

**INSTRUCTIONS FOR FCC 303-S
APPLICATION FOR RENEWAL OF BROADCAST STATION LICENSE**

(FCC FORM 303-S ATTACHED)

- A. This form is used to apply for renewal of license of a commercial or noncommercial educational AM, FM, TV, Class A TV, FM translator, TV translator, Low Power TV or Low Power FM broadcast station. It is also to be used in seeking the joint renewal of licenses for an FM or TV translator station and its co-owned primary FM, TV or LPTV station.
- B. FCC Form 303-S consists of Sections I, II, III, IV and V. Those sections that do not apply to the station license being renewed should not be submitted as part of your application. Submit relevant sections only.

All applicants must complete and submit Sections I and II of this form. AM and FM radio applicants must also submit Section III. TV and Class A TV applicants must submit Section IV. FM Translator, TV Translator and Low Power FM applicants must also complete Section V.

Applicants seeking to renew the licenses of both a translator (FM or TV) and a co-owned primary FM, TV or LPTV station on the same form should complete and submit Sections I, II, III, and IV of this form.

- C. References to FCC Rules are made in this application form. Before filling it out, applicant should have on hand and be familiar with the current broadcast, translator, LPTV and LPFM rules, which are contained in 47 Code of Federal Regulations (C.F.R.):

- (1) Part 0 "Commission Organization"
- (2) Part 1 "Practice and Procedure"
- (3) Part 17 "Construction, Marking, and Lighting of Antenna Structures"
- (4) Part 73 "Radio Broadcast Services"
- (5) Part 74 "Experimental, Auxiliary, and Special Broadcast and Other Program Distributional Services"

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 518-1800 or 1-866-518-1800, M-F, 8 a.m. to 4 p.m. EST; 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.

- D. **Electronic Filing of Application Forms.** The Commission is currently developing electronic versions of various broadcast station application and reporting forms, such as this application form. As each application form and report goes online, the Commission will, by Public Notice, announce its availability and the procedures to be followed for accessing and filing the application form or report electronically via the Internet. For a six-month period following issuance of this Public Notice, the subject application form or report can be filed with the Commission either electronically or in a paper format. Electronic filing will become mandatory, on a form-by-form basis, six months after each application form or report becomes available for filing electronically.
- E. Applicants should provide all information requested by this application. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned**

without consideration. Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. § 73.3564(b).

- F. In accordance with 47 C.F.R. § 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.
- G. This application requires applicants to certify compliance with 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 that the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be substitutes for familiarity with the Communications Act and the Commission’s regulations, policies, and precedent. While applicants are required to review all application instructions and worksheets, they are not required to complete or retain any documentation created or collected to complete the application. See Section II, Item 1.
- H. This application is presented primarily in a “Yes/No” certification format. However, it contains places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the “Yes” certification when they are certain that the response is correct. A “No” response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus a “No” response to any of the certification Items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.
- I. Except as specifically noted to the contrary in Form 303-S or these instructions, each certification covers the entire license term. However, if the station license was assigned or transferred during the subject license pursuant to a “long-form” application on FCC Form 314 or 315, the renewal applicant’s certifications should cover only the period during which the renewal applicant held the station’s license.
- J. Except as specifically indicated in Section II, Item 6, below, as used in this application form, the term “party to the application” includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission’s multiple ownership rules. Applicants should review the Commission’s multiple ownership attribution policies and standards which are set forth in the Notes to 47 C.F.R. § 73.3555, as revised pursuant to the Report and Order in MB Docket No. 02-277 et al., 18 FCC Rcd 13620 (2003), *aff’d in part and remanded in part, Prometheus Radio Project, et. al. v. F.C.C.*, 373 F.3d 372 (3d Cir. 2004), and/or as revised and explained in *Review of the Commission’s Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, 14 FCC Rcd 12559 (1999), *reconsideration granted in part*, 16 FCC Rcd 1097 (2000); *2006 Quadrennial Regulatory Review- Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Order on Reconsideration, MB Docket No. 06-121 et al., 23 FCC Rcd 2010 (2008) (“2006 Quadrennial Ownership Order.”).

Equity/Debt Plus Attribution Standard. Certain interests held by substantial investors in, or creditors of, the applicant may also be attributable and the investor reportable as a party to the application, if the interest falls within the Commission’s equity/debt plus (EDP) attribution standard. Under the EDP standard, the interest held is attributable if, aggregating both equity and debt, it exceeds 33 percent 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 or cross-ownership rules – AND the interest holder also holds (1) an attributable interest in a media outlet in the same market, or (2) supplies over 15 percent of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of an insulated limited partner in a limited partnership applicant would normally not be considered attributable, but, under the EDP standard, that interest would be attributable if the limited partner's interest exceeded 33 percent of the applicant's total asset value AND the limited partner also held a 5 percent voting interest in a radio or television station licensee in the same market.

The interest holder may, however, exceed the 33 percent threshold without triggering attribution where such investment would enable an eligible entity to acquire a broadcast station provided that: (1) the combined equity and debt of the interest holder in the eligible entity is less than 50 percent, or (2) the total debt of the interest holder in the eligible entity does not exceed 80 percent of the asset value of the station being acquired by the eligible entity and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity.

The Commission defines an "eligible entity" as any entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping, as set forth in 13 C.F.R. § 121-201, at the time the transaction is approved by the FCC, and holds (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (3) more than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company.

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

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

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

- (1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;
- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;
- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;

- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

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

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

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

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

- (1) such entity exercises no influence or control over the corporation, directly or indirectly; and
- (2) such entity has no representatives among the officers and directors of the corporation.

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

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

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

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

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

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

Item 2: Contact Representative. If the applicant is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified in Item 2.

Item 3: Fees. By law, the Commission is required to collect charges for certain regulatory services it provides to the public. Generally, applicants seeking to renew the license for a commercial AM, FM TV, Class A TV, FM translator, TV translator or Low Power TV station is required to pay and submit a fee with the filing of FCC Form 303-S. However, government entities, which include any possession, state, city, county, town, village municipal organization or similar political organization or subpart thereof controlled by publicly elected and/or duly appointed public officials exercising sovereign direction and control over their respective communities or programs, are exempt from the payment of this fee. Also exempted from this fee are licensees of noncommercial educational radio or television broadcast stations. (This includes licensees of noncommercial educational FM and full service TV broadcast stations seeking renewal of the licenses for their translator or low power TV stations provided those stations operate on a noncommercial educational basis.) Low Power TV or TV Translator stations that rebroadcast the programming of a primary noncommercial educational station, but are not co-owned by the licensee of such a station, are required to file fees. Renewal applications that earlier obtained either a fee refund because of an NTIA facilities grant for the stations or a fee waiver because of demonstrated compliance with the eligibility and service requirements of 47 C.F.R. § 73.503 or § 73.621, and that continue to operate those stations on a noncommercial basis, are similarly exempted from this fee. See 47 C.F.R. § 1.112. To avail itself of any fee exemption, the renewal applicant must indicate its eligibility by checking the appropriate box in Item 3, Section I.

When filing a fee-exempt application, an applicant must complete Item 3 and provide an explanation as appropriate.

For further information regarding the applicability of a fee, the amount of the fee, or the payment of the fee, applicants should consult the “Media Bureau Services Fee Filing Guide” available at <http://www.fcc.gov>.

Item 4: Purpose of Application. This question requires that the applicant identify the purpose of the application and should identify whether a renewal is being filed or an amendment to a pending renewal is being filed.

Item 5: Facility Information. This question requires that the applicant identify whether it is licensed by the Commission as a commercial or noncommercial educational licensee. A licensee that merely elects to operate its station on a noncommercial basis is not considered to be a noncommercial educational license.

Item 6: Service and Community of License. The facility should be described by its service, call letters, and specific community of license or area as listed on the station’s existing license. See 47 C.F.R. §§ 74.1201(a), 74.701(a) and 74.701(f) for definition of an FM Translator, TV Translator and Low Power TV broadcast station, respectively. For purposes of Item 6a., AM, FM or TV stations, the location of the facility should be described in terms of the specific city or community to which the station is licensed. Translator and Low Power TV stations should specify the area the stations are licensed to serve.

If the applicant seeks to renew the license only for an individual FM or TV translator, Low Power TV, Low Power FM, or Class A TV station, the applicant should respond only to Item 6a. The applicant should identify the appropriate service and list the station’s call letters, facility identification number, community of license or area, and state.

If the applicant seeks the joint renewal for an FM or TV translator station or LPTV station and its co-owned primary FM, TV, or LPTV station, the applicant should indicate “Yes” to Item 6b. and skip directly to Item 7. The applicant should provide information with regard to such translator station for which renewal is sought in response to Section V below.

Item 7: Other Authorizations. This question must be completed by a radio or television renewal applicant seeking to continue its authority to operate and FM Booster or TV Booster station in conjunction with the primary station. The FM or TV Booster station should be described in terms of its call letters and the name of the specific community which it serves.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

Item 1: Certification. Each applicant is responsible for the information that the application, instructions, and worksheets convey. As a key element in the Commission’s streamlined licensing process, a certification that these materials have been reviewed and that each response is based on the applicant’s review is required.

Items 2 and 3: Character Issues/Adverse Findings. Item 2 requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to Item 3 whether an adverse finding has been made with respect to the applicant or any party to the application regarding certain relevant non-broadcast matters. The Commission’s character policies and litigation reporting requirements for broadcast applicants focus on misconduct that violates the Communications Act or a Commission rule or

policy and on certain specified non-FCC misconduct. In responding to Items 2 and 3, applicants should review the Commission's character qualifications policies, which are fully set forth in *Character Qualifications*, 102 FCC 2d 1179 (1985), *reconsideration denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response to Item 2a. or 2b. is "No," the applicant must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to Item 3, 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 assignee may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 3 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. § 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 assignee should also fully explain why the adverse finding is not an impediment to a grant of this application.

Item 4: FCC Violations During the Preceding License Term. Section 309(k) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(k), states that the Commission shall grant a license renewal application if it finds, with respect to that station, during the preceding license term, that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations by the licensee of the Communications Act or the Commission's Rules; and (3) there have been no other violations of the Act or the Commission's rules, which, taken together, would constitute a pattern of abuse. This question asks the applicant to certify that, with respect to the station for which a renewal application is being submitted, there were no violations of the Communications Act of the Commission's Rules. If the renewal applicant has violated the Act or the Rules, it must respond "No" and submit an explanatory exhibit detailing the number and nature of the violations and any adjudication by the Commission (Notice of Violation, Forfeiture Order, etc.).

For purposes of this license renewal form only, an applicant is required to disclose only violations of the Communications Act of 1934, as amended, or the Rules of the Commission that occurred at the subject station during the license term, as preliminarily or finally determined by the Commission, staff, or a court of competent jurisdiction. This includes Notices of Violation, Notices of Apparent Liability, Forfeiture Orders, and other specific findings of Act or Rule violations. It does not include "violations" identified by the station itself or in conjunction with the station's participation in an Alternative Broadcast Inspection Program. In responding to this item, licensees should not submit any information concerning self-discovered or other "violations" that have not been identified by the Commission, staff, or court. Licensees are advised that the Commission may also consider other violations by the station that come to its attention in determining whether to grant this license renewal application.

Item 5: Alien Ownership and Control. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or another entity organized under the laws of a foreign country. 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. For more detailed information on identifying and calculating foreign interests, *see 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, 31 FCC Rcd 11272, paras. 44-77 (2016).

Item 6: 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. § 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A “Yes” response to Item 6 constitutes a certification that neither the applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of Section 5301.

With respect to this question only, the term “party to the application” includes if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding 5 percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership association’s 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.

Item 7: Non-Discriminatory Advertising Sales Agreements. Applicants for renewal of commercial stations are required to complete the certification that their advertising agreements do not discriminate on the basis of race or ethnicity and that all such agreements contain nondiscrimination clauses. *See Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further Notice of Proposed Rulemaking*, 23 FCC Rcd 5922, 5941-42 (2008); *see also Third Erratum*, 75 FR 27199 (May 14, 2010). Prohibited discriminatory practices include “no urban/no Spanish” dictates. Broadcasters must have a reasonable basis for making this certification. If the response to Item 7 is “no,” please attach an exhibit explaining the persons and matters involved and why the matter is not an impediment to a grant of this application. Applicants for renewal of noncommercial stations should answer “not applicable.”

INSTRUCTIONS FOR SECTION III: AM and FM Licensees Only

Item 1: Biennial Ownership Report. This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. § 73.3615. Each licensee of a

commercial AM or FM broadcast station shall file an Ownership Report on FCC Form 323 (commercial) on November 1, 2009, and every two years thereafter. *See* 47 C.F.R. § 73.3615(a). Each licensee of a noncommercial educational AM or FM broadcast station shall file an Ownership Report on FCC Form 323-E when filing the station's license renewal application and every two years thereafter on the anniversary of the date that its renewal application is required to be filed. *See* 47 C.F.R. § 73.3615(d).

Item 2: EEO Program. Each licensee of an AM, FM and TV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. *See* 47 C.F.R. § 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station's public inspection file annually AND POST ON THE STATION'S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Item 3: Local Public File. Commercial and noncommercial educational AM and FM licensees must maintain certain documents pertaining to its station in a file that is to be kept at the station's main studio or other accessible place in the community of license. The file must be available for inspection by anyone during regular business hours. The documents to be maintained generally include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months. A complete listing of the required documents and their mandatory retention periods is set forth in 47 C.F.R. §§ 73.3526 and 73.3527. Applicants that have not so maintained their file should provide an exhibit identifying the items that are missing/late filed, and identifying steps taken to reconstruct missing information, and to prevent such problems in the future.

Item 4: Adherence to Minimum Operating Schedule. This question requires the applicant to certify that the station has not been silent (or operating for less than its prescribed minimum operating hours) for any period of more than 30 days. Commercial broadcast stations are required to operate not less than the minimum operating hours set forth in 47 C.F.R. § 73.1740. Noncommercial educational FM stations are required to operate not less than the minimum operating hours set forth in 47 C.F.R. § 73.561. Low-power FM stations are required to operate not less than the minimum operating hours set forth in 47 C.F.R. § 73.850. Noncommercial educational AM stations are not required to operate on a regular schedule and no minimum hours of operation are specified, but the hours of actual operation during a license period shall be taken into consideration in the renewal of an NCE AM licensee. *See* 47 C.F.R. § 73.1745(b).

In the event that causes beyond the control of a licensee make it impossible to adhere to its minimum operating schedule or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the FCC. Notification must be sent to the FCC no later than the 10th day of limited or discontinued operation. *See* 47 C.F.R. §§ 73.1740(a)(4), 73.561(d).

An applicant whose station was silent or broadcasting for less than the prescribed minimum hours for any period of more than 30 days in the preceding license term must submit an exhibit specifying the exact dates on which the station was silent or operating at less than its prescribed minimum operating schedule.

Note: “Broadcasting” means “the dissemination of radio communications intended to be received by the public.” 47 U.S.C. § 153(6). Accordingly, the transmission of “test signals” does not count toward a station’s minimum operating hours. *See A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 609 (2008) (finding that test signals, even if audible to the public, are not broadcast signals).

Item 5: Discontinued Operation. Section 312(g) of the Communications Act of 1934, 47 U.S.C. § 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering “Yes” to this question, the applicant certifies that (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission’s data base will be amended to reflect the expiration of the station’s license.

Item 6: Silent Station. The Commission will not renew the license of a station that is not broadcasting. *See Birach Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). “Broadcasting” means “the dissemination of radio communications intended to be received by the public.” 47 U.S.C. § 153(6). Accordingly, this item requires the applicant to certify that its commercial AM or FM broadcast station is currently transmitting signals intended to be received by the public. An application may not answer “Yes” to this question if the station is transmitting only “test signals.”

Note: Noncommercial educational FM stations, while authorized for limited-time operation, are required to operate at least 36 hours per week, consisting of at least 5 hours of operation on at least 6 days of the week. Stations licensed to educational institutions are not required to operate on Saturday or Sunday or observe the minimum operating requirements during those days when school is not in session. 47 C.F.R. § 73.561(a) (Licensees of noncommercial educational FM applicants adhering to these requirements may answer “Yes” to this question whether or not the station is on the air on the particular day on which the license renewal application is submitted electronically.).

Note: A noncommercial educational AM broadcast station is expected to provide continuous service except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire license period, shall be taken into consideration in the renewal of the station’s license. *See* 47 C.F.R. § 73.1740(b).

Item 7: Environmental Effects. This question requires that the applicant certify that its facility complies with the Commission's maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments. In the event there has been no material change in a station's RF environment since the station last received a grant of a license application or a license renewal application, the licensee may certify its compliance with RF exposure limits based on the information submitted with such application. In the event that there has been a material change in the station's RF environment since such application was granted, the licensee should follow the instructions below.

Note: Licensees are reminded that the Commission retains the authority to revoke any station license for a licensee's failure to satisfy the requirements of the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, or other environmental statute, regulation, or directive at the time it sought authorization for the original construction or modification of its broadcast facilities. 47 U.S.C. § 312(a)(2) (authorizing the revocation of a station license "because of conditions coming to the attention of the Commission which would warrant it in refusing to grant a license or permit on an original application . . .") See also FCC Form 301 Instructions, Page 11, "General Environmental" Worksheet.

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

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

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

The guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www.fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, Best Copy and Printing, Inc., Room CY-B402, 445 12th Street, SW, Washington, D.C. 20554 (1-800-378-3160, facsimile 202-488-5563) or at <http://www.bcpiweb.com>. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL-FCC (1-888-225-5322).

The RF worksheets and tables appended to Worksheet #1 below will enable certain categories of stations to determine whether or not the proposed facility will have a significant environmental impact as defined by Section 1.1307. Some, but not all, stations will be able to use the RF worksheets. Generally, the RF

worksheets can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure. See “RF Exposure Compliance Worksheet Instructions” for more detail on eligibility.

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

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

Item 8: Radio/Newspaper Cross-Ownership. This question requires the applicant to certify that neither it nor any party to the application has an attributable interest in a newspaper that is within the scope of 47 C.F.R. § 73.3555(d). If the applicant answered “No” to Question 7.a or 7.b and “Yes” to the question under 7.b, then the applicant must submit an exhibit providing a citation to the Commission decision that made an affirmative finding that the newspaper/broadcast combination in question is in the public interest.

If the applicant answered “No” to Question 7.a or 7.b and “No” to the question under 7.b, then the applicant must submit an exhibit stating the reasons why a waiver of the Commission’s newspaper / broadcast cross-ownership rule complies with the Commission’s public interest standard and the criteria set out in the *2006 Quadrennial Ownership Order*, 23 FCC Rcd 2010 (2008).

In making a public interest finding, the Commission shall presume that it is consistent with the public interest for an entity to own a daily newspaper and one commercial AM or FM broadcast station whose relevant contour encompasses the entire community in which such newspaper is published if that community is in a top 20 Nielsen Designated Market Area (“DMA”). However, the Commission shall presume that such a combination is inconsistent with the public interest if the newspaper is published in a community that is not in a top 20 DMA. The relevant contour of a commercial AM station in this context is the 2 mV/m contour as computed in accordance with 47 C.F.R. § 73.183 or § 73.186. The relevant contour of a commercial FM station in this context is the 1 mV/m contour as computed in accordance with 47 C.F.R. § 73.313. *2006 Quadrennial Ownership Order*, 23 FCC Rcd at 2042-46, ¶¶ 57-62.

A negative presumption shall be reversed if the newspaper or broadcast station is failed or failing. In order to qualify as failed, the newspaper or broadcast outlet has to have stopped circulating or have been dark for at least four months immediately prior to the filing of the assignment or transfer of control application, or must be involved in court-supervised involuntary bankruptcy or involuntary insolvency proceedings. To qualify as failing, the applicant must show that (1) the broadcast station has had a low all-day audience share (*i.e.*, 4 percent or lower), (2) the financial condition of the newspaper or broadcast station is poor (*i.e.*, a negative cash flow for the previous three years), and (3) the combination will produce public interest

benefits. In addition, in both instances, the applicant must show that the in-market buyer is the only reasonably available candidate willing and able to acquire and operate the failed or failing newspaper or station and that selling the newspaper or station to any out-of-market buyer would result in an artificially depressed price. *2006 Quadrennial Ownership Order*, 23 FCC Rcd at 2047, ¶ 65.

The negative presumption shall also be reversed if the combination is with a broadcast station that was not offering local newscasts prior to the combination, and the station will initiate at least seven hours per week of local news programming after the combination. *2006 Quadrennial Ownership Order*, 23 FCC Rcd at 2049, ¶ 67.

Applicants that answer “Yes” to Question 7.a or 7.b should refer to the *2006 Quadrennial Ownership Order*, 23 FCC Rcd at 2040-54, ¶¶ 53-75.

WORKSHEET #1: ENVIRONMENTAL

In the event there has been no material change in a station's RF environment since the station last received a grant of a license application or a license renewal application, the licensee may certify its compliance with RF exposure limits based on the information submitted with such application. In the event that there has been a material change in the station's RF environment since such application was granted, the licensee should follow the directions below to determine whether the station complies with RF exposure limits.

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

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

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

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

RF EXPOSURE COMPLIANCE WORKSHEET/INSTRUCTIONS

Who may use these worksheets?

1. A directional AM station (i.e., one using a multiple tower array) that does not share its towers with any other non-excluded RF sources (including, but not limited to FM or TV transmitting antennas) and is located more than 315 meters (1,034 feet) from any other tower or non-excluded RF radiation sources; or
2. A non-directional AM station located on a single-use tower more than 315 meters (1,034 feet) from any other tower or other non-excluded RF radiation sources; or
3. An FM station on a single tower that may or may not support other FM stations (including FM translators and boosters) and that is more than 315 meters (1,034 feet) from any other tower or non-excluded RF sources.
4. An FM translator on a single tower that may or may not support other FM stations (including FM translators and boosters) 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 RF sources within 315 meters of the tower; *See* 47 C.F.R. § 1.1307(b)
3. There are TV antennas and/or other RF sources on the tower other than AM or FM antennas that are not categorically excluded from environmental processing by 47 C.F.R. § 1.1307;
4. There is an FM, TV or other non-excluded RF source co-located within a multiple tower AM array;
5. The tower is located at a site where the terrain or a building or other inhabited structure (other than a transmitter building) within a 315 meter radius is higher than the level of the terrain at the base of the tower. (**Note:** Sites with transmitter buildings at the base of the tower are considered “eligible” provided that procedures are established in accordance with the methods described in OET Bulletin 65 to protect persons with access to such buildings from RF exposure in excess of the FCC-adopted limits.); or
6. AM towers where access is not restricted by fencing or other barrier that preclude casual or inadvertent access to the site and warning signs are not included at appropriate intervals describing the potential for RF exposure.

The above categories have been excluded from the RF worksheets not because of a propensity to cause excessive RF radiation, but because a determination of their compliance involves more complex calculations and measurements. If you are not eligible to use the RF worksheets, or elect not to use them, before reaching a determination with respect to your facilities you should review **OET Bulletin 65 and Supplement A** in order to properly evaluate your facility for compliance with the RF guidelines. The bulletin provides information and assistance on the RF guidelines, prediction methods, measurement

procedures and instrumentation, methods for controlling exposure, and reference material. It will instruct the applicant on the type of data which may demonstrate compliance with the Commission's RF guidelines in support of your response. If you continue to have trouble evaluating your site after consulting the Bulletin, you may want to seek the assistance of a qualified engineer in determining whether these facilities meet the FCC RF exposure guidelines.

Other Evaluations

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

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

How to Use RF Worksheets

Attached are:

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

FM Contributors:

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

AM Contributors:

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

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

CAUTION: Even if you conclude from the use of these worksheets that human exposure to RF electromagnetic fields is consistent with our guidelines, be aware that each site user must also meet requirements with respect to “on-tower” or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users. **See OET Bulletin 65 for further details.**

RF Worksheet #1 – FM (including translators & boosters)

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

EFFECTIVE RADIATION CENTER HEIGHT

Enter proposed “height of radiation center above ground” OR as listed in Line 1 _____ m (1)
of Worksheet 1A.

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 supporting structure in Line 3

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 (6)

List Effective Radiated Power in the Vertical Plane..... _____ kW (7)

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

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

Multiply Line (8) by 33.41 _____ (9)

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

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

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

DETERMINATION OF COMPLIANCE WITH CONTROLLED/OCCUPATIONAL LIMIT

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

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

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

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

DETERMINATION OF COMPLIANCE WITH THE UNCONTROLLED/GENERAL POPULATION LIMIT

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

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

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

ROOFTOP WITH RESTRICTED ACCESS.

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

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

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

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

ACCESS TO BASE OF TOWER RESTRICTED BY FENCING.

If the tower is not located on the roof of a building, is the base of the tower surrounded by fencing or other restrictive barrier and are appropriate warning signs posted on the fence that adequately detail the nature of the RF exposure environment contained therein?.....

Yes No (16)

IF YOU ANSWERED “NO” IN LINE (16), THE WORKSHEET 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.*

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

RF WORKSHEET #1A –Multiple FM Use 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 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 (2)

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 1.

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

RF WORKSHEET #2: AM

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

SINGLE TOWER

Enter the transmitted power..... _____ kW (1)

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

DETERMINATION OF WAVELENGTH

Method 1: Electrical Height

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

Electrical height of the radiator..... _____ degrees (3a)

Divide Line 3(a) by 360 degrees..... _____ wavelength (3b)

Method 2: Physical Height

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

Overall height of the radiator above the tower base..... _____ m (4a)

List the station’s frequency..... _____ kHz (4b)

Divide 300,000 by Line (4b)..... _____ m (4c)

Divide Line (4a) by Line 4(c) _____ wavelength (4d)

REQUIRED RESTRICTION DISTANCE

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

List the fence distance obtained from the appropriate table..... _____ m (5)

Is the value listed in Line (5) less than or equal to the value listed in Line (2)? Yes No (6)

If line (6) is “Yes,” are warning signs posted at appropriate intervals which describe the nature of the potential hazard? Yes No (7)

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

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

RF WORKSHEET #2A Multiple Tower AM Array

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

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

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

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

AM FENCE DISTANCE TABLES

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

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

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

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

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

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

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

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

INSTRUCTIONS FOR SECTION IV – To be Completed by TV and Class A TV licensees only.

Item 1: Biennial Ownership Report. This question asks the renewal applicant to certify that it has filed with the Commission the biennial ownership reports required by 47 C.F.R. § 73.3615. Each licensee of an AM, FM, TV, commercial Class A and commercial LPTV broadcast station shall file an Ownership Report on FCC Form 323 (commercial) or 323-E (noncommercial/educational) every two years. *See* 47 C.F.R. §§ 73.3615, 74.797.

Item 2: EEO Program. Each licensee of an AM, FM and TV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. *See* 47 C.F.R. § 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed.

Additionally, each licensee must place in the station's public inspection file annually AND POST ON THE STATION'S WEBSITE, if any, a report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title; (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Item 3: Local Public File. Commercial and noncommercial educational TV and Class A TV licensees must maintain certain documents pertaining to its station in a file that is to be kept at the station's main studio. The file must be available for inspection by anyone during regular business hours. The documents to be maintained generally include applications for a construction permit and for license renewal, assignment or transfer of control; ownership and employment reports; and quarterly lists of the community issues most significantly addressed by the station's programming during the preceding three months. A complete listing of the required documents and their mandatory retention periods is set forth in 47 C.F.R. §§ 73.3526 and 73.3527. Applicants that have not so maintained their file should provide an exhibit identifying the Items that are missing/late filed, and identifying steps taken to reconstruct missing information, and to prevent such problems in the future.

Item 4: Violent Programming. This question should be completed by commercial TV and Class A TV applicants. On February 8, 1996 the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) was approved. That legislation, among other things, amended Section 308 of the Communications Act of 1934 to require television broadcast station renewal applicants to submit a summary of complaints received from the public regarding violent programming aired by their stations. Licensee certifies that no written comments or suggestions have been received from the public that comment on its station's programming and characterize that programming as constituting violent programming.

Item 5: Children's Programming Commercial Limitations. Commercial TV and Class A commercial television licensees must limit the amount of commercial matter in "children's programming", which is defined for this purpose as programming originally produced and broadcast primarily for an audience of children 12 years of age and under. The children's programming commercial limitations are no more than 12

minutes of commercial matter per hour on weekdays, and no more than 10.5 minutes of commercials on weekends. The limits also apply *pro rata* to children's programs which are 5 minutes or more and which are not part of a longer block of children's programming. There are no restrictions on how commercials within the limits are configured within an hour's block of children's programming, *i.e.*, it is not necessary to prorate the commercial limits for separate children's programs within the hour.

Item 6: Children's Programming. Each commercial TV and Class A TV licensee is required to describe in its renewal application its efforts to serve the educational and information needs of children. Programming directed to the educational and informational needs of children is an identifiable unit of program material that is not a commercial or promotional announcement, that is originally produced and broadcast for an audience of children 16 years of age and under, and that furthers the positive development of the child in any respect, including, but not limited to, the child's cognitive/intellectual or emotional/social needs.

Each year, on a quarterly basis, each commercial TV and Class A TV licensee is required to prepare and electronically file a Children's Television Programming Report (FCC Form 398), setting forth the efforts made by the licensee during the quarter, as well as efforts planned for the next quarter, to serve the educational and informational needs of the children. FCC Form 398 is required to be filed with the Commission and a copy placed in the station's public inspection file by the tenth day of the preceding calendar quarter (*i.e.*, by April 10 for the first quarterly report; by July 10 for the second quarterly report; by October 10 for the third quarterly report; and by January 10 for the fourth quarterly report). Incorporating by reference previously filed FCC Form 398s satisfies the children's program information sought to be elicited by the FCC Form 303-S.

Item 7: CORE Programming. CORE Programming is defined as programming that is specifically designed to serve the educational and informational needs of children and that also satisfies each of the following criteria:

- (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose;
- (2) the program is aired between the hours of 7:00 a.m. and 10 p.m.;
- (3) the program is a regularly scheduled weekly program;
- (4) the program is at least 30 minutes in length;
- (5) the educational and information objective of the program and the target child audience are specified in writing in the licensee's Children's Television Programming Report, as described in 47 C.F.R. § 73.3526(a)(8)(iii); and
- (6) instructions for listing the program as educational and informational, including an indication of the age group for which the program is intended, are provided to publishers of program guides.

When the licensee has broadcasted three hours per week (averaged over a six-month period) of CORE Programming, it will be deemed to have satisfied its obligation to meet the educational and informational needs of children. A licensee will also be deemed to have satisfied this obligation (and be similarly eligible for Commission staff approval of its children's programming showing), where the licensee sets forth in an exhibit that it has aired an assortment of different types of educational and informational programming that, while somewhat less than three hours per week of CORE Programming, demonstrates a level of commitment to educating and informing children that it is at least equivalent to airing three hours per week of CORE Programming.

Items 8, 9, and 10: To assist parents in planning and selecting programs for their children to watch, the Commission has established various public information initiatives. In accord with these initiatives, a licensee is required to identify CORE Programming at the time those programs are aired in a form that is at the sole

discretion of the licensee; to disseminate information identifying the station's CORE Programming to publishers of program guides and listings; and to publicize the existence and location where the public can access information regarding the station's informational and educational children's programming efforts.

Item 11: An applicant may provide any other comments or information it wishes the Commission to consider in evaluating whether the licensee has met its obligations under the Children's Television Act and the Commission's rules. This may include, but is not limited to, information on any non-CORE educational and informational programming that the station plans to air, as well as information on any existing or proposed non-broadcast activities that the licensee believes enhance the educational and informational value to children of the licensee's educational programming.

Item 12: Continued Class A Eligibility. On November 29, 1999, the Community Broadcasters Protection Act of 1999 was signed into law. That legislation provides that a low power television licensee may convert the secondary status of its station to the new Class A status, provided it can satisfy certain statutorily-established criteria. To become eligible for a Class A certificate of eligibility, the licensee's station must, during the 90-day period ending November 28, 1999, have: (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least three hours per week of programming produced within the market area served by the station or by a group of commonly-controlled low power television stations; and (3) been in compliance with the Commission's regulations applicable to the low power television service. The legislation also provided that a licensee obtaining Class A designation shall continue to be accorded primary status as a television broadcaster, as long as its station continues to meet the requirements of (1) and (2) above.

Item 13: Discontinued Operations. Section 312(g) of the Communications Act of 1934, 47 U.S.C. § 312(g), states that if a broadcast station fails to transmit broadcast signals for any consecutive 12-month period, then the station license expires automatically, by operation of law, at the end of that 12-month period. The Commission has no discretion to reinstate a broadcast license that has expired pursuant to Section 312(g). *See OCC Acquisition, Inc.*, 17 FCC Rcd 6147 (2002). Additionally, a station that does cease broadcasting for nearly 12 months may not preserve its license by recommencing operation with unauthorized facilities. *See Letter to Idaho Broadcasting Consortium*, 16 FCC Rcd 1721 (M.M. Bur. 2001). Accordingly, this Item requires the licensee to certify that the station was not silent for any consecutive 12-month period during the preceding license term. By answering "Yes" to this question, the applicant is considered to be certifying that: (1) it was not silent for any consecutive 12-month period during the preceding license term; and (2) if the station was silent for any period of time during the preceding license term, it resumed broadcasting *with authorized facilities* before 12 months from the date on which that station went silent. If the applicant cannot make this certification, its license renewal application will be dismissed and the Commission's data base will be amended to reflect the expiration of the station's license.

Item 14: Silent Station. The Commission will not review the license of a station that is not broadcasting. *See Birach Broadcasting Corporation*, 16 FCC Rcd 5015 (2001). "Broadcasting" means "the dissemination of radio communications intended to be received by the public." 47 U.S.C. § 153(6). Accordingly, this Item requires the applicant to certify that its commercial TV or Class A TV broadcast station is currently transmitting signals intended to be received by the public. An application may not answer "Yes" to this question if the station is transmitting only "test signals."

Note: A noncommercial educational TV broadcast station is expected to provide continuous service, except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC in Washington, D.C. no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, as well as the actual hours of operation during the entire

license period, shall be taken into consideration in the renewal of the station's license. *See* 47 C.F.R. § 73.1740(b).

Item 15: Environmental Effects. TV and Class A TV renewal applications must review the instructions for Section III, Item 5, of this form before completing this item.

Item 16: Local TV Ownership Waiver. Section 73.3555(b) of the Commission Rules limits the number of full-power commercial television broadcast stations in the same Nielsen Designated Market Area (DMA) in which a licensee may have a cognizable interest. That rule, however, may be waived by the Commission in cases where the station is "failing." The Commission presumes a waiver is in the public interest where the licensee has demonstrated that the station to be acquired has had a low all-day audience share, its financial condition is poor, and its acquisition will produce public interest benefits. In DMA's with 11 or fewer full-power commercial and noncommercial educational stations, the Commission will also consider waiver of its proscription of the common ownership of more than one of the four top-ranked commercial television stations in the market for "marginal" – but not yet "failing" stations. At renewal time, the licensee must briefly describe the "failing" or "marginal" station waiver granted by the Commission and submit a specific, factual showing of the program-related benefits that have accrued to the public as a result of that waiver.

INSTRUCTIONS FOR SECTION V: To Be Completed By FM and TV Translator and Low Power TV Licensees Only

Item 1. Station Information. The licensee should identify the FM and TV translator and LPTV station(s) for which license renewal is requested. Licensees must specify the station's community of license, call letters, and facility identifier.

Item 2. Operational Status. A FM, TV translator, or LPTV station is expected to provide continuous service, except where causes beyond its control warrant interruption. Where causes beyond the control of the licensee make it impossible to continue operation, the station may discontinue operation for a period of 30 days without further authority from the FCC. However, notification of the discontinuance must be sent to the FCC no later than 10 days after the discontinued operation. Failure to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the licensee of the translator or LPTV station may be cancelled at the discretion of the FCC. See 47 C.F.R. §§ 74.763 and 74.1263. Item 2 requires a licensee to certify that it is on the air.

Section 325(a) of the Communications Act of 1934, as amended, prohibits the rebroadcast of the programs of a broadcast station without the express authority of the originating station. Where the renewal applicant is not the licensee of the originating station, written authority must be obtained prior to any rebroadcasting. Also, where the licensee has changed the station being rebroadcast, written notification must be made to the Commission in accordance with 47 C.F.R. § 74.784 or 74.1251.

Item 2(a). Requires an FM Translator, TV Translator and LPTV licensee to certify compliance with this requirement. When the primary station is co-owned, the applicant also should answer "Yes" to this Item.

Item 3a. The provisions of 47 C.F.R. § 74.1232(d) provide that an authorization for an "other area" FM translator (i.e., FM translator station whose coverage contour extends beyond the protected contour of the commercial FM primary station) will not be granted to the licensee or permittee of the primary commercial FM radio broadcast station, or to any person or entity having an interest or connection with the primary commercial FM radio broadcast station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates.

The Commission adopted rules in MB Docket No. 07-172 that would allow AM stations to use FM translator stations to rebroadcast the AM signal locally, retransmitting their AM programming as a fill-in service. The cross-service translating rules limit FM translators to providing fill-in service only, specifically within the primary AM station's authorized service area. In addition, the Commission limited the cross-service rule changes to "currently authorized FM translators," that is, those translators with licenses or permits in effect as of May 1, 2009. Report and Order in MB Docket 07-172, FCC 09-59, released June 29, 2009.

The rules limit cross-service translators to providing fill-in service within an AM station's authorized service area. Specifically, the provisions of 47 C.F.R. §§ 74.1232(d) and 74.1201(g) provide that the entire 60 dBu contour of an FM translator rebroadcasting an AM radio broadcast station as its primary station must be contained within the lesser of the 2 mV/m daytime contour of the AM primary station, and a 25-mile (40 km) radius centered at the AM station's transmitter site.

Item 3b. The provisions of 47 C.F.R. § 74.1232(e) provide that an authorization for an other area FM translator station (i.e., **FM translator** whose coverage contour extends beyond the protected contour of the commercial primary station) shall not receive any support, before, during, or after construction, either directly or indirectly, from the commercial primary FM radio broadcast station, or from any person or entity having an interest or connection with the primary FM station. For the purposes of this rule, interested and connected parties extend to group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members, business associates, and advertisers. Since the primary station financial support and technical assistance prohibition of Section 74.1232(e) does not apply to "fill-in" FM translators, applicants proposing to rebroadcast the signal of an AM primary station should mark "N/A" to this question.

Item 4. Each licensee of an LPTV broadcast station is required to afford equal employment opportunity to all qualified persons and to refrain from discrimination in employment and related benefits on the basis of race, color, religion, national origin, etc. *See* 47 C.F.R. § 73.2080. Pursuant to these requirements, a license renewal applicant whose station employs five or more full-time employees must file a report of its activities to ensure equal employment opportunity. If a station employment unit employs fewer than five full-time employees, no equal employment opportunity program information need be filed. Additionally, each licensee must maintain with its station's records, AND POST ON THE STATION'S WEBSITE, if any, an annual report containing lists of (1) all full-time vacancies filled during the preceding year, identified by job title, (2) for each such vacancy, the recruitment source(s) utilized to fill the vacancy, (including, if applicable, organizations entitled to notification pursuant to paragraph (c)(1)(ii) of this section, which should be separately identified), identified by name, address, contact person and telephone number; (3) the recruitment source that referred the hiree for each full-time vacancy during the preceding year; (4) data reflecting the total number of persons interviewed for full-time vacancies during the preceding year and the total number of interviewees referred by each recruitment source utilized in connection with such vacancies; and (5) a list and brief description of initiatives undertaken pursuant to Section 73.2080(c)(2) during the preceding year.

Note that all LPTV stations must file the applicable parts of Form 396, EEO Program Report, with their license renewal applications, in accordance with the instructions for Form 396. But, the just-referenced "annual report" which must be posted to a station's website, is required only for those LPTV stations that are part of a station employment unit that includes full-power stations where the unit employs five or more full-time employees. If an LPTV station is not part of an employment unit with other stations, or if it is part of such a unit but the unit employs fewer than five full-time employees, there is no requirement for the LPTV station or its unit to create an annual EEO public file report.

Item 5. Environmental Effects. FM and TV translator and LPTV renewal applicants must review the Instructions to Section III, Item 6, of this form before completing this item.

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If you do not provide the information requested on this form, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Your response is required to obtain the requested authorization.

We have estimated that each response to this collection of information will take from 1.25 to 12 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0110), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS**. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0110.

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