

INSTRUCTIONS FOR FORM 2100, FCC SCHEDULE 319-LOW POWER FM STATION LICENSE APPLICATION

The following instructions track the Low Power FM Station License Application in LMS:

GENERAL INSTRUCTIONS

Introduction. FCC Schedule 319 is used to apply for a new or modified low power FM (LPFM) broadcast station license. Specifically, it may be used:

- o To cover an authorized construction permit, provided that the facilities have been constructed in accordance with the provisions and conditions specified on the construction permit.
- o 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 currently licensed value. See 47 CFR Section 73.875(c)(1)
- o 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 CFR Section 73.875(c)(2).
- o To change the hours of operation of a station authorized to operate pursuant to a time-share agreement in accordance with 47 CFR Section 73.872. See 47 CFR Section 73.875(c)(3).
- o To amend a pending Schedule 319 application.
- o As ordered by the Commission or its staff.

The application **may not be used:**

- o To change location of the tower structure. Any such relocation requires the prior filing and approval of an application for LPFM construction permit. See 47 CFR Section 73.875(b).
- o To increase the antenna radiation center height 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 an application for LPFM construction permit. See 47 CFR Section 73.875(c).

FCC Rules. This application 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 (CFR):

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

FCC Rules may be purchased from the Government Publishing Office or accessed online at <https://www.govinfo.gov/help/cfr>.

Electronic Filing of Applications. Electronic filing of Schedule 319 is mandatory. See <https://enterpriseefiling.fcc.gov/dataentry/login.html>. Similarly, any amendment to a pending Schedule 319 must be filed electronically. The amendment should contain the following information to identify the associated application:

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

Complete and Current Information. Applicants should provide all information requested by this application. Defective or incomplete applications will be dismissed. Inadvertently accepted defective or incomplete applications are also subject to dismissal. The applicant must accurately specify the information requested in each question of Schedule 319. Conflicting data found elsewhere in the application will be disregarded. All questions must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted below.

In accordance with 47 CFR 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 each pending application. This requirement continues until the FCC action on the application is no longer subject to reconsideration by the Commission or review by any court.

Certifications. Schedule 319 requires applicants to certify compliance with certain statutory and regulatory requirements. These instructions provide additional information regarding Commission rules and policies. These materials are designed to highlight the standards and criteria which the Commission applies to determine compliance with its rules and policies, and thereby, increase the reliability of applicant certifications. These instructions 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.

This application is presented primarily in a "Yes/No" certification format. However, it contains appropriate places for submitting explanations and attachments where necessary or appropriate. Each certification constitutes a material representation. An applicant may only mark the "Yes" certification when it is 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 a certification question for which an attachment can be submitted **will not** cause the immediate dismissal of the application, provided the attachment is completed and submitted.

The applicant must electronically sign the application. The signature will consist of the electronic equivalent of the typed name of the individual submitting the application. Depending on the nature of the applicant, the application should be signed as follows: 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 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. See Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998), ¶ 17.

GENERAL INFORMATION

Application Description: In the space provided, give a brief (255 characters or fewer) description of the Schedule 319 application. This is to assist you in identifying this discrete application and will be displayed only in your LMS Application workspace. It will not be made a part of the Schedule 319 application or be displayed to others.

Uploaded Attachments: Indicate by clicking “Yes” or “No” whether the application includes attachments other than required attachments. Required attachments are those that must be filed in response to application questions, and may only be required if certain answers are given.

FEES, WAIVERS, AND EXEMPTIONS

FCC Schedule 319 is a fee-exempt application.

Waivers: If any waiver of the Commission’s rules is requested at any part of Schedule 319, select “Yes” to this question. You must submit an attachment setting forth the waiver sought and the legal justification for waiver.

APPLICANT INFORMATION

Applicant Name and Type: Select the Applicant Type (e.g., Corporation, Partnership, LLC) from the drop-down menu. In the box below the drop-down menu, enter the exact legal name of the applicant or applicant entity. The name of the applicant must be stated exactly in this item. 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; and if an unincorporated association, the name of the association.

Applicant Information: Enter the applicant’s postal address, telephone number, and Email address in the spaces provided. Select the applicant’s Country and State from the drop-down menu.

CONTACT REPRESENTATIVES

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 as Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated. To add a Contact Representative, click the “Add Contact” button at the top right of the screen.

Contact Type: Select the button that best describes the contact type, whether Legal Representative (e.g., attorney), Technical Representative (e.g., engineer), or Other.

Contact Name: Enter the Contact Representative’s first and last name and the name of the company with which he or she is affiliated. Middle Name, Suffix, and Title are optional fields.

Contact Information: Enter the Contact Representative’s postal address, telephone number, and Email address in the spaces provided. If the representative works for a firm or company, enter that name in the Company Name space. Select the Contact Representative’s Country and State from the drop-down menus.

If you have more than one Contact Representative, click the “Save & Add Another” button at the bottom of the screen and complete for the next Contact Representative. When you are finished, click “Save & Continue.” You will be displayed a summary screen listing your Contact Representative(s). From this screen you may delete a Contact Representative or edit the information provided. If you have no further Contact Representative information to add or edit, click “Save & Continue.”

CHANNEL AND FACILITY INFORMATION

Proposed Community of License / Channel / Station Class: This information is pre-filled by LMS, based on data for the granted construction permit or underlying license.

ANTENNA LOCATION DATA

Coordinates. The proposed antenna site must be specified using North American Datum 83 (NAD 83) coordinates. Please indicate North or South Latitude, and East or West Longitude. Applicants can determine coordinates with a 7.5 minutes series U.S. Geological Survey topographic quadrangle map. **Note: This is a change from past Media Bureau practice, in which latitude and longitude coordinates were specified using North American Datum 27 (NAD 27).** To use prior-specified coordinates, you must convert them from NAD 27 to NAD 83, using the NGS Coordinate Conversion and Transformation Tool (NCAT) available here: <https://www.ngs.noaa.gov/NCAT/>. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum.

Effective Radiated Power. The effective radiated power (ERP) of the station to be licensed. **This value must be either: (1) within the range specified on the construction permit being covered; or (2) the same as currently licensed. Once licensed, proposed changes in ERP require prior approval of an application for LPFM construction permit (Form 2100, Schedule 318).**

Transmitter Power Output. The transmitter power output (TPO) necessary to produce the ERP indicated must be specified to the nearest watt. TPO may be calculated by using the following formula:

$$\text{TPO} = (\text{Effective Radiated Power}) \text{ divided by } (\text{Antenna power gain multiplied by the Efficiency of Transmission Line System})$$

Remember to change percent values to decimal form before calculating TPO. For example, 86% becomes 0.86. Transmission line efficiency is always less than one.

ANTENNA TECHNICAL DATA

Transmitting Antenna. Provide the manufacturer, model number, number of sections and the spacing between antenna sections, in wavelengths. For example:

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

TECHNICAL CERTIFICATIONS

Transmitter Power Output. The applicant must certify that the transmitter power output produces the authorized effective radiated power.

Constructed Facility. The applicant must certify that the facility was constructed as authorized in the underlying construction permit, or as an alternative, certify that any differences comply with the limitations set forth in 47 CFR Section 73.875(c)(1)-(2). If the differences exceed those permitted under Section 73.875(c)(1)-(2) or are the types of changes described in 47 CFR Section 73.875(b), **the permittee must obtain prior FCC approval of an application for LPFM construction permit (Form 2100, Schedule 318).**

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.**

Environmental Effect. This question requires the applicant to state whether grant of a construction permit for the proposed facility would be an action that may have a significant environmental effect under 47 CFR § 1.1306.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See 47 CFR § 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. In addition, if the applicant proposes a new tower that will exceed 450 feet in height, it must submit an Environmental Assessment as described below. Worksheet # XX includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. Click the “Worksheets” link in the application to access this worksheet. These worksheets are designed to facilitate and substantiate the certification called for in Schedule 302. 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 guidelines incorporate two tiers of exposure limits:

- General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Members of the general public are always considered under this category when exposure is not employment-related.
- Occupational/controlled exposure limits apply to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. These limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

The new guidelines are explained in more detail in OET Bulletin 65, entitled *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <https://www.fcc.gov/general/radio-frequency-safety-0#block-menu-block-4>. 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).

Worksheets ## XX and XX 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 worksheet. Generally, the RF worksheet 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 worksheet, 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. Click the “Worksheets” link in the application 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 attachment 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 Commission’s Web

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, or if it proposes a new tower exceeding 450 feet in height, 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 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. See also 47 CFR § 1.1306.

MODIFICATION OF LICENSE CERTIFICATIONS

If the Schedule 319 application is filed for a modification of license, the applicant must certify which of the following apply:

Change in Hours of Operation. Respond "Yes," "No," or "N/A" as appropriate to state whether the application is being filed to propose a change in the hours of operation. If responding "Yes," provide an attachment certifying that the new schedule complies with 47 CFR § 73.850(b). The attachment must also list all stations involved in the time-share agreement and the proposed hours of operation for each. Pertinent data for all stations operating pursuant to a common time-share agreement must be provided. Applicants proposing a change in the hours of operation must ensure that the overall schedule for all stations listed complies with 47 CFR § 73.850(b).

Replacement of Antenna. Applicants proposing to replace a nondirectional antenna with another nondirectional must check "yes" to this question. **The new antenna must be mounted not more than two meters above nor four meters below the authorized values.** See 47 CFR Section 73.875(c)(1).

Replacement of Transmission Line. Applicants proposing to change transmitter power output as a result of modifying the transmission line system must check "yes" to this question. **The station's effective radiated power must not change.** See 47 CFR Section 73.875(c)(2).

CERTIFICATION

General Certification Statements: Each applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of such frequency(ies) or spectrum, whether by authorization or otherwise.

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 is required that these materials have been reviewed and that each question response is based on the applicant's review.

This question also requires the applicant to certify that neither it 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. § 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. The applicant, by electronically signing the application, certifies that neither it 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 certification, 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 five 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 five percent or more interest in the partnership. *See* 47 CFR § 1.2002(b)-(c).

By submitting Schedule 319, the applicant certifies that the information provided in the application (including exhibits, attachments, or documents incorporated by reference) is true, complete, correct, and made in good faith. *See* 47 CFR Section 1.17.

Authorized Party to Sign: The applicant must electronically sign the application. Depending on the nature of the applicant, the application should be signed as follows: 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 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23,064 (1998), ¶ 17.

Applicant must also check the box to certify that it has submitted with the application all required and relevant attachments.

Click the "Submit Application" button to submit the application. **The application is not considered to be submitted unless and until you click the "Submit Application" button.**

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

If you do not provide the information requested in this application, 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 1.5 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-PERF, Paperwork Reduction Project (3060-0938),

Washington, DC 20554. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0938.

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