the applicant seeks to change the existing facility's community of license. For noncommercial stations not yet on the air publication generally must be in a newspaper of general circulation in the community to which the station is licensed. However, if the noncommercial station is operating, publication by broadcast over

that station is deemed sufficient pursuant to 47 C.F.R. Section 73.3580(e).

- (2) Applicants should give public notice no earlier than 30 days before and no later than 30 days after filing the application with the Commission. The applicant must certify compliance or intent to comply with the public notice requirements in Section II of this application. The required content of the local notice is described in 47 C.F.R. Section 73.3580(f). Worksheet #1 attached to these instructions provides additional guidance. The applicant need not file proof of publication with the application.

**H. Public Inspection File:** The applicant must make a copy of this completed application and all related documents available to the public in the applicant's public inspection file located in the community of license, pursuant to 47 C.F.R. Section 73.3527.

**I. Defective Applications:** Applicants should provide all information requested in this application. If any portions of the application are not applicable, the applicant should select the "N/A" option if provided, or skip the question only if specifically directed to do so on the form or instructions. **Defective or incomplete applications will be returned without consideration.** It is unacceptable to state "on file." All information must be on this application form. Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. Section 73.3564(b).

**J. Current Information:** Applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application, in accordance with 47 C.F.R. Section 1.65. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.

**K. Worksheets:** 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 generally not required to complete or retain any documentation created or collected to complete the application. Applicants claiming points in Section IV, however, must document those claims as explained further in the instructions for that section.

- L. **Certifications:** 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. A "No" response to any of the certification questions for which an exhibit can be submitted will not cause the dismissal of the application provided that an appropriate exhibit is completed.
- M. **Signatures:** 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 corporation, by an officer; for an unincorporated association, by a member who is an officer (for an unincorporated educational institution that could be a school superintendent, officer of the school board, or a university 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

**Question 1: Applicant Name, etc.** The name of the applicant stated in Section I shall be the exact name of the agency, board, institution, organization, corporation or association seeking the authorization. In all other sections of this form, an abbreviated name can be used for identification of the applicant.

**Address.** In Section I 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](mailto:http://www.CORES@fcc.gov) or by calling 1-877-480-3201.

**Facility ID Number.** The FCC assigns a unique facility identification number to all authorized broadcast stations. **New station applicants should leave this box blank.** Applicants for minor or major changes can obtain facility ID numbers for their authorized stations at the Commission's World Wide Web site at [www.fcc.gov/mb](http://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 included on all Commission authorizations and postcards.

**Question 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 Question 2, at the applicant's option.

**Question 3: Window.** Applications for new stations and for major changes to authorized facilities can be filed only during specified filing windows. The opening and closing dates for such windows and a window number identifying the window are generally announced by Public Notice. Applicants filing in response to a window should answer "Yes" and provide the window closing date and/or the window number. All other applications can be filed at any time. Such applicants should answer "No."

**Question 4: DTV Service Type.** The DTV Pre-Transition service type is for a station whose application relates solely to its pre-transition DTV operation 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.

**DTS Service Type:** A DTV station may be authorized to operate multiple synchronized transmitters on its assigned channel to provide service consistent with the requirements of 47 C.F.R. Section 73.626 of the Commission's rules. Such operation is called a distributed transmission system (DTS). Except as expressly provided in 47 C.F.R. Section 73.626, DTV stations operating a DTS facility must comply with all rules applicable to DTV single-transmitter stations. See also Digital Television Distributed Transmission System Technologies; MB Docket No. 05-312; Report and Order, FCC 08-256 (rel. Nov. 7, 2008).

## INSTRUCTIONS FOR SECTION II – LEGAL AND FINANCIAL INFORMATION

**Question 1: Certification.** Each applicant is responsible for the information that the application instructions and worksheets convey. The Commission's licensing processes are premised on the accuracy and reliability of applicant certifications. Thus, each applicant must carefully review all

instructions and worksheets prior to completing this application. In this question, the applicant must certify that it has reviewed these materials and bases its answers on these materials.

**Question 2: Eligibility.** Indicate the noncommercial educational nature of applicant's organization. All nonprofit educational institutions, including public and private schools and colleges, should choose "a." Government entities, including agencies, boards, etc., that do not operate a school should choose "b." Non-profit educational organizations that are neither schools nor government entities, such as private educational nonprofit corporations, should choose "c." If the applicant cannot answer "Yes" to any subpart of this question, the applicant is not eligible to hold an NCE station authorization.

**Question 3:** Television applicants other than governments and schools are eligible to hold NCE authorizations only if the applicant's leaders are representative of a broad cross section of community elements. Examples of elements of the community are businesses, civic groups, professions, religious groups, schools, and government. See Worksheet #2 which is based on Community Leader Checklist, Ascertainment of Community Problems by Broadcast Applicants, 41 Fed. Reg. 1372, 1384 (January 7, 1976). For a governing board to be considered representative, the applicant must have at least four different elements of the community among its leadership. Television applicants checking "Yes" to "2(a)" or "2(b)" and radio applicants should indicate "Not applicable."

**Question 4(a):** Indicate whether the Commission has previously approved the applicant's educational qualifications and program and whether the applicant will use the proposed station to advance a similar program. Applicants answering "Yes" should indicate the file number of the most recent application in which the Commission granted such approval, and need not provide an exhibit in Question 4(b).

**Question 4(b):** Applicants not previously approved or planning to advance a program dissimilar from one previously approved must establish their qualifications. The applicant must provide an exhibit showing that it has an educational objective and that the station will be used for the advancement of an educational program that will further that objective in accordance with 47 C.F.R. Sections 73.503 (radio) or 73.621 (TV). In considering these requirements, emphasis is placed on proposed station programs which are clearly educational in nature, i.e., actually involve teaching or instruction, whether for formal credit or not. However, it is not necessary that the proposed station's programming be exclusively educational in nature. Also, all programming on the station must be noncommercial in nature, with no advertisements, and no support for or opposition of a candidate for political office.

**Question 5:** The applicant should review its governing documents to determine whether they limit the applicant from advancing an educational program or from complying with FCC rules.

**Question 6(a): Parties to the Application.** This question is designed to identify all individuals and organizations who may

be subject to various FCC rules and related statutory requirements. The applicant will be answering questions about those individuals and entities listed in response to Question 6 when responding to other subsequent questions. As used in this application, 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 license sufficient to implicate the Commission's multiple ownership rules. Although the multiple ownership rules do not limit the number of attributable noncommercial educational stations that can be owned, the attributable nature of stations is nevertheless an important one in the noncommercial educational context, especially in the use of resolving mutually exclusive applications. In responding to Question 6, 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 and explained in Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests, FCC 99-207, released August 6, 1999. See also, 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). **In the noncommercial context, the interest of the applicant, its parent, its subsidiaries, and their officers and directors are attributable.** Additionally, "parties to the application" includes the following with respect to each of the listed applicant entities:

**Government or Public Educational Agency, Board, or Institution:** The members of the governing board and chief executive officers shall be considered parties to the application.

**Non-Stock Corporations or Other Non Stock Entities:** The applicant, the parent and subsidiary entities of the applicant, and the officers, directors, and governing board members of the applicant and its parent and subsidiary entities are considered to be parties to the application.

**Partnerships and Limited Partnerships:** Partners and non-insulated limited partners are considered to be parties to the application. A limited partner in a limited partnership is considered to be insulated 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 subsection "b" of Question 6. Sufficient insulation of a limited partner for purposes of this certification is assured if the limited partnership agreement:

- (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 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 Companies:** 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.

**Stock Corporations:** The Commission's multiple ownership attribution policies and standards apply to NCE applicants and licensees that are stock corporations. Generally, the applicant, the parent and subsidiary entities of the applicant, the officers, directors, and governing board members of the applicant and its parent and subsidiary entities, and holders of voting stock interests in the applicant of 5 percent or more are considered to be parties to the application.

- a. **Voting stock interests.** Voting stock interests of 5 percent or more of the issued and outstanding voting stock of the applicant are attributable, unless the interest

is passive in nature, in which case voting stock interests of 20 percent or more are attributable. Worksheet #3 entitled "Non-Party Influence Over Applicant" is provided to help determine whether an interest is passive in nature for purposes of the Commission's attribution policies and standards. Where the 5 percent 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, 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.

**NOTE:** In the event that the applicant has more than 50 stockholders, stock subscribers, or holders of membership certificates or other ownership interests, only officers, directors, and persons or entities who are the beneficial or record owners, have the right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest,

shall be considered parties to this application. If any corporation or other legal entity owns 1% or more of an applicant with more than 50 stockholders, its officers, directors and all persons or entities, who are the beneficial or record owners, have the right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest in the entity, shall also be considered parties to this application.

- b. **Non-voting stock and debt interests.** Non-voting stock and debt interests may be attributable under 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 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 a donor or lender would normally not be considered attributable. However, under the **EDP** standard, that interest would be attributable if the donor or lender provided more than 33% of the applicant's total asset value **AND** the donor or lender also held a 5% voting interest in a radio or television station licensee in the same market.

**Question 6(b):** Generally, certain investors, certain supporters and donors, certain creditors and others with similar relationships to the station are not considered parties to the application. However, as set forth in Worksheet #3, entitled "Non-Party Influence over Applicant," the holder of such an interest may be deemed a party to the application in particular situations where they may influence the station and, if so, must be listed in the table in Question 6a. In the event that the non-party influence over applicant worksheets requires submission of an explanatory exhibit, the applicant must respond "No" to Question 6(b) and provide an exhibit.

**Question 7:** List the radio and television stations in which the parties identified in Question 6 have an attributable interest. If these parties have no other broadcast interests select "Not applicable."

**Questions 8 and 9: Character Issues/Adverse Findings.** Question 8 requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an FCC application that was or is the subject of unresolved character issues. Question 9 requires the applicant to disclose 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 including non-FCC 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 Questions 8 and 9, 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 Question 8 is "No," the applicant must submit an exhibit that identifies 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 Question 9, 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 Question 9 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.

**Question 10: Alien Ownership and Control.** All applicants must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit to an alien, the 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 corporation of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or by a corporation organized under the laws of a foreign country. This proscription could likewise apply to any corporation directly or indirectly controlled by another corporation of which (a) any officer is, (b) more than 25% of the directors are, or (c) more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative. The Commission may also deny a construction permit to a corporation controlled by another corporation organized under the laws of a foreign country. Any such applicant seeking Commission consent to exceed this 25% benchmark in Section 310(b)(4) of the Act must do so by filing a petition for declaratory ruling pursuant to Section 1.5000 *et seq.* of the Commission's rules. *See generally Review*

*of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended, Report and Order, FCC 16-128, paras. 67-72 (rel. Sept. 30, 2016) (2016 Foreign Ownership Order).*

The applicant must determine the citizenship of each officer and director. It must also determine the citizenship of each shareholder or else explain how it determined the relevant percentages. Applicants and licensees that have many members, shareholders, or other interest holders must determine the citizenship of interest holders who are known or should be known to the company in its ordinary course of business, including: (1) registered shareholders; (2) officers, directors, and employees; (3) interest holders reported to the Securities and Exchange Commission or other government agencies; (4) beneficial owners identified in annual or quarterly reports and proxy statements; and (5) any other interest holders that are actually known to the company, such as through transactions, litigation, proxies, or any other source. Statistical sampling surveys are no longer necessary. Although direct inquiry and publicly available resources may be used to determine citizenship of known or should-be-known interest holders, street addresses are not sufficient for this purpose. For more detailed information on identifying and calculating foreign interests, *see 2016 Foreign Ownership Order, paras. 44-72.*

If the combined total foreign ownership (foreign voting interests and foreign equity interests) identified under this methodology does not exceed 25%, a declaratory ruling is not necessary to grant the application. A subsidiary or affiliate of a licensee already named in a foreign ownership declaratory ruling may rely on that ruling, and by certifying compliance with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments, certifies that it and the licensee named in the declaratory ruling are in compliance with the terms and conditions of the original foreign ownership declaratory ruling. *See 47 CFR § 1.5004(b).*

**Question 11: Program Service Certification.** A broadcast station is required to present informational programming responsive to issues and problems of the residents of its community of license. Issues can be addressed in programming such as news, public affairs, religious, community bulletin boards, and public service announcements. Prior to making the certification, the applicant should familiarize itself with its obligations. [See Programming Information in Broadcast Applications](#), 3 FCC Rcd 5467 (1988).

**Question 12: Local Public Notice.** In responding to this question, applicant should refer to the Local Notice Checklist in the Worksheets.

**Question 13: 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 Question 13 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 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.

**Question 14. Equal Employment Opportunity Program.** Applicants seeking authority to construct a new noncommercial 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.

**Questions 15, 16 and 17: Financial.** These questions are for new stations only. Applicants for new stations must demonstrate their financial qualifications by answering Questions 15, 16 and 17. An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months, without additional funds. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used here, "net liquid assets" means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities. Applicants requesting financial assistance from the National Telecommunications and Information Administration (NTIA) are encouraged to file this FCC Form 340 well before filing their requests for funds with NTIA.

Documentation supporting the attestation of financial qualifications need not be submitted with this application but must be available to the Commission upon request. The Commission encourages that all financial statements used in the preparation of this application be prepared in accordance with generally accepted accounting principles.

**Questions 18 and 19: Holding Period.** These questions apply to modification applications only. Applicants for modified facilities whose construction permits were awarded based on certain preferences, must demonstrate that they are maintaining those characteristics or that four years of on-air operations have already been provided. Applicants who received no preferences should answer “Yes.” All others should answer “No” and provide the information requested. If answering “No” to Question 19(a), provide an exhibit demonstrating that a proposed downgrade would be in the public interest. The exhibit should include the station’s covered population and area as authorized, and the population and area proposed.

### **INSTRUCTIONS FOR SECTION III – PRELIMINARY FACTORS IN EVENT OF MUTUAL EXCLUSIVITY**

Questions 1 and 2 of this section are applicable only to applicants for new and major changes to FM stations reserved for noncommercial educational use, both in the reserved band (Channels 200-220), and the non-reserved band (i.e., designated in the FM Table of Allotments, 47 C.F.R. § 73.202, with an asterisk [\*]). Questions 3 and 4 are applicable only to applications for new and major changes to FM stations operating in the reserved band (Channels 200-220). This section enables us to consider, in the event of mutually exclusive FM applications that would serve different communities, whether service to one community over the other would best achieve our directive to distribute radio service fairly among communities. See 47 U.S.C. Section 307(b) (“Section 307(b)”).

**Question 1:** The certification asks whether the applicant proposes first overall reception service to any population or area. In *Policies to Promote Rural Radio Service and to Streamline Auction, Allotment, and Assignment Policies*, First Report and Order, 25 FCC Rcd 1583, 1594 (2010) (“*Rural First Report and Order*”), the Commission stated that the Tribal Priority (discussed in the instructions to Question 2, below) will not prevail over a proposal for first aural reception service (this is *not* the different first NCE reception service reported in response to Question 3 below) to a significant population. Applicants answering “yes” should provide a map indicating the “white area” (area with no aural reception service) that will be served by their proposal, and setting forth the area and population that will be provided with first overall aural reception service. The applicant’s population figures must be based on the most recent Census Block Data from the United States Bureau of Census. Applicants should use the centroid method of counting population (counting persons within each of the relevant census blocks). Applicants should calculate contours based on the standard predicted contours established in 47 C.F.R. Section 73.313(c). The Commission will consider the response to this question only if it determines

(a) that the applicant has answered “yes” and provided an exhibit indicating first aural reception service to a significant population, and (b) that the application is mutually exclusive with an application claiming the Tribal Priority. All applicants should proceed to Question 2.

**Question 2:** The certification requests information relative to the “Tribal Priority” under Section 307(b), implemented in the *Rural First Report and Order*, 25 FCC Rcd at 1596-97. To qualify for the Tribal Priority, the applicant must certify that (1) it is a Tribal Applicant; (2) the facilities proposed in the application will provide Tribal Coverage of Tribal Lands occupied by the applicant Tribe(s); (3) the proposed community of license is located on Tribal Lands; and (4) the proposed facility would be the first local tribal-owned noncommercial educational transmission service at the proposed community of license. The applicant must meet all four criteria in order to claim the Tribal Priority.

Section 73.7000 of the Commission’s Rules (47 C.F.R. Section 73.7000) defines the terms “Tribe,” “Tribal Applicant,” “Tribal Coverage,” and “Tribal Lands” used in this question. In that section of the Rules, the term “Federally-Recognized Indian Tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village or community which is acknowledged by the federal government to constitute a government-to-government relationship with the United States and eligible for the programs and services established by the United States for Indians. See *The Federally Recognized Indian Tribe List Act of 1994* (Indian Tribe Act), Pub. L. 103-454, 108 Stat. 4791 (1994) (the Secretary of the Interior is required to publish in the Federal Register an annual list of all Indian Tribes which the Secretary recognizes to be eligible for the special programs and services provided by the United States to Indians because of their status as Indians). *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078, 4080 (2000).

As used here, “Tribal Lands” means both “reservations” and “near reservation” lands. “Reservations” is defined as any Federally Recognized Indian Tribe’s reservation, pueblo or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlements Act (85 Stat. 688), and Indian allotments, for which a Tribe exercises regulatory jurisdiction. 47 C.F.R. § 54.400(e). “Near reservation” is defined as “those areas or communities adjacent or contiguous to reservations which are designated by the Department of Interior’s Commission of Indian Affairs upon recommendation of the Local Bureau of Indian Affairs Superintendent, which recommendation shall be based upon consultation with the tribal governing body of those reservations, as locales appropriate for the extension of financial assistance and/or social services on the basis of such general criteria as: Number of Indian people native to the reservation residing in the area; a written designation by the tribal governing body that members of their tribe and family members who are Indian residing in the area, are socially, culturally and economically affiliated with their tribe and reservation; geographical proximity of the area to the reservation and administrative feasibility of providing an adequate level of services to the area.” *Id.* Thus, “Tribal



Lands” includes American Indian Reservations and Trust Lands, Tribal Jurisdiction Statistical Areas, Tribal Designated Statistical Areas, Hawaiian Homelands, and Alaska Native Village Statistical Areas, as well as the communities situated on such lands.

The daytime principal community contour for noncommercial educational FM stations in the reserved band (Channels 200 – 220) is that set forth in 47 C.F.R. Section 73.515. The daytime principal community contour for noncommercial educational FM stations in the non-reserved band (Channels 221 and above) is that set forth in 47 C.F.R. Section 73.315. Applicants answering “Yes” must provide an exhibit setting forth: (a) the tribal identity/identities of the applicant or applicant entity/entities; (b) (1) a map showing that at least 50 percent of the area within the proposed station’s principal community contour is over that Tribe’s Tribal Lands but does not cover 50 percent or more of a non-applicant Tribe’s Tribal Lands; or (2) a map showing that the applicant’s proposed principal community contour (i) encompasses 50 percent or more of that Tribe’s Tribal Lands, but does not cover 50 percent or more of a non-applicant Tribe’s Tribal Lands, (ii) serves at least 2,000 people living on Tribal Lands, and (iii) the total population on Tribal Lands residing within the station’s service contour constitutes at least 50 percent of the total covered population; (c) that the proposed community of license is located on Tribal Lands; (d) the identity/identities of the Tribe or Tribes whose land is covered by the applicant’s proposed principal community contour; and (e) the population on Tribal Lands covered by the applicant’s proposed principal community contour. If the applicant consists of more than one Tribe, or an entity 51 percent or more owned or controlled by a Tribe or Tribes, at least 50 percent of the proposed principal community contour must cover Tribal Lands occupied by the applicant’s constituent Tribes, or the proposed principal community contour must cover 50 percent or more of Tribal Lands occupied by the applicant’s constituent Tribes; that is, the requirement of Tribal Coverage will not be met by coverage of Tribal Lands not occupied by a Tribe or Tribes that is/are the applicant, or that owns, controls, or comprises part of the applicant entity. In order to claim the Tribal Priority, Tribal Applicants must demonstrate that their proposal constitutes the first local tribal-owned NCE transmission service at a community of license located on Tribal Lands. Applicants not answering “yes” to this question should proceed to Questions 3 and 4.

**Questions 3 and 4:** The certification asks whether the station would provide a first or second noncommercial educational radio service to a significant population. For purposes of this question, applicants must consider all full-service FM reserved channel authorizations placing a 60 dBu contour over areas that the applicant also proposes to cover with a 60 dBu contour, including stations authorized to communities other than that proposed by the applicant. Service calculations must include granted and unexpired construction permits for new unbuilt reserved channel NCE stations. In cases in which a same-area NCE FM station holds both a license and a construction permit, calculations must be based on the licensed facility unless the licensee has commenced operations in accordance with its permit pursuant to program test authority, and a covering license application is on file as of the

close of the current filing window. Applicants should not count low-power stations, AM stations, or FM stations that voluntarily operate with a noncommercial format on channels not specifically reserved for that purpose. Vacant allotments and pending applications are not counted. Analyses will be based on service and population data as of the close of the current filing window. The applicant’s population figures must be based on the most recent Census Block Data from the United States Bureau of Census. Applicants should use the centroid method of counting population (counting persons within each of the relevant census blocks). Applicants should calculate contours based on the standard predicted contours established in 47 C.F.R. Section 73.313(c). First or second service to fewer than 2,000 people or to fewer than ten percent of the population covered is considered insignificant. However, for the purpose of aggregating first and second service, applicants may include a first or second service that would have been considered insignificant if considered alone, if the aggregated population is significant. Applicants answering “Yes” should provide an exhibit identifying the population residing within the station’s 60 dBu service contour and the number of people receiving first, second, and aggregated first and second NCE aural service. See Worksheet #6 for additional information.

#### **INSTRUCTIONS FOR SECTION IV – POINT SYSTEM FACTORS**

In the event of conflicting mutually exclusive applications not resolved through consideration of the preliminary matters in Section III, the Commission will conduct a paper hearing process by applying a point system to select one application for grant. The point system was established in Report and Order, Reexamination of the Comparative Standards for Noncommercial Educational Applicants, Docket No. 95-31, 15 FCC Rcd 7386 (2000) and clarified in Memorandum Opinion and Order, FCC 01-64 (February 28, 2001). The applicant’s qualification for points is determined as of the closing of the filing window assuming the applicant continues to qualify for all points claimed at the time of selection. Thus, points cannot be enhanced by changes made after the close of the deadline for filing of competing applications, but may be reduced by such changes.

**Question 1: Established Local Applicant.** Applicant should complete Worksheet #4. Established local applicants may claim 3 points. An applicant is considered established if it has been local for at least the 24 months immediately preceding application. A nongovernmental applicant is local if, within 25 miles of the reference coordinates for the proposed community of license, applicant has a school campus, its primary physical headquarters, or the primary residences of 75% of its governing board members. A local headquarters or residence must be a primary place of business or residence and not, for example, a post office box, lawyer’s office, branch office, or vacation home. Governments are also considered local throughout the area within their jurisdiction. (For example, a state government is local throughout a state, whereas a city Board of Education is local throughout the city). An applicant claiming points as an established local applicant, must place supporting documentation in a local

public inspection file and submit to the Commission copies of the documentation. Examples of acceptable documentation include corporate material from the secretary of state, lists of names, addresses, and length of residence of board members, copies of governing documents requiring a 75% local governing board, and course brochures indicating that classes have been offered at a local campus for the preceeding two years, etc.

**Question 2(a): Diversity of Ownership.** If no party to the application has an attributable interest in another authorized station with an overlapping principal community contour, the applicant can claim 2 points. Parties are those people or entities listed in response to Section II, Question 6. For purposes of this question, only same service stations (radio or TV) are relevant. For example, an applicant for a new noncommercial educational FM radio station must consider whether there are attributable interests in overlapping AM or FM stations and FM translators, but need not consider any attributable TV station for purposes of claiming this point. When counting translator stations, count all non-fill-in stations, i.e., those that extend outside the applicant's primary station's service contour, except to the extent that the applicant intends to replace specific translator(s) with the proposed full service station. An applicant claiming points for diversity of ownership must place supporting documentation in a local public inspection file and submit to the Commission copies of the documentation. The preferred documentation is a contour map showing the principal community contours of the proposed station and of other attributable stations whose principal community contours overlap or come within 10 miles of the proposed station's contours. Applicants with no other attributable stations or with attributable stations more distant should so state.

**Question 2(b):** If the applicant is proposing to build a full service station that will replace the applicant's existing translator(s) it need not count the translator(s) (which would cease upon operation of the proposed full service stations) for purposes of diversity. The applicant relying on this exception may exclude the translator(s) from Question 2(a) above if it answers "Yes" to Question 2(b) and provides an exhibit identifying the translator(s) and stating its intention to request cancellation of the translator(s)' authorization upon commencement of operation of the proposed full service station.

**Question 3: State-wide Network.** If the Applicant has not claimed a credit for local diversity in Question 2 above, it should complete Worksheet 5 to see whether it qualifies for a 2 point credit as a state-wide network. Applicants may not claim both the state-wide network and local diversity credit. Both public and private entities can qualify for the state-wide network credit, provided that they meet the requirements set out in 47 C.F.R. Section 73.7003(b)(3), which are incorporated into Worksheet 5. National and regional networks generally will not qualify for this credit. Applicants who determine, after completing Worksheet 5, that they qualify, should answer "Yes." All others should answer "No." Applicants claiming points as a state-wide network must place supporting documentation in their local public inspection file and submit to the Commission copies of the documentation.

Preferred documentation includes identification of the names, locations, accrediting bodies, and number of schools which the applicant is currently serving and those that it will serve, and an indication of whether the schools are under the applicant's jurisdiction or are being served pursuant to a coordinated agreement with another authority. If the schools are not under the applicant's jurisdiction, the applicant should include documentation of the terms of its agreement with the entity with authority over the schools.

**Question 4: Technical Parameters.** An applicant that provides the best technical proposal among the competing applicants, in terms of area and population served, may be eligible for additional points. The applicant may use Worksheet #8 to answer this question. Applicant should indicate the area and population within its proposed 60 dBu service contour (FM) or Grade B contour (TV). For new stations, the proposal is the area covered by that contour. For modifications to existing stations, the proposal is the **new** area within that contour. Modification applications must exclude any areas within the proposed service contour that are already served by the station's existing service contour. Area must be measured in square kilometers and exclude significant areas of water, e.g. ocean and lakes. Population should be measured using the most recent census block data available from the United States Bureau of Census. If applicant's claimed coverage is superior to all others in terms of both area and population by at least 10%, the Commission will award 1 point. If the proposal is superior to all others by at least 25%, the Commission will instead award 2 points. The applicant should place in its local public inspection file a statement of how the technical parameters were calculated, e.g., the year and blocks of census information used, and the method used to determine area, including the amount of area excluded for specific large areas of water. The applicant should submit to the Commission copies of this information.

#### INSTRUCTIONS FOR SECTION V – TIE BREAKERS

If two or more applicants are tied under the point system, the Commission will apply a series of tie breakers, until the tie is broken. If the tie cannot be broken and the applicants cannot reach a voluntary settlement, the Commission will consider the tied applicants for mandatory timesharing on an equal-time basis.

**Question 1: Existing Authorizations.** If mutually exclusive applicants differ in their number of existing authorizations, the applicant with the fewest attributable authorizations at the time of filing will be chosen. Applicant should indicate the number of attributable authorizations held by parties to the application nationwide, but only full service stations in the same service (radio or television). Include both licenses and construction permits, whether commercial or noncommercial. In addition, FM applicants must count translator stations providing non-fill-in service (i.e., those extending a station's service area) unless identified in an exhibit to Question IV(2)(b) above. Do not count FM translators providing fill-in only service in determining the number of stations for this question.

Example: Applicants A and B are competing to construct a new noncommercial educational radio station, and are tied.

Applicant A has one television station, one FM station using one fill-in FM translator, and one construction permit to build a new commercial AM station. Applicant A should indicate interests in two radio stations. (The TV and fill-in translator interests are not counted.)

Applicant B has no other radio authorizations. A member of its governing board also serves on the governing board of a commercial AM station. Its parent organization has interests in 10 television stations. Applicant B should indicate interests in one radio station. (Its officers and parent are parties, but the TV interests are not counted.)

Applicant B would become the tentative selectee because it has fewer attributable authorizations.

**Question 2: Pending Applications.** If a tie remains between mutually exclusive applicants after considering Question 1 (existing authorizations), the Commission will select the applicant with the fewest pending applications in the same service (radio or TV) at the time of filing. Applicant should indicate the number of applications in which parties to the application hold an attributable interest. Include applications for new stations and for major changes to existing stations, whether commercial or noncommercial full service or FM translator (other than fill-in FM stations). Do not include other applications (e.g., voluntary assignment of license, license renewal, minor change in existing facilities).

## **INSTRUCTIONS FOR SECTION VII – ENGINEERING DATA AND ANTENNA AND SITE INFORMATION**

**General Instructions.** These are general engineering instructions applicable to all applicants. An applicant should also review the instructions applicable to its particular application (FM, TV, or DTV). The engineering section contains a “Tech Box” in which the applicant specifies all 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. It is unacceptable to state that information is “on-file.”

- a. Applicants are not required to indicate the specific transmitter make and model. Rather, the permit authorizing construction will require installation of a FCC certified transmitter in compliance with the provisions of 47 C.F.R. Section 73.1660.
- b. 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 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, "FCC Interim Procedures for the Specification of Geographic Coordinates," 3 FCC Rcd 1478 (1988). Accordingly, in furnishing the information called for in Section V (e.g., V-A (AM), #4, V-B (FM), #2, V-C (TV), #2 V-D (DTV), #6), the applicant should use NAD 27 datum.

- c. Effective July 1, 1996, the Commission adopted rules which require Antenna Structure owners to apply for a registration number whenever antenna structures meet FAA notification criteria. As owners register these structures they are required to provide tenant licensees with a copy of FCC Form 854R which provides the antenna structure registration number. (If you need additional information, contact the FCC's Consumer Assistance Branch at 1-800-322-1117 for a copy of FACT SHEET #15, Antenna Structure Registration.)
- d. The following guidance is provided for the questions regarding environmental impact:
  - (1) An engineering study based upon OST Bulletin No. 65, October, 1985, entitled "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation" addressing the issue of potential occupational and public hazards caused by the proposed facilities. You must state what steps will be taken to limit the RF radiation exposure to the public and to persons authorized access to the tower.
  - (2) Place an (X) in the appropriate box to indicate whether a Commission grant of the proposed communication facility(ies) may have a significant environmental impact as defined by 47 C.F.R. Section 1.1307. Briefly, Commission grant of an application may have a significant environmental impact if any of the following is proposed:
    - (a) A facility is to be located in sensitive areas (e.g., an officially designated wilderness area, a wildlife preserve area, a flood plain) or will physically or visually affect sites significant in American history.
    - (b) A facility whose construction will involve significant change in surface features.
    - (c) The antenna tower and/or supporting structure(s) will be equipped with high intensity white lights and are to be located in residential neighborhoods.

- (d) The facilities or their operation will cause exposure of workers or the general public to levels of radio frequency radiation in excess of current FCC guidelines. NOTE: This paragraph applies also to FM booster and translator stations transmitting with an ERP in excess of 100 watts. See 47 C.F.R. Section 1.1307(b), Note 1.
- (3) If you answer Yes, submit the required Environmental Assessment ("EA"). Include in the EA the following information, for antenna towers:
- (a) 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 lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
- (b) A statement regarding the zoning classification of the site, and communications with, or proceedings before and determinations (if any) made by zoning, planning, environmental or other local, state or federal authorities on matters relating to environmental impact.
- (c) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
- (d) A discussion of environmental and other considerations which 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 which have been or might reasonably be considered.
- (4) The information submitted in the EA shall be factual (not argumentative or conclusory) and concise with sufficient detail to explain the environmental consequences and to enable the Commission, after an independent review of the EA, to reach a determination concerning the proposal's environmental impact, if any. The EA shall deal specifically with any feature of the site which has special environmental significance (e.g., wilderness area, wildlife preserves, natural migration paths for birds and other wildlife, and sites of historic, architectural, or archeological value). In the case of historically significant sites, it shall specify the effect of the facilities on any district, site, building, structure or object listed in the National Register of Historic Places, 39 Fed. Reg. 6402 (February 19, 1974). It shall also detail any substantial change in the character of the land utilized (e.g., deforestation, water diversion, wetland fill, or other extensive change of surface

features). In the case of wilderness areas, wildlife preserves, or other like areas, the statement shall discuss the effect of any continuing pattern of human intrusion into the area (e.g., necessitated by the operation and maintenance of the facilities).

- (5) The EA shall also be accompanied with evidence of site approval, as obtained from local or federal land use authorities.
- (6) To the extent that such information is submitted in another part of the application, it need not be duplicated in the EA. However, adequate cross-reference to such information shall be supplied.
- (7) An EA does not need to be submitted to the Commission if another agency of the Federal Government has assumed responsibility (a) for determining whether the facilities in question will have a significant effect on the quality of the human environment, and (b) for invoking the environmental impact statement process if it will affect the environment.

## SECTION VII - FM (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 Sections 73.201 and 73.501. If the channel is a reserved channel above 220 as indicated by an asterisk in the Table of Allotments, the applicant will be required to meet the engineering requirements for non-reserved channels stations in item 14.

**Item 2: Class.** The proposed class must meet the requirements in Sections 73.210, 73.211 and 73.511.

**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 Assignment Coordinates.** FOR RESERVED CHANNELS ABOVE 220 ONLY. If modifying an assignment (that is, channels and communities occupied by or reserved for authorized facilities), the proposed assignment site must be specified using NAD27 coordinates. 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 to modify an 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 10.

**Item 12: Directional Antenna.** If a directional antenna is proposed, the directional antenna must comply with Sections 73.316 and 73.510. Applicants need not submit the exact antenna manufacturer, make, model, and size along with FCC Form 340. 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 12-15 set forth a series of certifications concerning the Commission's technical allotment standards and operational requirements for FM stations.

**Item 13: 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 14: Community Coverage.** The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. See Sections 73.315 (Channels 221 and above) and 73.515 (Channels 220 and below). CHANNELS 221 AND ABOVE: 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. CHANNELS 220 AND BELOW: In order to answer "Yes" to this question, the proposed 1.0 mV/m contour (using the standard prediction method from Section 73.313) must cover at least 50% of the principal community or reach 50% of the population within the community. If compliance with Sections 73.315 or 73.515 is based on alternative prediction methods, exhibits must be submitted demonstrating compliance with all appropriate rule sections.

**Item 15: 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. Only check and respond to those that apply.

a. **Section 73.509 Overlap.** If the proposed operation is for a full service or Class D facility for a channel in the range from Channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a Class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

- (1) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths;
- (2) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused;

- (3) Interfering contours over pertinent areas of all other proposals and existing stations from which objectionable interference would be caused;
- (4) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference;
- (5) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities;
- (6) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof;
- (7) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified; and
- (8) The name of the map(s) used in the Exhibit(s).

If the facility proposed operation on channel 218, 219, or 220 or operate on channels 221 through 300; and/or is 53 or 54 channels removed, the applicant should respond to 13(b) through 13(d) if applicable and submit an Exhibit.

- b. **Section 73.207 Spacing Requirements.** Does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207? If the answer is "Yes," the applicant need mark only box 13(b).  
If the answer to (b) is "No," attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.
- c. **Grandfathered Short-Spaced Stations.** If the station is "grandfathered" the applicant should (1) mark box 13c, (2) list the stations, and (3) supply an Exhibit demonstrating that the proposal complies with Section 73.213.
- d. **Contour Protection.** If the applicant wishes to be processed under the contour protection standards of Section 73.215, the applicant should (1) mark box 13d, (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. The Exhibit should be a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

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

e. **TV Channel 6 Protection.** Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525? If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

**Item 16: Reserved Channels Above 220.** Applicants for operation on channels 221 through 300 are required to meet additional technical/engineering requirements. Specifically, applicants are required to comply with assignment requirements should they propose changes to their assignment by one-step application.

a. **Availability of Channels.** The applicant must certify that it complies with the Commission's requirements for FM channel availability, 47 C.F.R. Section 73.203. In order to answer "Yes" to this question, the applicant must propose an existing assignment or propose the modification of an assignment. *See* Section 73.202. 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 17: International Borders.** Indicate whether the proposed antenna will be within 320 kilometers (199) miles of the border between the U.S. and Canada or Mexico. If "Yes," indicate the country involved, and attach an Exhibit showing compliance with International Agreements. If Mexico, demonstrate compliance with all provisions of the Agreement between the United States or America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band. If Canada, demonstrate compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under the Canada-United States FM Agreement of 1947.

**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 D of Section VI.

**Item 19: 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 NCE 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 fair, efficient, and equitable distribution of radio service under Section 307(b), compared to the current community of license. The exhibit may include any and all information the applicant deems relevant to the Commission's consideration including the areas and populations to be served at the new community, the numbers of stations (including NCE stations) licensed to the current and proposed communities of license, the numbers of stations (including NCE stations) providing service to the current and proposed communities of license, the population (according to the latest Census data) of the proposed community of license, and a description of the civic, cultural, religious, social, and commercial attributes of the proposed community of license (where necessary to establish the precondition of a licensable community).

## SECTION VII - TV (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 completed. 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 dB   
Channels 7-13: 77 dB   
Channels 14-69: 80 dB

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.

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 of a pre-transition 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 a pre-transition facility 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 a post-transition facility in accordance with the procedures set forth in the Report and Order in the Third DTV Periodic Review proceeding, 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 dB
- Channels 7-13: 36 dB
- Channels 14-69: 41 dB

## SECTION VII - DTV (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

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.

## SECTION VIII – DTS (DTS ENGINEERING)

1. **GENERAL QUESTIONS.** The DTV station applicant must complete the following questions that relate to the station's proposed DTS facility as a whole. See 47 C.F.R. Section 73.626 of the rules.

**Table of Distances.** The following Table of Distances describes (by channel and zone) a station's



maximum service area that can be obtained in applying for a DTS authorization. See 47 C.F.R. Section 73.626(c). The distances represent circles within which DTS station coverage contours must be contained.

Channel	Zone (see 47 C.F.R. Section 73.609)	F(50,90) field strength	Distance from reference point
2-6	1	28 dBu	108 km. (67 mi.)
2-6	2 and 3	28 dBu	128 km. (80 mi.)
7-13	1	36 dBu	101 km. (63 mi.)
7-13	2 and 3	36 dBu	123 km. (77 mi.)
14-51	1, 2 and 3	41 dBu	103 km. (64 mi.)

**Item 3. DTS Reference Point Coordinates for Table of Distances.** A station’s DTS reference point is established in the FCC Order that created or made final modifications to the Post-Transition DTV Table of Allotments, 47 C.F.R. Section 73.622(i), and the corresponding facilities for the station’s channel assignment as set forth in that FCC Order. See 47 C.F.R. Section 73.626(c)(2) of the rules.

**Item 4.** The applicant must provide the file number of its current license or construction permit.

**Item 8. DTS facility.** The proposed DTS facility must comply with the requirements of 47 C.F.R. Section 73.626.

**Item 8a. The applicant must comply with 47 C.F.R. Section 73.626(f)(1) which states:** An application proposing use of a DTS will not be accepted for filing unless the combined coverage from all of the DTS transmitters covers all of the applicant’s authorized service area. See 47 C.F.R. Section 73.626(f)(1).

**Item 8b. The applicant must comply with 47 C.F.R. Section 73.626(f)(2) which states:** An application proposing use of a DTS will not be accepted for filing unless each DTS transmitter’s coverage is contained within either (1) the DTV station’s Table of Distances area or (2) its authorized service area, except where such extension of coverage beyond the station’s authorized service area is of a minimal amount and necessary to meet the requirements of 47 C.F.R. Section 73.626(f)(1). See 47 C.F.R. Section 73.626(f)(2). The coverage for each DTS transmitter is determined based on the F(50,90) field strength given in the Table of Distances, calculated in accordance with 47 C.F.R. Section 73.625(b). The combined coverage of a DTS station is the logical union of the coverage of all DTS transmitters. See 47 C.F.R. Section 73.626(d). Applicants proposing a DTS facility with coverage that extends beyond the station’s authorized service area must attach an Exhibit showing that such extension of coverage is only of a minimal amount. Furthermore, the

applicant must show that its proposed DTS facility is necessary to adequately serve the population inside of a station’s authorized service area. See 47 C.F.R. Section 73.626(f)(1) and (2).

**Item 8c. The applicant must comply with 47 C.F.R. Section 73.626(f)(3) which states:** An application proposing use of a DTS will not be accepted for filing unless each DTS transmitter’s coverage is contiguous with at least one other DTS transmitter’s coverage. See 47 C.F.R. Section 73.626(f)(3).

**Item 8d. The applicant must comply with 47 C.F.R. Section 73.626(f)(4) which states:** An application proposing use of a DTS will not be accepted for filing unless the coverage from one or more DTS transmitter(s) is shown to provide principal community coverage as required in 47 C.F.R. Section 73.625(a). See 47 C.F.R. Section 73.626(f)(4). In cases where the DTS applicant proposes to use multiple transmitters to comply with 47 C.F.R. Section 73.625(a), the applicant must attach an Exhibit explaining whether the interaction between the signals from the different transmitters may make reception difficult or impossible in some part of the overlapping coverage areas. The Commission will disallow proposals that fail to address this concern.

**Item 8e. The applicant must comply with 47 C.F.R. Section 73.626(f)(5) which states:** An application proposing use of a DTS will not be accepted for filing unless the “combined field strength” of all the DTS transmitters in a network does not cause interference to another station in excess of the criteria specified in 47 C.F.R. Section 73.616, where the combined field strength level is determined by a “root-sum-square” calculation, in which the combined field strength level at a given location is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location.. See 47 C.F.R. Section 73.626(f)(5).

**Item 8f. The applicant must comply with 47 C.F.R. Section 73.626(f)(6) which states:** An application proposing use of a DTS will not be accepted for filing unless each DTS transmitter is located within either (1) the DTV station’s Table of Distances area or (2) its authorized service area. See 47 C.F.R. Section 73.626(f)(6).

- TECH BOX (site-specific questions).** The applicant must complete these questions for each transmitter site in the proposed DTS facility. The applicant must ensure that the facility specifications listed in items 1-9 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.

**Item 9g. Required Exhibit.** The applicant must attach as an Exhibit all data specified in 47 C.F.R. Section

73.625(c). The elevation antenna (or radiation) pattern data must be submitted in Office Open XML (“Excel Spreadsheet”) format with the first column containing depression angle values and second (and subsequent, when applicable) column(s) containing relative field values. When applicable, the first row shall list the azimuth angle being tabulated. The range of depression angles shall be 10 degrees above horizontal (-10 degrees depression) to 90 degrees below horizontal (90 degrees depression) and shall include data points spaced not more than 0.5-degree between -5 and 10 degrees depression angle, and not more than 5 degrees elsewhere. All pattern minima and maxima shall be included. Additional elevation antenna (or radiation) pattern data may be included following the column corresponding to 350 degrees TN so that the direction(s) of maximum and minimum radiation are provided. A relative field value of 1 shall correspond to the azimuth and depression angles corresponding to the direction of maximum ERP.

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

We have estimated that each response to this collection of information will take 2-4 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 that it causes you, please e-mail them to [pra@fcc.gov](mailto:pra@fcc.gov) or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0029), 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 of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0029.

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

# FCC 340

## APPLICATION FOR CONSTRUCTION PERMIT FOR RESERVED CHANNEL NONCOMMERCIAL EDUCATIONAL BROADCAST STATION

FOR  
FCC  
USE  
ONLY

FOR COMMISSION USE ONLY  
FILE NO.

### Section I - General Information

1. Legal Name of the Licensee/Permittee		
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. Is this application being filed in response to a window?  Yes  No  
If Yes, specify closing date and/or window number: \_\_\_\_\_

4. **Application Purpose.**

- |  |  |
|--|--|
| <input type="checkbox"/> New station                       | <input type="checkbox"/> Major Modification of construction permit |
| <input type="checkbox"/> Major Change in licensed facility | <input type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> Minor Change in licensed facility | <input type="checkbox"/> Major Amendment to pending application    |
|  | <input type="checkbox"/> Minor Amendment to pending application    |

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

b. Service Type:  FM  TV  DTV  DTS

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

d. Community of License: 

City	State
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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.
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**NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See Instructions, paragraph L for additional information regarding completion of explanatory exhibits.**

**Section II - Legal and Financial**

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. **Eligibility.** Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.

The applicant certifies that it is:

- a. a nonprofit educational institution; or  Yes  No
- b. a governmental entity other than a school; or  Yes  No
- c. a nonprofit educational organization, other than described in a. or b.  Yes  No
3. For applicants checking "Yes" to question 2(c) and applying for a new noncommercial educational television station only, the applicant certifies that the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural, and civic segments of the principal community to be served.  Yes  No  N/A
4. a. The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.  Yes \_\_\_\_\_  
FCC File Number  
 No
- b. Applicants who answered "No" to Question 4(a), must include an exhibit that describes the applicant's educational objective and how the proposed station will be used to advance an educational program that will further that objective according to 47 C.F.R. Section 73.503 (for radio applicants) or 47 C.F.R. Section 73.621 (for television applicants). 

Exhibit No.
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5. The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.  Yes  No

6. a. **Parties to the Application.** List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If another entity holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

Name and Residence/Headquarters Address(es)  (a)	Citizenship  (b)	Positional Interest: Officer, director, investor/creditor attributable under the Commission's equity/debt plus standard, etc.  (c)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (e)	% of: of Total Assets (equity plus debt)  (f)
			Yes	No		
			(d)			

- b. Applicant certifies that any equity and financial interests not set forth above are non-attributable pursuant to 47 C.F.R. Section 73.3555 and that there are no agreements or understandings with any non-party that would give influence over the applicant's programming, personnel, or finances to that non-party.

Yes  No

See Explanation in Exhibit No.
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7. **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 pursuant to the notes to 47 C.F.R. Section 73.3555.  Exhibit No,  N/A
8. **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.
9. **Adverse Findings.** Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, 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.
- If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.
10. **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.
11. **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
12. **Local Public Notice.** Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.  Yes  No
13. **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
14. **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

**QUESTIONS 15,16 AND 17 APPLY ONLY TO APPLICATIONS FOR NEW STATIONS. OTHER APPLICANTS CAN PROCEED TO QUESTION 18.**

15. **Financial.** The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.  Yes  No See Explanation in Exhibit No.

If "No" to 15., answer questions 16. and 17.

16. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration?  Yes  No
17. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision?  Yes  No

**NOTE:** If Yes to 16. or 17., the application cannot be granted unconditionally until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on the applicant's part is required. If the applicant relies on funds from a source specified in Question 17., **the applicant must advise the Commission when the funds are committed or appropriated.** This should be accomplished by letter amendment to the application. Applicants should take note that the Commission's construction period is not considered "tolled" by funding difficulties and that any permit granted conditionally on funding will expire if the station is not constructed for any reason, including lack of funding.

**QUESTIONS 18 AND 19 DO NOT APPLY TO APPLICATIONS FOR NEW STATIONS. APPLICANTS FOR NEW FM STATIONS CAN PROCEED TO SECTION 111. APPLICANTS FOR NEW TV STATIONS CAN PROCEED TO SECTION IV.**

**Holding Period.**

18. Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).  Yes  No

If "No," answer a. and b. below. If applicant answers "No" to 18. above and cannot answer "Yes" to either a. or b. below, the application is unacceptable.

- a. Applicant certifies that the proposed modification will not downgrade service to the area on which the Section 307(b) preference was based.  Yes  No
- b. Applicant certifies that although it proposes to downgrade service to the area on which the Section 307(b) preference was based, applicant has provided full service to that area for a period of four years of on-air operations.  Yes  No
19. Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.  Yes  No

If "No," applicant must be able to answer "Yes" to a. below or provide an exhibit that makes a compelling showing that the downgrade would be in the public interest.

- a. Applicant certifies that the population and area within the proposed service contour (60 dBu (FM) or Grade B (TV)) are greater than or equivalent to those authorized.  Yes  No

**Section III -- Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b) (New and Major Changes to FM Radio Only)**  
(Other

1. Applicant certifies that it provides a first aural (reception) service. Applicants answering "Yes" must provide an Exhibit.  Yes  No
2. Applicant certifies that (1) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (2) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (3) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (4) the proposed facility would be the first local tribal-owned noncommercial educational transmission service at the proposed community of license. Applicants answering "Yes" must provide an Exhibit.  Yes  No

3. Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit.

Yes  No

Exhibit No.

4. Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people. Applicants answering "Yes" must provide an Exhibit.

Yes  No

Exhibit No.

**Section IV -- Point System Factors -- New and Major Change Applications Only** (used to select among mutually exclusive radio and television applications for new stations and ma or modifications) **NOTE:** Applicants will not receive any additional points for amendments made after the close of the application filing window.

1. **Established Local Applicant:** Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.

Yes (3 points)  No (0 points)

2. **Diversity of Ownership:** (a) Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in translator stations other than those identified in 2(b) below) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity be maintained, and that it has placed documentation of its diversity qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.

Yes (2 points)  No (0 points)

(b) Is the applicant's certification to 2(a) based on its exclusion of translator station(s) that will be replaced with a full service station pursuant to the authorization requested here?

Yes  No

If Yes, applicant must include an exhibit identifying the translator station authorization for which it will request cancellation upon commencement of operation of the proposed full service station (i.e., upon its filing of a license application and receipt of program test authority).

Exhibit No.

3. **State-wide Network:** Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.

Yes (2 points)  No (0 points)

4. **Technical Parameters:** Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or Grade B (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM), 73.683(TV) and 73.622(e) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)

Yes  No

New area served in square kilometers (excluding areas of water):

Population served based on the most recent census block data from the United States



**This box is for FCC use only:**

Technical Points:

- 0 points.
- 1 point. Applicant's proposal covers the largest area and population, and both area and population are 10% greater than next best proposal; or
- 2 points. Applicant's proposal covers the largest area and population, and both area and population are 25% greater than next best proposal.

**POINTS CLAIMED BY APPLICANT (from Questions 1-3)**

**TECHNICAL POINTS? (from Question 4)**

**TOTAL POINTS**

**Section V -- Tie Breakers -- New and Major Change Applications Only** (used to choose among competing radio and television

1. **Existing Authorizations.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of commercial and noncommercial licenses and construction pen-nits)

2. **Pending Applications.** By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in IV(2)(b) above. TV applicants should count all attributable full service TV stations, commercial and noncommercial, and TV translator stations other than fill-in stations or those identified in IV(2)(b) above.

(number of pending commercial and noncommercial applications)

**Section VI -- Certification**

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 VII -- Preparer's Certification**

I certify that I have prepared Section VII (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).

**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 (Section II, Question 12 ).

- 1. Newspaper notice (required for NEW and non-operating noncommercial stations).
  - (a) Dates of publication:
    - (i) All within 30 days of tender of the application?  Yes  No
  - (b) Daily newspaper published in community?  Yes  No
    - (i) If yes, public notice must appear twice a week for two consecutive weeks.
  - (c) No such daily newspaper, weekly newspaper published in community?  Yes  No
    - (i) If yes, notice must appear once a week for three consecutive weeks.
  - (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. (Operating noncommercial stations may broadcast the notice instead of giving notice by newspaper publication, if desired.)
  - (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
  - (a) Location of public file  Yes  No
  - (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**

**REPRESENTATIVE TV GOVERNING BOARD** (Section II, Question 3)

For each member of the TV applicant's governing board, check the box of the one element that best describes that member. TV applicants who check four or more categories (for a different member of their board) can certify that their board is representative of community elements in response to Section II, Question 3.

EXAMPLE: An applicant's 5 member governing board consists of one farm worker, two teachers, the mayor and one clergyman. The board is representative because it encompasses four community elements: agriculture, education, government and religion.

COMMUNITY ELEMENT	NAME OF BOARD MEMBER
<input type="checkbox"/> 1. Agriculture	
<input type="checkbox"/> 2. Business	
<input type="checkbox"/> 3. Charities	
<input type="checkbox"/> 4. Civic, Neighborhood and Fraternal Organizations	
<input type="checkbox"/> 5. Consumer Services	
<input type="checkbox"/> 6. Culture	
<input type="checkbox"/> 7. Education	
<input type="checkbox"/> 8. Environment	
<input type="checkbox"/> 9. Government (local, county, state and federal)	
<input type="checkbox"/> 10. Labor	
<input type="checkbox"/> 11. Military	
<input type="checkbox"/> 12. Minority and ethnic groups	
<input type="checkbox"/> 13. Organizations of and for the Elderly	
<input type="checkbox"/> 14. Organizations of and for the Women	
<input type="checkbox"/> 15. Organizations of and for the Youth (including children) and Students	
<input type="checkbox"/> 16. Professions	
<input type="checkbox"/> 17. Public Safety, Health and Welfare	
<input type="checkbox"/> 18. Recreation	
<input type="checkbox"/> 19. Religion	
<input type="checkbox"/> 20. Other	

### WORKSHEET #3

#### INVESTOR INSULATION AND NON-PARTY INFLUENCE OVER APPLICANT

This section of the worksheet may be used in connection with Section II, question 6 of FCC Form 340. See *Review of the Commission's Regulations and Policies Affecting Investment in the Broadcast Industry, 14 FCC Rcd 12559 (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 applicant 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   
c.  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 prohibits a LLC member to insulate itself in accordance with the Commission's criteria, the applicant may exclude those persons in answering Question 6(a). If "No" to the foregoing, the applicant must list those persons as a party in Question 6(a) or answer "No" to Question 6(b) and submit an explanatory 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.

**Non-Party Influence Over Applicant** (Section II, Question 6(b)).

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 assets 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

B. With respect to any person or entity providing more than 33% of equity and/or debt does that person or entity either:  Yes  No

- 1. have an attributable interest in a media outlet in the same market; or  Yes  No
- 2. supply over 15% of the total weekly broadcast programming of the station subject to this  Yes  No

C. 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 applicant answered "No" to all questions in A. and B. and answered "Yes" to all questions in C. 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 and answer "Yes" to Question 6(b) of the form. If not, the applicant must list the holder of the interest as a party in 6(a), or answer "No" to 6(b) and submit an exhibit detailing the rights of any non-party investor, the rights of the lender and the obligations of the applicant for each loan agreement, and the applicant's reasons for not treating them as a party to the application.

**WORKSHEET #4**

**ESTABLISHED LOCAL APPLICANT** (Section IV, Question 1)

1. **Is the applicant currently local, for purposes of the NCE point system?**

- a. **Local Campus.** Applicant operates a school campus within 25 miles of the reference coordinates\* of the proposed community of license.  Yes  No
- b. **Local Headquarters.** Applicant has a local headquarters (primary place of business) within 25 miles of the reference coordinates\* of the proposed community of license. NOTE: A local headquarters is the applicant's primary place of business and not, for example, a post office box or branch office.  Yes  No
- c. **Local Governing Board.** (1) At least 75% of the members of applicant's governing board have for the preceding two years maintained their primary residence within 25 miles of the reference coordinates\* of the proposed community of license AND (2) applicant's governing documents (e.g., by-laws) require that this 75% local characteristic of the governing board be maintained for future boards as well. NOTE: A primary residence is a domicile, and not for example, a vacation home or a student's temporary school address. For example, an address may be a domicile if it is the address from which the board member is registered to vote, maintains his driver's license, and/or files his federal income taxes.  Yes  No
- d. **Government Entity Within Own Jurisdiction.** Applicant is a government entity whose authority encompasses the proposed community of license. Example: Applicant is the Board of Regents of a State University System applying for a station within its own state or a City Board of Education applying for a station within its city.  Yes  No

\*A community's reference coordinates are generally the coordinates listed in the United States Department of Interior publication entitled "Index to the National Atlas of the United States." An alternative reference point, if none is listed in the Atlas Index, is the coordinates of the main post office.

Applicants answering "Yes" to a, b, c, or d should proceed to Question 2. Those answering "No" to all a, b, c, and d should answer "No" in Section IV, Question 1.

2. **Is the applicant established?**

Yes  No

For the period beginning two years (24 months) prior to application, and continuing without interruption through present, has the applicant been able to answer "Yes" to at least one of a, b, c or d above.

**Note For Applicants Amending Applications Filed Prior to Point System:** Answer for 2 years prior to original application continuing through present except that pre-point system applicants who answered in I (c)(2) above that they have the requisite by-laws may answer as if those by-laws have always been in

Applicants answering "No" to Question 2 of this worksheet should answer "No" to Section IV, Question 1. Applicants answering "Yes" to both Question 1 and Question 2 of this worksheet should answer "Yes" to Item 22, place documentation in their public file and submit to the Commission copies of the documentation.

**WORKSHEET #5**

**STATE-WIDE NETWORKS** (Section IV, Question 3).

1. Has the applicant claimed a credit for local diversity of ownership in Section IV, question 2?

Yes  No

Applicants answering "Yes" are not eligible to claim an additional credit as a statewide network and must answer "No" to Section IV, question 3. All other applicants should continue to answer the following questions.

2. For applicants that control schools, do all of the following apply?

Applicant has authority over a minimum of either: 50 full-time elementary and/or secondary schools; or 5 full-time college and/or university campuses.

Yes  No

The 50 schools/5 campuses are accredited by a state department of education and/or a recognized regional/national educational accrediting organization.

Yes  No

The 50 schools/5 campuses are within a single state.

Yes  No

The 50 schools/5 campuses are encompassed by the combined primary service contours of the proposed station and applicant's existing station(s).

Yes  No

Applicant's existing station(s) are regularly providing programming to schools/campuses within the existing primary service contours in furtherance of their curriculum and the proposed station will increase the number of schools applicant will regularly serve.

Yes  No

Applicants answering "Yes" to all of the subparts above should answer "Yes" to Section IV, Question 3, and should place documentation supporting the answers in a local public inspection file and submit to the Commission copies of the documentation. Other applicants should continue with this worksheet.

3. For applicants that do not control schools, or who control schools that do not meet the above requirements, do all of the following apply?

Applicant will regularly provide programming to entities or institutions that, in combination, meet all of the requirements in question 2, above, of this worksheet.

Yes  No

The applicant will provide the programming in coordination/consultation with the schools/campuses, and for use in the school curriculum.

Yes  No

The agreement(s) between applicant and the schools/campuses requires service to be regular and ongoing, and applicant intends to provide such service for no less than four years.

Yes  No

Applicants answering "Yes" to all of the subparts above should answer "Yes" to Section IV, Question 3, and should place documentation supporting the answers above in a local public inspection file and submit to the Commission copies of the documentation. Other applicants should answer "No" to Section IV, Question 3.



**WORKSHEET #6**

**FAIR DISTRIBUTION.** FM Applicants may use this worksheet to answer the questions in Section III, Questions 1 and 2.

1. Using the centroid method for calculating population, based on the most recent census block data, the number of people residing within the radio station's 60 dBu (1 m/Vm) service contour (calculated based on the standard curves in 47 C.F.R. Section 73.313(c) is: \_\_\_\_\_  
x .10
2. Multiply the population on line 1 by .10 (10%) \_\_\_\_\_
3. The number of people within the radio station's 60 dBu (1 m/Vm) service contour who will receive a first NCE aural service from the proposed facility is: \_\_\_\_\_  N/A
4. The number of people within the radio station's 60 dBu (1 m/Vm) service contour who will receive a second NCE aural service from the proposed facility is: \_\_\_\_\_  N/A
5. The number of people who will receive an aggregated first and second service from the proposed facility (add line 3 to line 4) is: \_\_\_\_\_  N/A
6. Is the number of people reported in 3, 4, or 5 equal to or greater than line 2? If "No," applicant should answer "No" on Section III of Form 340.  Yes  No
7. Is the number of people in 3, 4, or 5 at least 2,000? If "No," applicant should answer "No" to the questions in Section III of Form 340.  Yes  No

Applicants answering "Yes" to both Questions 6 and 7 should answer "Yes" to the corresponding question in Section III of Form 340 (Question 3 for first service, Question 4 for second service) and include an exhibit describing the extent of first and/or second service. Applicants may use this worksheet as the exhibit, if desired.

**WORKSHEET #7:  
ENVIRONMENTAL FOR RESERVED CHANNEL NCE STATIONS**

All NCE applicants can use the General Environmental Worksheet. Some, but not all, applicants for NCE- 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; or (2) its station is one of several FM/FM translator stations located on a single tower.

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 VII.

## **B. RF EXPOSURE COMPLIANCE WORKSHEETS/INSTRUCTIONS**

### **Who may use these worksheets?**

These worksheets may be used by 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; or
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).

**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 RT 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

- (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 #1 A-Multiple FM User Tower

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#### **FM Contributors:**

- a. **Single Use FM or FM translator tower - Use Worksheet 0** 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.**
- 

**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 1 A 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 1 A ..... 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 ..... (10)

~~Divide~~ 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**

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**\* In this case, you may need to prepare an Environmental Assessment.**

**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.**

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**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 41A.) **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 tower to the fence or barrier at its nearest point. .... 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. \***

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**\* In this case, you may need to prepare an Environmental Assessment.**

**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).**

## WORKSHEET #8

### TECHNICAL PARAMETERS (Section IV, Question 4)

The applicant can use this worksheet to determine the area covered by its proposal. For major modifications of existing stations report the proposed increase in area over that already authorized. For new stations report the proposed area to be covered by the new station.

#### 1. Major Modification Applicants:

- a. Total area to be served by station's 60 dBu (FM) or Grade B (TV) standard predicted contour **after proposed modification** \_\_\_\_\_ sq. kilometers
- b. Subtract major areas of water (e.g., lakes, oceans) \_\_\_\_\_ sq. kilometers
- c. Subtract common area already served by station's existing 60 dBu (FNI) or Grade B (TV) standard predicted contour \_\_\_\_\_ sq. kilometers
- d. Equals new area to be served by **modified** station \_\_\_\_\_ sq. kilometers

Applicants for major modifications should take the amount of increased area from (1)(d) above and enter it in Section IV, question 4 of Form 340. Also calculate the population in that increased area using the centroid method based on the most recent census block data from the U.S. Bureau of Census.

#### 2. Applications for New Stations:

- a. Total area to be served by **new station's** 60 dBu (FNI) or Grade B (TV) standard predicted contour \_\_\_\_\_ sq. kilometers
- b. Subtract major areas of water (e.g., lakes, oceans) \_\_\_\_\_ sq. kilometers
- c. Equals Area to be served by **new** station \_\_\_\_\_ sq. kilometers

The amount of new area in (2)(c) above should be reported in Section IV, question 4 of Form 340. Also calculate the population in that new area using the centroid method based on the most recent census block data from the U.S. Bureau of Census.