

INSTRUCTIONS FOR FCC 302-FM

APPLICATION FOR AN FM BROADCAST STATION LICENSE

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used to apply for a new or modified FM broadcast station license. It may be used:
- To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit.
 - To implement modifications to existing licenses permitted as of December 1, 1997 by 47 C.F.R. Section 73.1690(c). See the Report and Order in MM Docket No. 96-58, 12 FCC Rcd 12,371 (1997), a copy of which may be obtained through the Internet at http://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/fcc97290.txt. These include:
 - To replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays, **provided** that the radiation center height of the new antenna is not more than two meters above nor four meters below the authorized value. See 47 C.F.R. Section 73.1690(c)(1). Noncommercial educational stations operating in the reserved band (Channels 201-220, 88.1 MHz - 92.9 MHz) may be required to file FCC Form 340 for any change in polarization. See 47 C.F.R. Section 73.1690(a)(6).
 - To replace a directional FM antenna, where: (1) the measured composite directional antenna pattern does not exceed the licensed composite directional pattern at any azimuth; (2) there will be no change in effective radiated power ("ERP"); (3) compliance with the principal community coverage requirements mandated by 47 C.F.R. Section 73.315, will be maintained, and (4) the radiation center height of the new antenna is not more than two meters above nor four meters below the authorized value. See 47 C.F.R. Section 73.1690(c)(2).
 - In certain circumstances, to increase the vertically polarized ERP of a non-directional station operating in the non-reserved band (Channels 221-300, 93.1 MHz - 107.9 MHz) to equal the horizontally polarized ERP. See 47 C.F.R. Section 73.1690(c)(4).
 - To increase the effective radiated power ("ERP") of eligible Class A FM stations. As of December 1, 1989, eligible commercial FM stations were permitted an increase in Effective Radiated Power to 6 kW, pursuant to the Second Report and Order in MM Docket No. 88-375, 4 FCC Rcd 6375 (1989). See also the Report and Order in MM Docket No. 96-58 and 47 C.F.R. Section 73.1690(c)(5). Eligible stations were listed in the following Commission Public Notices, which are available from the Commission's duplicating contractor, International Transcription Services, (202) 857-3800:
 - Reference No. 451, released November 3, 1989
 - Reference No. 650, released November 17, 1989
 - Reference No. 886, released December 8, 1989.
 - Reference No. 2009, released March 2, 1990
 - Reference No. 11615, released February 11, 1991
 - DA97-2568, released December 8, 1997Alternatively, the construction permit or letter or authorization may contain a special condition announcing the permittee's eligibility for an ERP increase by means of FCC Form 302-FM.
 - In certain circumstances, to remove "contour protection" (under 47 C.F.R. Section 73.215) status from an FM station if that station meets the minimum spacing criteria set forth in 47 C.F.R. Section 73.207. See 47 C.F.R. Section 73.1690(c)(6).
 - To increase to the maximum permitted for the pertinent station class the ERP of other eligible FM stations in the non-reserved band pursuant to the Second Report and Order in MM Docket No. 88-375. This provision applies only to stations that are not accorded "contour protection" status under 47 C.F.R. Section 73.215. See 47 C.F.R. Section 73.1690(7).
 - In certain specified circumstances, to decrease ERP. See 47 C.F.R. Section 73.1690(c)(8).
 - To change the license status from commercial to noncommercial or from noncommercial to commercial. See 47 C.F.R. Section 73.1690(c)(9). If changing from commercial to noncommercial status, the applicant must submit Section II of FCC Form 340 to demonstrate its qualifications to operate a noncommercial educational FM station.

- To replace the transmission line with a different type of transmission line or a transmission line of a different length which requires a change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.1690(c)(10).
- To obtain authority to use a formerly licensed main antenna system as an auxiliary antenna, **provided** that the 1 mV/m (60 dBμ) contour of the auxiliary facility does not extend beyond the 1 mV/m (60 dBμ) contour of the main facility in any direction. See 47 C.F.R. Section 73.1675
- As ordered by the Commission or its staff.

The form **may not be used**:

- To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(b).
- To alter licensed directional radiation characteristics or to exceed the composite antenna pattern authorized in an underlying construction permit. Any such alteration requires the prior filing and approval of FCC Form 301, as appropriate. See 47 C.F.R. Section 73.1690(b)(3).
- To change the operating power or ERP from that specified in the station authorization, except as permitted by 47 C.F.R. Section 73.1690(c). Any other such change requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(b).
- To increase the height of the antenna radiation center by more than two meters or decrease radiation center height by more than four meters from the value specified in the station's current construction permit or license. Any such modification requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(c).
- To change the location of the station's main studio from a location more than 25 miles from the center of the station's community of license and not within the principal community contour of any AM, FM or TV station licensed to that community. Any such relocation must be requested via a letter request for waiver of the Commission's main studio rule. See the Report and Order in MM Docket No. 97-138, 13 FCC Rcd 15,691 (1998), and 47 C.F.R Section 73.1125.

B. The form consists of the following sections:

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

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

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

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

D. Applicants that prepare this application in paper form should file an original and two copies of this application and all exhibits. Both electronic and paper filers should follow the procedures set forth in Part 0 and Part 73 of the Commission's Rules. Prior to the advent of electronic filing procedures, amendments to previously filed licensee applications should be prepared and submitted in original and two copies and signed in the same manner as the original application; in any event, the amendment should contain the following information to identify the associated application:

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

E. A copy of the completed application and all related documents shall be made available for inspection by the public in the station's public inspection file pursuant to 47 C.F.R. Section 73.3526 for commercial stations and Section 73.3527 for noncommercial educational stations.

F. Applicants should provide all information requested by this application. No section may be omitted. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal.

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

- H. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria which the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions, they are not required to complete or retain any documentation created or collected to complete the application.
- I. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.
- J. **The applicant, or the applicant's authorized representative, must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. See 47 C.F.R. Section 73.3513. If the application is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23,056, 23,064 (1998), ¶ 17.

INSTRUCTIONS FOR SECTION 1: GENERAL INFORMATION

- A. **Item 1: Applicant Name.** Applicants should use only those state abbreviations approved by the U.S. Postal Service.

The name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the applicant should

list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

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

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mmb/asd/seacall.html or by calling: Radio (202) 418-2730, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

- B. **Item 2: Contact Representative.** If the applicant is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified in Item 2.
- C. **Item 3: Fees.** The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking authority to construct a new broadcast station or modify an outstanding authorization are required to submit a fee with the filing of FCC Form 350. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, **provided** that the proposed facility will be operated noncommercially. See 47 C.F.R. Section 1.1114.

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

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of electronic filing procedures, all FCC Form 302-FM applications requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 302-FM should be mailed or otherwise delivered are also set forth in the "Mass Media Services Fee Filing Guide." This document can be obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling 1-800-418-FORM and leaving a request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

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

FCC Form 159, dated July 1997, must be submitted with any application subject to a fee received at the Commission. All previous editions of this form are obsolete. Failure to use this version of the form or to submit all requested information may delay the processing of the application.

Payment of application fees may also be made by Electronic Payment prior to the institution of electronic filing, provided that prior approval has been obtained from the Commission. Applicants interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 302-FM may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

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

- D. **Item 4: Facility Information.** This question asks the applicant to specify: (1) whether commercial or

noncommercial educational operation is proposed; (2) whether a directional or nondirectional antenna is to be used; and (3) the community to which the station will be licensed.

- E. **Item 5: Program Test Authority.** The permittee of an FM station with a nondirectional antenna may commence program testing upon completion of construction and notification to the Audio Services Division of the Commission's Mass Media Bureau, **provided that:** (1) an FCC Form 302-FM is filed within 10 days of the commencement of program tests, and (2) the permit does not contain any special operating conditions that prohibit automatic program test authority. See 47 C.F.R. Section 73.1620(a). The permittee of an FM station with a directional antenna must request program test authority prior to full-power operation. But see the Instructions for Section III, Item 8 below (regarding operation with one-half (½) power upon the filing of FCC Form 302-FM). Accordingly, this question asks whether the applicant is operating pursuant to automatic program test authority or requesting program test authority.
- F. **Item 6: Purpose of Application.** This question asks whether the FCC Form 302-FM is being filed to cover an outstanding construction permit or to modify an authorized license without first obtaining a construction permit pursuant to the Report and Order in MM Docket No. 96-58. It also requires that the applicant identify the permit covered or license being modified.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

- A. **Item 1: Certification.** Each applicant is responsible for the information that the application instructions convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each question response is based on the applicant's review is required.
- B. **Item 2: Permit Conditions.** This question requires the applicant to certify that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met. Each Applicant should review its underlying construction permit carefully prior to making its certification to confirm that the facility was constructed exactly in accordance with the permit. If any such term, condition, or obligation has not been fulfilled, the applicant should respond "No" to Section II, Item 2 and provide an appropriate explanatory exhibit. See 47 C.F.R. Section 74.1251.
- C. **Item 3: Changed Circumstances.** This question requires the applicant to certify that all information provided in the underlying construction permit application remains correct. If any circumstance has arisen which would cause any statement or representation contained in the construction permit application to be incorrect, the

applicant should respond "No" to Section II, Item 3 and provide an appropriate explanatory exhibit.

- G. **Items 4 and 5: Character Issues/Adverse Findings.** Item 4 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 5 whether the applicant or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Items 4 and 5, applicants should review the Commission's character qualifications policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

NOTE: As used in this question, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. See Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986).

Where the response to Item 4 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 5, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 5 is "No," the applicant must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court

or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The applicant should also fully explain why the adverse finding is not an impediment to a grant of this application.

- H. **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. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 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.

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

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

- A. **Preparer's Certification.** When someone other than the applicant has prepared the engineering section of FCC Form 302-FM, Section III requires that person to certify, to the best of his/her knowledge and belief, the veracity of the technical data supplied. The Section III preparer's certification on Page 3 of FCC Form 302-FM need not be completed if the engineering portion of the application has been prepared by the applicant. In that event, the applicant's certification on Page 3 of FCC Form 302-FM will encompass both the legal and engineering sections of the application.

- B. **Notification Requirements.** All applicants must comply with the requirements of Section 73.1030. Specifically, applicants must notify United States Government radio astronomy installations, radio receiving installations, and FCC monitoring stations of the proposed facility and its possible impact on their operations. The Commission need not be informed of the date of such notification.
- C. **Multiple ownership.** It is not anticipated that the changes authorized on FCC Form 302-FM without prior approval on FCC Form 301 will not implicate the Commission's multiple ownership rules in any way. All applicants are to be cognizant of the multiple ownership rules and policies, however, and should review their proposals for compliance with the Commission's multiple ownership rules, 47 C.F.R. Section 73.3555 and mark the appropriate box in Item 10d. If the proposal would require analysis under those rules and policies, the applicant should submit a multiple ownership analysis analogous to the certifications contained in Items 4a. and 4b. of FCC Form 301. These certifications should be attached as an Exhibit to Item 10d. or 12c., as appropriate.
- D. **Environmental Protection Act.** Several license modifications authorized by the Report and Order in MM Docket No. 96-58 will necessitate an analysis under the Commission's environmental rules for the first time, as they are authorized without the prior approval of an FCC Form 301.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See Section 1.1307(b). in this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. Worksheet #1 includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. These pages are designed to facilitate and substantiate the certification called for in Section III, Items 10e. and 10f., 11b. and 11c., and 16b. and 16c. Their use is voluntary, but strongly encouraged.

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

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

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

The new guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www/fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (telephone: (202) 857-3800; fax: (202) 857-3805. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

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

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

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

Should the applicant be unable to conclude that its proposal will have no significant impact on the quality of the human environment, it must submit an Environmental Assessment containing the following information:

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

NOTE: Even if the applicant concludes from the use of the attached worksheets that human RF electromagnetic

exposure is consistent with the Commission's guidelines, 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 details.

- E. **Tech Box:** The applicant must accurately specify the information requested in Items 1 through 4 of the Tech Box. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

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

Item 2: Effective Radiated Power. The effective radiated power must be entered in kilowatts, and rounded pursuant to Section 73.212. Applicants proposing a beam-tilt antenna must complete Item 2b.

Item 3: Transmitter Power Output: The transmitter power output (TPO) must be specified in kilowatts, and rounded pursuant to Section 73.212.

Item 4: Antenna Data: Applicant must provide the manufacturer, model number, number of sections and the spacing between antenna sections, in wavelengths. For example:

Manufacturer:	ERI	Shively	Jampro	Dielectric
Model Number:	SHP-4AE	6810	JHCP-3	DCR-M4
Number of sections:	4	4	3	4
Spacing:	1.0	0.5	1.0	1.0

- F. **Certifications.** All applicants must complete questions 5 and 6, while only applicants filed to cover a construction permit must complete questions 7 and 8.

Item 5: Main Studio Location. The applicant must certify that its main studio location complies with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be either (1) within the principal community contour of any AM FM or TV station licensed to that community; or (2) less than 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

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

Item 6: Transmitter Power Output: The applicant must certify that the transmitter power output (TPO) produces the authorized effective radiated power. The TPO to produce the authorized effective radiated power is calculated as follows:

$$\text{TPO} = \text{Effective Radiated Power} / \text{Antenna power gain} * \text{Efficiency of Transmission Line System}$$

Remember to change percent values to decimal form before calculating TPO. For example, 86% becomes 0.86.

Item 7: Constructed Facility: The applicant must certify that the facility was constructed as authorized in the underlying construction permit, or as an alternative, certify that the proposed changes would comply with the limitations set forth in Section 73.1690. If there are any differences between the facilities constructed compared with those authorized in the construction permit, you may not be able to use this form. See the examples below and Section 73.1690.

Item 8: Special Operating Conditions: The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if required, to document compliance with the special operating conditions. Please note, SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.

Requests for Program Test Authority: The permittee of an FM station with a directional antenna may commence program tests at one half (1/2) of the authorized effective radiated power, unless a condition on the construction permit prohibits program tests at this power. The permittee must submit a completed FCC Form 302-FM, with all exhibits to demonstrate compliance with the conditions on the construction permit, to the Commission at least 10 days before full power operations are desired to commence. The FCC will review the application and advise the permittee or licensee as to whether full power is authorized. See Section 73.1620(a)(2) and (a)(3). The applicant may submit a courtesy copy of the application directly to the ASD (Mail Stop 1800B3) to expedite the processing of the request for program test authority.

Automatic Program Test Authority: The permittee of an FM station with a nondirectional antenna may begin program tests upon notification to the ASD provided that within 10 days, FCC Form 302-FM is filed. See Section 73.1620(a)(1). Please note, this does not apply if the underlying construction permit contains a special operating condition prohibiting automatic program test authority.

3. Applications filed pursuant to Sections 73.1675(c) or 73.1690(c). Items 9-17 set forth a series of certifications concerning applications filed pursuant to Sections 73.1675(c) or 73.1690(c). All appropriate exhibits must be submitted as required. Applicants should refer to the appropriate rule sections, as referenced in the Form.

Item 9: Changing transmitter power output. Applicants proposing to replace an omnidirectional antenna with another omnidirectional antenna or change transmitter output power as a result of modifying the transmission line system must check "yes" for Item 9.

NOTE: If the applicant is proposing to replace an omnidirectional antenna with another omnidirectional antenna, the new antenna must be mounted not more than two meters above nor four meters below the authorized values. See 47 C.F.R. Section 73.1690(c)(1). If the applicant is proposing to change transmitter output power by replacing its transmission line, the station's effective radiated power must not change. See 47 C.F.R. Section 73.1690(c)(10). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1).

Item 10: Increasing effective radiated power. Any change in effective radiated power ("ERP") must comply with Sections 73.1675(c)(1) (regarding auxiliary antennae), 73.1690(c)(4), (c)(5), or (c)(7). Items 10a - 10f set forth a series of certifications for applicants increasing ERP. All such proposals must complete questions 10a - 10f.

Item 10a. Class A FM stations that were permitted to increase ERP pursuant to MM Docket No. 88-375 by a modification of license application remain eligible to do so, provided that the station meets the requirements of Section 73.1690(c)(1) and is listed on one of the Public Notices as authorized to increase ERP. The increased ERP must comply with the multiple ownership requirements of Section 73.3555. See 47 C.F.R. Section 73.1690(c)(5). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1).

Omnidirectional FM stations on the **non-reserved band** which are not designated as contour protection stations pursuant to Section 73.215, and which meet the spacing requirements of Section 73.207 may increase ERP to the maximum permitted for the station class, provided that

any change in the height of the antenna radiation center remains in accordance with Section 73.1690(c)(1), *i.e.*, does not deviate more than two meters above or four meters below the authorized values. See 47 C.F.R. Section 73.1690(c)(7). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1).

NOTE: All of the following conditions must also be met for FM stations on the non-reserved band increasing ERP:

1. The station does not require international coordination as the station does not lie within the border zones, or clearance has been obtained from Canada or Mexico for the higher power operations. See Item 10b.
2. If the station is located in or near a radio quiet zone, radio coordination zone, or a Commission monitoring stations, the licensee or permittee must have secured written concurrence from the affected party to increase effective radiated power PRIOR to increasing power. See Item 10c.
3. The increased ERP will not cause the station to violate the multiple ownership requirements of Section 73.3555. See Item 10d.

Item 10e. All applicants proposing an increase in ERP must certify that their proposals comply with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 et seq. Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 10f. FM stations operating on the **non-reserved band** (channels 221-300) which operate omnidirectionally may increase the vertically polarized effective radiated power up to the authorized horizontally polarized effective radiated power in a license modification application.

Item 11: Increasing vertically polarized effective radiated power. FM stations on the **reserved band** (channels 201-220) that do not use separate antennas mounted at different heights for the horizontally and vertically polarized ERP, and are located in excess of the separations from a TV Channel 6 station listed in Table A of Section 73.525(a)(1), may also increase the vertical ERP, up to the authorized horizontally polarized ERP. See 47 C.F.R. Section 73.1690(c)(4). Items 11a – 11b set forth certifications for applicants increasing vertically polarized effective radiated power in the reserved band. All proposals to increase vertically polarized effective radiated power in the reserved band must complete questions 11a and 11b. If the proposal meets these requirements, program test operations at the full authorized ERP may commence immediately upon installation. See Section 73.1620(a)(1).

Item 11a. This question requires the applicant to certify that its proposal complies with the spacing requirements set forth in 47 C.F.R. Section 73.525(a)(1) with respect to protection to nearby television channel 6 stations.

Item 11b. All applicants proposing an increase in ERP must certify that their proposals comply with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 et seq. Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 12: Decreasing effective radiated power (non-reserved channel). Items 12a – 12c set forth a series of certifications for applicants decreasing effective radiated power in the **non-reserved band** (channels 221-300). See 47 C.F.R. Section 73.1690(c)(8). All proposals to decrease effective radiated power in the non-reserved band must complete questions 12a – 12c.

Item 12a. FM stations on the non-reserved band (channels 221-300) must continue to provide 70 dBu coverage to the community of license, while FM stations on the reserved band (channels 200-220) must continue to provide a 60 dBu contour over a portion of the community of license. In order to decrease power by filing FCC Form 302-FM, the 60 dBu and 70 dBu contours must be predicted by use of the standard contour prediction method in Section 73.313(b), (c), and (d). Any decrease in power must not change the authorized station class. All stations must comply with the main studio rule in Section 73.1125.

Item 12b. This question requires the applicant to certify that the authorized or pending auxiliary facilities for the subject station will not extend beyond the coverage area (1.0 mV/m/60 dB μ contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 12c. This question requires the applicant to certify that the increased ERP will not cause the station to violate the multiple ownership requirements of Section 73.3555.

Item 13: Decreasing effective radiated power (reserved channel). Items 13a – 13b set forth a series of certifications for applicants decreasing effective radiated power in the **reserved band** (channels 201-220). See 47 C.F.R. Section 73.1690(c)(8). All proposals to decrease effective radiated power in the reserved band must complete questions 13a – 13b.

Item 13a. FM stations on the reserved band (channels 200-220) must continue to provide a 60 dBu contour over a portion of the community of license. See Section 73.1690(c)(8)(vi).

NOTE: Stations within the Table A distance separations of Section 73.525, or Class D stations on Channel 200, may not eliminate an authorized horizontally polarized component in favor of vertically polarized-only operation.

Item 13b. This question requires the applicant to certify that the authorized or pending auxiliary facilities for the subject station will not extend beyond the coverage area (1.0 mV/m/60 dB μ contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 14: Replacing a directional antenna. Items 14a – 14b set forth a series of certifications for applicants replacing a directional antenna with another directional antenna. See 47 C.F.R. Section 73.1690(c)(2). All such proposals must complete questions 14a and 14b.

Item 14a. This question requires the applicant to certify that: (1) the measured composite directional antenna pattern will not exceed the licensed composite directional pattern at any azimuth; and (2) the antenna measurement procedures comply with 47 C.F.R. Section 73.1690(c)(2). The applicant must supply an exhibit containing a description from the antenna manufacturer as to the procedures used to measure the directional antenna pattern. See 47 C.F.R. Section 73.1690(c)(2)(iii).

NOTE: The new antenna must be mounted not more than two meters above nor four meters below the authorized values.

Item 14b. This question requires the applicant to certify that the new antenna was installed such that permanent installation will not distort the measured antenna pattern. The applicant must supply an exhibit containing certifications from a licensed surveyor (that the antenna has been oriented to the proper azimuth) and a qualified engineer overseeing installation (that the antenna was installed pursuant to the manufacturer's specifications). See 47 C.F.R. Sections 73.1690(c)(iv) and 73.1690(c)(v).

Item 15: Deleting contour protection status. Item 15a sets forth a certification for applicants deleting contour protection status. See Section 73.1690(c)(6). All such proposals must complete question 15a.

Stations currently authorized pursuant to Section 73.215 that have become fully spaced under Section 73.207 may file a modification of license application to delete the Section 73.215 contour protection designation. All such applicants must certify compliance with Section 73.207.

Item 16: Use a formerly licensed main facility as an auxiliary facility. Items 16a – 16b set forth a series of certifications for applicants proposing the use of a formerly licensed main facility as an auxiliary facility. All such proposals must complete questions 16a and 16b.

Item 16a. This question requires the applicant to certify that the proposed auxiliary facilities will not extend beyond the coverage area (1.0 mV/m/60 dB μ contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 16b. This question requires the applicant to must certify that its proposal complies with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 et seq. Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 17: Change the license status. If the application is being filed to change the license status from commercial to noncommercial or from noncommercial to commercial. However, if changing from commercial to noncommercial educational status, the applicant must submit a completed Section 2 of FCC Form 340, establishing its qualifications to operate the subject facility as a noncommercial educational station. See Section 73.1690(c)(9).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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 1-2 hours depending on the type of application filed. 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-PER, Paperwork Reduction Project (3060-0506), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS.** Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0506.

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

INSTRUCTIONS FOR FCC 302-FM

APPLICATION FOR AN FM BROADCAST STATION LICENSE

GENERAL INSTRUCTIONS

- A. This FCC Form is to be used to apply for a new or modified FM broadcast station license. It may be used:
- To cover an authorized construction permit (or auxiliary antenna), provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit.
 - To implement modifications to existing licenses permitted as of December 1, 1997 by 47 C.F.R. Section 73.1690(c). See the Report and Order in MM Docket No. 96-58, 12 FCC Rcd 12,371 (1997), a copy of which may be obtained through the Internet at http://www.fcc.gov/Bureaus/Mass_Media/Orders/1997/fcc97290.txt. These include:
 - To replace a nondirectional antenna with a different type of nondirectional antenna with the same number of bays, **provided** that the radiation center height of the new antenna is not more than two meters above nor four meters below the authorized value. See 47 C.F.R. Section 73.1690(c)(1). Noncommercial educational stations operating in the reserved band (Channels 201-220, 88.1 MHz - 92.9 MHz) may be required to file FCC Form 340 for any change in polarization. See 47 C.F.R. Section 73.1690(a)(6).
 - To replace a directional FM antenna, where: (1) the measured composite directional antenna pattern does not exceed the licensed composite directional pattern at any azimuth; (2) there will be no change in effective radiated power ("ERP"); (3) compliance with the principal community coverage requirements mandated by 47 C.F.R. Section 73.315, will be maintained, and (4) the radiation center height of the new antenna is not more than two meters above nor four meters below the authorized value. See 47 C.F.R. Section 73.1690(c)(2).
 - In certain circumstances, to increase the vertically polarized ERP of a non-directional station operating in the non-reserved band (Channels 221-300, 93.1 MHz - 107.9 MHz) to equal the horizontally polarized ERP. See 47 C.F.R. Section 73.1690(c)(4).
 - To increase the effective radiated power ("ERP") of eligible Class A FM stations. As of December 1, 1989, eligible commercial FM stations were permitted an increase in Effective Radiated Power to 6 kW, pursuant to the Second Report and Order in MM Docket No. 88-375, 4 FCC Rcd 6375 (1989). See also the Report and Order in MM Docket No. 96-58 and 47 C.F.R. Section 73.1690(c)(5). Eligible stations were listed in the following Commission Public Notices, which are available from the Commission's duplicating contractor, International Transcription Services, (202) 857-3800:
 - Reference No. 451, released November 3, 1989
 - Reference No. 650, released November 17, 1989
 - Reference No. 886, released December 8, 1989.
 - Reference No. 2009, released March 2, 1990
 - Reference No. 11615, released February 11, 1991
 - DA97-2568, released December 8, 1997Alternatively, the construction permit or letter or authorization may contain a special condition announcing the permittee's eligibility for an ERP increase by means of FCC Form 302-FM.
 - In certain circumstances, to remove "contour protection" (under 47 C.F.R. Section 73.215) status from an FM station if that station meets the minimum spacing criteria set forth in 47 C.F.R. Section 73.207. See 47 C.F.R. Section 73.1690(c)(6).
 - To increase to the maximum permitted for the pertinent station class the ERP of other eligible FM stations in the non-reserved band pursuant to the Second Report and Order in MM Docket No. 88-375. This provision applies only to stations that are not accorded "contour protection" status under 47 C.F.R. Section 73.215. See 47 C.F.R. Section 73.1690(7).
 - In certain specified circumstances, to decrease ERP. See 47 C.F.R. Section 73.1690(c)(8).
 - To change the license status from commercial to noncommercial or from noncommercial to commercial. See 47 C.F.R. Section 73.1690(c)(9). If changing from commercial to noncommercial status, the applicant must submit Section II of FCC Form 340 to demonstrate its qualifications to operate a noncommercial educational FM station.

- To replace the transmission line with a different type of transmission line or a transmission line of a different length which requires a change in the transmitter power output to maintain the licensed effective radiated power. See 47 C.F.R. Section 73.1690(c)(10).
- To obtain authority to use a formerly licensed main antenna system as an auxiliary antenna, **provided** that the 1 mV/m (60 dBμ) contour of the auxiliary facility does not extend beyond the 1 mV/m (60 dBμ) contour of the main facility in any direction. See 47 C.F.R. Section 73.1675
- As ordered by the Commission or its staff.

The form may not be used:

- To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(b).
- To alter licensed directional radiation characteristics or to exceed the composite antenna pattern authorized in an underlying construction permit. Any such alteration requires the prior filing and approval of FCC Form 301, as appropriate. See 47 C.F.R. Section 73.1690(b)(3).
- To change the operating power or ERP from that specified in the station authorization, except as permitted by 47 C.F.R. Section 73.1690(c). Any other such change requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(b).
- To increase the height of the antenna radiation center by more than two meters or decrease radiation center height by more than four meters from the value specified in the station's current construction permit or license. Any such modification requires the prior filing and approval of FCC Form 301 or 340, as appropriate. See 47 C.F.R. Section 73.1690(c).
- To change the location of the station's main studio from a location more than 25 miles from the center of the station's community of license and not within the principal community contour of any AM, FM or TV station licensed to that community. Any such relocation must be requested via a letter request for waiver of the Commission's main studio rule. See the Report and Order in MM Docket No. 97-138, 13 FCC Rcd 15,691 (1998), and 47 C.F.R Section 73.1125.

B. The form consists of the following sections:

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

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

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

FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t.; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.

D. Applicants that prepare this application in paper form should file an original and two copies of this application and all exhibits. Both electronic and paper filers should follow the procedures set forth in Part 0 and Part 73 of the Commission's Rules. Prior to the advent of electronic filing procedures, amendments to previously filed licensee applications should be prepared and submitted in original and two copies and signed in the same manner as the original application; in any event, the amendment should contain the following information to identify the associated application:

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

E. A copy of the completed application and all related documents shall be made available for inspection by the public in the station's public inspection file pursuant to 47 C.F.R. Section 73.3526 for commercial stations and Section 73.3527 for noncommercial educational stations.

F. Applicants should provide all information requested by this application. No section may be omitted. If any portions of the application are not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal.

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

- H. This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria which the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions, they are not required to complete or retain any documentation created or collected to complete the application.
- I. This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.
- J. **The applicant, or the applicant's authorized representative, must sign the application.** Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. See 47 C.F.R. Section 73.3513. If the application is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23,056, 23,064 (1998), ¶ 17.

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

- A. **Item 1: Applicant Name.** Applicants should use only those state abbreviations approved by the U.S. Postal Service.

The name of the applicant must be stated exactly in Item 1. If the applicant is a corporation, the applicant should

list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

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

Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mmb/asd/seacall.html or by calling: Radio (202) 418-2730, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

- B. **Item 2: Contact Representative.** If the applicant is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified in Item 2.
- C. **Item 3: Fees.** The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking authority to construct a new broadcast station or modify an outstanding authorization are required to submit a fee with the filing of FCC Form 350. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, **provided** that the proposed facility will be operated noncommercially. See 47 C.F.R. Section 1.1114.

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

The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing. Prior to the institution of electronic filing procedures, all FCC Form 302-FM applications requiring the remittance of a fee, or for which a waiver or deferral from the fee requirement is requested, must be submitted to the appropriate post office box address. See 47 C.F.R. Section 0.401(b). A listing of the required fee and the address to which FCC Form 302-FM should be mailed or otherwise delivered are also set forth in the "Mass Media Services Fee Filing Guide." This document can be obtained either by writing to the Commission's Form Distribution Center, 9300 E. Hampton Drive, Capital Heights, Maryland 20743, or by calling 1-800-418-FORM and leaving a request on the answering machine provided for this purpose. See also 47 C.F.R. Section 1.1104. The Fee Filing Guide also contains a list of the Fee Type Codes needed to complete this application.

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

FCC Form 159, dated July 1997, must be submitted with any application subject to a fee received at the Commission. All previous editions of this form are obsolete. Failure to use this version of the form or to submit all requested information may delay the processing of the application.

Payment of application fees may also be made by Electronic Payment prior to the institution of electronic filing, provided that prior approval has been obtained from the Commission. Applicants interested in this option must first contact the Credit and Debt Management Center at (202) 418-1995 to make the necessary arrangements.

Applicants hand-delivering FCC Forms 302-FM may receive dated receipt copies by presenting copies of the applications to the acceptance clerk at the time of delivery. For mailed-in applications, a "return copy" of the application should be furnished and clearly marked as a "return copy." The applicant should attach this copy to a stamped, self-addressed envelope. Only one piece of paper per application will be stamped for receipt purposes.

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

D. **Item 4: Facility Information.** This question asks the applicant to specify: (1) whether commercial or

noncommercial educational operation is proposed; (2) whether a directional or nondirectional antenna is to be used; and (3) the community to which the station will be licensed.

E. **Item 5: Program Test Authority.** The permittee of an FM station with a nondirectional antenna may commence program testing upon completion of construction and notification to the Audio Services Division of the Commission's Mass Media Bureau, **provided that:** (1) an FCC Form 302-FM is filed within 10 days of the commencement of program tests, and (2) the permit does not contain any special operating conditions that prohibit automatic program test authority. See 47 C.F.R. Section 73.1620(a). The permittee of an FM station with a directional antenna must request program test authority prior to full-power operation. But see the Instructions for Section III, Item 8 below (regarding operation with one-half (½) power upon the filing of FCC Form 302-FM). Accordingly, this question asks whether the applicant is operating pursuant to automatic program test authority or requesting program test authority.

F. **Item 6: Purpose of Application.** This question asks whether the FCC Form 302-FM is being filed to cover an outstanding construction permit or to modify an authorized license without first obtaining a construction permit pursuant to the Report and Order in MM Docket No. 96-58. It also requires that the applicant identify the permit covered or license being modified.

INSTRUCTIONS FOR SECTION II: LEGAL INFORMATION

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

B. **Item 2: Permit Conditions.** This question requires the applicant to certify that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met. Each Applicant should review its underlying construction permit carefully prior to making its certification to confirm that the facility was constructed exactly in accordance with the permit. If any such term, condition, or obligation has not been fulfilled, the applicant should respond "No" to Section II, Item 2 and provide an appropriate explanatory exhibit. See 47 C.F.R. Section 74.1251.

C. **Item 3: Changed Circumstances.** This question requires the applicant to certify that all information provided in the underlying construction permit application remains correct. If any circumstance has arisen which would cause any statement or representation contained in the construction permit application to be incorrect, the

applicant should respond "No" to Section II, Item 3 and provide an appropriate explanatory exhibit.

- G. **Items 4 and 5: Character Issues/Adverse Findings.** Item 4 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 5 whether the applicant or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to Items 4 and 5, applicants should review the Commission's character qualifications policies, which are fully set forth in Character Qualifications, 102 FCC 2d 1179 (1985), reconsideration denied, 1 FCC Rcd 421 (1986), as modified, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

NOTE: As used in this question, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. See Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), reconsideration granted in part, 58 RR 2d 604 (1985), further modified on reconsideration, 61 RR 2d 739 (1986).

Where the response to Item 4 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 5, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to Item 5 is "No," the applicant must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court

or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 U.S.C. Section 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The applicant should also fully explain why the adverse finding is not an impediment to a grant of this application.

- H. **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. Section 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response to Item 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.

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

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

- A. **Preparer's Certification.** When someone other than the applicant has prepared the engineering section of FCC Form 302-FM, Section III requires that person to certify, to the best of his/her knowledge and belief, the veracity of the technical data supplied. The Section III preparer's certification on Page 3 of FCC Form 302-FM need not be completed if the engineering portion of the application has been prepared by the applicant. In that event, the applicant's certification on Page 3 of FCC Form 302-FM will encompass both the legal and engineering sections of the application.

- B. **Notification Requirements.** All applicants must comply with the requirements of Section 73.1030. Specifically, applicants must notify United States Government radio astronomy installations, radio receiving installations, and FCC monitoring stations of the proposed facility and its possible impact on their operations. The Commission need not be informed of the date of such notification.
- C. **Multiple ownership.** It is not anticipated that the changes authorized on FCC Form 302-FM without prior approval on FCC Form 301 will not implicate the Commission's multiple ownership rules in any way. All applicants are to be cognizant of the multiple ownership rules and policies, however, and should review their proposals for compliance with the Commission's multiple ownership rules, 47 C.F.R. Section 73.3555 and mark the appropriate box in Item 10d. If the proposal would require analysis under those rules and policies, the applicant should submit a multiple ownership analysis analogous to the certifications contained in Items 4a. and 4b. of FCC Form 301. These certifications should be attached as an Exhibit to Item 10d. or 12c., as appropriate.
- D. **Environmental Protection Act.** Several license modifications authorized by the Report and Order in MM Docket No. 96-58 will necessitate an analysis under the Commission's environmental rules for the first time, as they are authorized without the prior approval of an FCC Form 301.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See Section 1.1307(b). in this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. Worksheet #1 includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. These pages are designed to facilitate and substantiate the certification called for in Section III, Items 10e. and 10f., 11b. and 11c., and 16b. and 16c. Their use is voluntary, but strongly encouraged.

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

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

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

The new guidelines are explained in more detail in OET Bulletin 65, entitled Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <http://www/fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C. 20036 (telephone: (202) 857-3800; fax: (202) 857-3805. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

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

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

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

Should the applicant be unable to conclude that its proposal will have no significant impact on the quality of the human environment, it must submit an Environmental Assessment containing the following information:

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

NOTE: Even if the applicant concludes from the use of the attached worksheets that human RF electromagnetic

exposure is consistent with the Commission's guidelines, 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 details.

E. Tech Box: The applicant must accurately specify the information requested in Items 1 through 4 of the Tech Box. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

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

Item 2: Effective Radiated Power. The effective radiated power must be entered in kilowatts, and rounded pursuant to Section 73.212. Applicants proposing a beam-tilt antenna must complete Item 2b.

Item 3: Transmitter Power Output: The transmitter power output (TPO) must be specified in kilowatts, and rounded pursuant to Section 73.212.

Item 4: Antenna Data: Applicant must provide the manufacturer, model number, number of sections and the spacing between antenna sections, in wavelengths. For example:

Manufacturer:	ERI	Shively	Jampro	Dielectric
Model Number:	SHP-4AE	6810	JHCP-3	DCR-M4
Number of sections:	4	4	3	4
Spacing:	1.0	0.5	1.0	1.0

F. Certifications. All applicants must complete questions 5 and 6, while only applicants filed to cover a construction permit must complete questions 7 and 8.

Item 5: Main Studio Location. The applicant must certify that its main studio location complies with the requirements of Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be either (1) within the principal community contour of any AM FM or TV station licensed to that community; or (2) less than 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled Index to the National Atlas of the United States. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

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

Item 6: Transmitter Power Output: The applicant must certify that the transmitter power output (TPO) produces the authorized effective radiated power. The TPO to produce the authorized effective radiated power is calculated as follows:

$$\text{TPO} = \frac{\text{Effective Radiated Power}}{\text{Antenna power gain} * \text{Efficiency of Transmission Line System}}$$

Remember to change percent values to decimal form before calculating TPO. For example, 86% becomes 0.86.

Item 7: Constructed Facility: The applicant must certify that the facility was constructed as authorized in the underlying construction permit, or as an alternative, certify that the proposed changes would comply with the limitations set forth in Section 73.1690. If there are any differences between the facilities constructed compared with those authorized in the construction permit, you may not be able to use this form. See the examples below and Section 73.1690.

Item 8: Special Operating Conditions: The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if required, to document compliance with the special operating conditions. Please note, SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.

Requests for Program Test Authority: The permittee of an FM station with a directional antenna may commence program tests at one half (1/2) of the authorized effective radiated power, unless a condition on the construction permit prohibits program tests at this power. The permittee must submit a completed FCC Form 302-FM, with all exhibits to demonstrate compliance with the conditions on the construction permit, to the Commission at least 10 days before full power operations are desired to commence. The FCC will review the application and advise the permittee or licensee as to whether full power is authorized. See Section 73.1620(a)(2) and (a)(3). The applicant may submit a courtesy copy of the application directly to the ASD (Mail Stop 1800B3) to expedite the processing of the request for program test authority.

Automatic Program Test Authority: The permittee of an FM station with a nondirectional antenna may begin program tests upon notification to the ASD provided that within 10 days, FCC Form 302-FM is filed. See Section 73.1620(a)(1). Please note, this does not apply if the underlying construction permit contains a special operating condition prohibiting automatic program test authority.

3. Applications filed pursuant to Sections 73.1675(c) or 73.1690(c). Items 9-17 set forth a series of certifications concerning applications filed pursuant to Sections 73.1675(c) or 73.1690(c). All appropriate exhibits must be submitted as required. Applicants should refer to the appropriate rule sections, as referenced in the Form.

Item 9: Changing transmitter power output. Applicants proposing to replace an omnidirectional antenna with another omnidirectional antenna or change transmitter output power as a result of modifying the transmission line system must check "yes" for Item 9.

NOTE: If the applicant is proposing to replace an omnidirectional antenna with another omnidirectional antenna, the new antenna must be mounted not more than two meters above nor four meters below the authorized values. See 47 C.F.R. Section 73.1690(c)(1). If the applicant is proposing to change transmitter output power by replacing its transmission line, the station's effective radiated power must not change. See 47 C.F.R. Section 73.1690(c)(10). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1)

Item 10: Increasing effective radiated power. Any change in effective radiated power ("ERP") must comply with Sections 73.1675(c)(1) (regarding auxiliary antennae), 73.1690(c)(4), (c)(5), or (c)(7). Items 10a – 10f set forth a series of certifications for applicants increasing ERP. All such proposals must complete questions 10a – 10f.

Item 10a. Class A FM stations that were permitted to increase ERP pursuant to MM Docket No. 88-375 by a modification of license application remain eligible to do so, provided that the station meets the requirements of Section 73.1690(c)(1) and is listed on one of the Public Notices as authorized to increase ERP. The increased ERP must comply with the multiple ownership requirements of Section 73.3555. See 47 C.F.R. Section 73.1690(c)(5). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1).

Omnidirectional FM stations on the **non-reserved band** which are not designated as contour protection stations pursuant to Section 73.215, and which meet the spacing requirements of Section 73.207 may increase ERP to the maximum permitted for the station class, provided that

any change in the height of the antenna radiation center remains in accordance with Section 73.1690(c)(1), *i.e.*, does not deviate more than two meters above or four meters below the authorized values. See 47 C.F.R. Section 73.1690(c)(7). If the proposal meets these requirements, program test operations may commence at full power pursuant to Section 73.1620(a)(1).

NOTE: All of the following conditions must also be met for FM stations on the non-reserved band increasing ERP:

1. The station does not require international coordination as the station does not lie within the border zones, or clearance has been obtained from Canada or Mexico for the higher power operations. See Item 10b.
2. If the station is located in or near a radio quiet zone, radio coordination zone, or a Commission monitoring stations, the licensee or permittee must have secured written concurrence from the affected party to increase effective radiated power PRIOR to increasing power. See Item 10c.
3. The increased ERP will not cause the station to violate the multiple ownership requirements of Section 73.3555. See Item 10d.

Item 10e. All applicants proposing an increase in ERP must certify that their proposals comply with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 *et seq.* Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 10f. FM stations operating on the **non-reserved band** (channels 221-300) which operate omnidirectionally may increase the vertically polarized effective radiated power up to the authorized horizontally polarized effective radiated power in a license modification application.

Item 11: Increasing vertically polarized effective radiated power. FM stations on the **reserved band** (channels 201-220) that do not use separate antennas mounted at different heights for the horizontally and vertically polarized ERP, and are located in excess of the separations from a TV Channel 6 station listed in Table A of Section 73.525(a)(1), may also increase the vertical ERP, up to the authorized horizontally polarized ERP. See 47 C.F.R. Section 73.1690(c)(4). Items 11a – 11b set forth certifications for applicants increasing vertically polarized effective radiated power in the reserved band. All proposals to increase vertically polarized effective radiated power in the reserved band must complete questions 11a and 11b. If the proposal meets these requirements, program test operations at the full authorized ERP may commence immediately upon installation. See Section 73.1620(a)(1).

Item 11a. This question requires the applicant to certify that its proposal complies with the spacing requirements set forth in 47 C.F.R. Section 73.525(a)(1) with respect to protection to nearby television channel 6 stations.

Item 11b. All applicants proposing an increase in ERP must certify that their proposals comply with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 *et seq.* Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 12: Decreasing effective radiated power (non-reserved channel). Items 12a – 12c set forth a series of certifications for applicants decreasing effective radiated power in the **non-reserved band** (channels 221-300). See 47 C.F.R. Section 73.1690(c)(8). All proposals to decrease effective radiated power in the non-reserved band must complete questions 12a – 12c.

Item 12a. FM stations on the non-reserved band (channels 221-300) must continue to provide 70 dBu coverage to the community of license, while FM stations on the reserved band (channels 200-220) must continue to provide a 60 dBu contour over a portion of the community of license. In order to decrease power by filing FCC Form 302-FM, the 60 dBu and 70 dBu contours must be predicted by use of the standard contour prediction method in Section 73.313(b), (c), and (d). Any decrease in power must not change the authorized station class. All stations must comply with the main studio rule in Section 73.1125.

Item 12b. This question requires the applicant to certify that the authorized or pending auxiliary facilities for the subject station will not extend beyond the coverage area (1.0 mV/m/60 dBu contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 12c. This question requires the applicant to certify that the increased ERP will not cause the station to violate the multiple ownership requirements of Section 73.3555.

Item 13: Decreasing effective radiated power (reserved channel). Items 13a – 13b set forth a series of certifications for applicants decreasing effective radiated power in the **reserved band** (channels 201-220). See 47 C.F.R. Section 73.1690(c)(8). All proposals to decrease effective radiated power in the reserved band must complete questions 13a – 13b.

Item 13a. FM stations on the reserved band (channels 200-220) must continue to provide a 60 dBu contour over a portion of the community of license. See Section 73.1690(c)(8)(vi).

NOTE: Stations within the Table A distance separations of Section 73.525, or Class D stations on Channel 200, may not eliminate an authorized horizontally polarized component in favor of vertically polarized-only operation.

Item 13b. This question requires the applicant to certify that the authorized or pending auxiliary facilities for the subject station will not extend beyond the coverage area (1.0 mV/m/60 dB μ contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 14: Replacing a directional antenna. Items 14a – 14b set forth a series of certifications for applicants replacing a directional antenna with another directional antenna. See 47 C.F.R. Section 73.1690(c)(2). All such proposals must complete questions 14a and 14b.

Item 14a. This question requires the applicant to certify that: (1) the measured composite directional antenna pattern will not exceed the licensed composite directional pattern at any azimuth; and (2) the antenna measurement procedures comply with 47 C.F.R. Section 73.1690(c)(2). The applicant must supply an exhibit containing a description from the antenna manufacturer as to the procedures used to measure the directional antenna pattern. See 47 C.F.R. Section 73.1690(c)(2)(iii).

NOTE: The new antenna must be mounted not more than two meters above nor four meters below the authorized values.

Item 14b. This question requires the applicant to certify that the new antenna was installed such that permanent installation will not distort the measured antenna pattern. The applicant must supply an exhibit containing certifications from a licensed surveyor (that the antenna has been oriented to the proper azimuth) and a qualified engineer overseeing installation (that the antenna was installed pursuant to the manufacturer's specifications. See 47 C.F.R. Sections 73.1690(c)(iv) and 73.1690(c)(v).

Item 15: Deleting contour protection status. Item 15a sets forth a certification for applicants deleting contour protection status. See Section 73.1690(c)(6). All such proposals must complete question 15a.

Stations currently authorized pursuant to Section 73.215 that have become fully spaced under Section 73.207 may file a modification of license application to delete the Section 73.215 contour protection designation. All such applicants must certify compliance with Section 73.207.

Item 16: Use a formerly licensed main facility as an auxiliary facility. Items 16a – 16b set forth a series of certifications for applicants proposing the use of a formerly licensed main facility as an auxiliary facility. All such proposals must complete questions 16a and 16b.

Item 16a. This question requires the applicant to certify that the proposed auxiliary facilities will not extend beyond the coverage area (1.0 mV/m/60 dB μ contour) of the main antenna after the decrease in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

Item 16b. This question requires the applicant to must certify that its proposal complies with the Commission's environmental rules, 47 C.F.R. Sections 1.1300 et seq. Worksheet #1 attached to the back of these instructions is designed to aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Applicants may find this worksheet helpful in certifying question 10e.

Item 17: Change the license status. If the application is being filed to change the license status from commercial to noncommercial or from noncommercial to commercial. However, if changing from commercial to noncommercial educational status, the applicant must submit a completed Section 2 of FCC Form 340, establishing its qualifications to operate the subject facility as a noncommercial educational station. See Section 73.1690(c)(9).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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 1-2 hours depending on the type of application filed. 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 (3060-0506), Washington, DC 20554. Please **DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS.** Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number of if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0506.

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

FOR
FCC
USE
ONLY

FCC 302-FM

APPLICATION FOR FM BROADCAST STATION LICENSE

FOR COMMISSION USE ONLY
FILE NO.

Section I - General Information

1. Legal Name of the Applicant

Mailing Address

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

2. Contact Representative (if other than licensee/permittee)

Firm or Company Name

Mailing Address

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

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

Governmental Entity Noncommercial Educational Licensee Other _____

4. Facility Information:

a. Commercial Noncommercial

b. Directional Nondirectional

c. Community of License:

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

5. Program Test Authority:

Requesting program test authority.

Station operating pursuant to automatic program test authority (47 C.F.R. Section 73.1620(a)(1)).

6. **Purpose of Application:**

- Cover construction permit (list original construction permit file number -- starts with the prefix BPH or BPED): _____
- Modify an authorized license (list license file number -- starts with the prefix BLH, BMLH, BLED, or BMLEL): _____
- Amend a pending application

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

Exhibit No.

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

Section II - Legal and Financial

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

2. Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met. Yes No

See Explanation in Exhibit No.

3. Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect. Yes No

See Explanation in Exhibit No.

4. **Character Issues.** Applicant certifies that neither applicant nor any party to the application has or has had any interest in, or connection with: Yes No

See Explanation in Exhibit No.

 - a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
 - b. any pending broadcast application in which character issues have been raised.

5. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? Yes No

See Explanation in Exhibit No.

6. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862. Yes No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section '304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date

SECTION III - PREPARER'S CERTIFICATION

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

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

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Section III - Engineering

TECHNICAL SPECIFICATIONS

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

TECH BOX

1. Channel: _____

2. a. Effective Radiated Power: _____ kW (H) _____ kW (V)

b. Maximum Effective Radiated Power: Not applicable _____ kW (H) _____ kW (V)
(Beam-Tilt Antenna ONLY)

3. Transmitter Power Output: _____ kW

4. Antenna Data

Manufacturer	Model	Number of Sections	Spacing Between Sections (wavelength)

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

CERTIFICATION

All applicants must complete this section.

5. **Main Studio Location.** The main studio location complies with 47 C.F.R. Section 73.1125. Yes No See Explanation in Exhibit No.
6. **Transmitter Power Output.** The operating transmitter power output produces the authorized effective radiated power. Yes No See Explanation in Exhibit No.

APPLICATIONS FILED TO COVER A CONSTRUCTION PERMIT.

Only applicants filing this application to cover a construction permit must complete the following section.

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

7. **Constructed Facility.** The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 73.1690. Yes No See Explanation in Exhibit No.
8. **Special Operating Conditions.** The facility was constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit. Yes No See Explanation in Exhibit No.
- An exhibit may be required. Review the underlying construction permit. Exhibit No.

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

APPLICATION FILED PURSUANT TO 47 C.F.R. SECTIONS 73.1675(c) or 73.1690(c).

Only applicants filing this application pursuant to 47 C.F.R. Sections 73.1675(c) or 73.1690(c) must complete the following section.

9. **Changing transmitter power output.** Is this application being filed to authorize a change in transmitter power output caused by the replacement of omnidirectional antenna with another omnidirectional antenna or an alteration of the transmission line system? See 47 C.F.R. Sections 73.1690(c)(1) and (c)(10). Yes No
10. **Increasing effective radiated power.** Is this application being filed to authorize an increase in ERP for a station operating in the nonreserved band (Channels 221-300)? See 47 C.F.R. Sections 73.1690(c)(4), (c)(5) and (c)(7). Yes No

If "Yes" to the above, the Applicant certifies the following:

- a. **Spacing Requirements.** The increase in ERP was authorized pursuant to MM Docket 88-375 (Class A stations) OR the facility complies with the spacing requirements of 47 C.F.R. Section 73.207. Yes No

See Explanation in Exhibit No.

- b. **International Coordination.** The transmitter site is greater than 320 km from the Canadian or Mexican borders OR coordination for the station's international class is complete. Yes No

See Explanation in Exhibit No.

- c. **Interference.** The requirements of 47 C.F.R. Section 73.1030 regarding notification to radio astronomy installations, radio receiving installations and FCC monitoring stations have either been satisfied OR are not applicable. Yes No

See Explanation in Exhibit No.

Exhibit required. if the proposed facility must be notified to the entities set forth in 47 C.F.R. Section 73.1030, the applicant must provide a copy of the written approval for the ERP increase from the affected entity.

Exhibit No.

- d. **Multiple Ownership Showing.** The increase in ERP will not require the consideration of a multiple ownership showing pursuant to 47 C.F.R. Section 73.3555. Yes No

See Explanation in Exhibit No.

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

See Explanation in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.

11. **Increasing vertically polarized effective radiated power.** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(4) to authorize an increase in the vertically polarized ERP for a station operating in the reserved band (Channels 200-220)? Yes No

If "Yes" to the above, the Applicant certifies the following:

- a. **TV Channel 6 Protection Requirements.** The facility complies with the spacing requirements of 47 C.F.R. Section 73.525(a)(1). Yes No See Explanation in Exhibit No.
- b. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.** Yes No See Explanation in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.

12. **Decreasing effective radiated power (non-reserved channel).** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(8) to authorize a decrease in the ERP for a station operating in the nonreserved band (Channels 221-300)? Yes No

If "Yes" to the above, the Applicant certifies the following:

- a. **Community Coverage.** The proposed facility complies with the community coverage requirements of 47 C.F.R. Section 73.315 where the distance to the 3.16 mV/m contour is predicted using the standard prediction method in 47 C.F.R. Section 73.3 13. Yes No See Explanation in Exhibit No.
- b. **Auxiliary Facilities.** The authorized or pending auxiliary facilities for this station comply with 47 C.F.R. Section 73.1675(a). Yes No See Explanation in Exhibit No.
- c. **Multiple Ownership Showing.** The decrease in ERP is not requested or required to establish compliance with 47 C.F.R. Section 73.3555. Yes No See Explanation in Exhibit No.

13. **Decreasing effective radiated power (reserved channel).** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(8) to authorize a decrease in the ERP for a station operating in the reserved band (Channels 200-220)? Yes No

If "Yes" to the above, the Applicant certifies the following:

- a. **Community Coverage.** The proposed facility complies with the community coverage requirements of 47 C.F.R. Section 73.1690(c)(8)(i) where the distance to the 1 mV/m contour is predicted using the standard prediction method in 47 C.F.R. Section 73.3 13. Yes No See Explanation in Exhibit No.
- b. **Auxiliary Facilities.** The authorized or pending auxiliary facilities for this station comply with 47 C.F.R. Section 73.1675(a). Yes No See Explanation in Exhibit No.

14. **Replacing a directional antenna.** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(2) to replace a directional antenna with another directional antenna? Yes No

If "Yes" to the above, the applicant certifies the following:

- a. **Measurement of Directional Antenna.** The composite measured pattern and measurement procedures comply with 47 C.F.R. Section 73.1690(c)(2). **Exhibit required.** Yes No See Explanation in Exhibit No.

Exhibit No.

- b. **Installation of Directional Antenna.** The installation of the directional antenna complies with 47 C.F.R. Section 73.1690(c)(2). **Exhibit required.** Yes No See Explanation in Exhibit No.

Exhibit No.

15. **Deleting contour protection status.** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(6) to delete contour protection status (47 C.F.R. Section 73.215) for a station operating in the nonreserved band (Channels 221-300)? Yes No

- a. If "Yes" to the above, the applicant certifies that the facility complies with the spacing requirements of 47 C.F.R. Section 73.207. Yes No See Explanation in Exhibit No.

16. **Use a formerly licensed main facility as an auxiliary facility.** Is this application being filed pursuant to 47 C.F.R. Section 73.1675(c)(1) to request authorization to use a formerly licensed main facility as an auxiliary facility and/or change the ERP of the proposed auxiliary facility? Yes No

If "Yes" to the above, the applicant certifies the following:

- a. **Auxiliary antenna service area.** The proposed auxiliary facility complies with 47 C.F.R. Section 73.1675(a). Yes No See Explanation in Exhibit No.

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

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.

17. **Change the license status.** Is this application being filed pursuant to 47 C.F.R. Section 73.1690(c)(9) to change the license status from commercial to noncommercial or from noncommercial to commercial? Yes No

Exhibit No.

If "Yes" to the above, submit an exhibit providing full particulars. For applications changing license status from commercial to noncommercial, include Section II of FCC Form 340 as an exhibit to this application.

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