

INSTRUCTIONS – FORM 2100, SCHEDULE 302-FM – FM STATION LICENSE APPLICATION

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

GENERAL INSTRUCTIONS

This Schedule 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 CFR § 73.1690(c). *See* the Report and Order in MM Docket No. 96-58, 12 FCC Rcd 12371 (1997), a copy of which may be obtained through the Internet at <https://docs.fcc.gov/public/attachments/FCC-97-290A1.pdf>. 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 CFR § 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 CFR § 73.1690(a)(6).
 - To replace a directional FM antenna, where: (1) the measured or computer modeled 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 CFR § 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 CFR § 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 CFR § 73.1690(c)(4).
 - To increase the 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 CFR § 73.1690(c)(5). Eligible stations were listed in the following Commission Public Notices:
 - 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
 - DA 97-2568, released December 8, 1997

- o Alternatively, 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.
- o In certain circumstances, to remove "contour protection" (under 47 CFR § 73.215) status from an FM station if that station meets the minimum spacing criteria set forth in 47 CFR § 73.207. *See* 47 CFR § 73.1690(c)(6).
- o 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 CFR § 73.215. *See* 47 CFR § 73.1690(c)(7).
- o In certain specified circumstances, to decrease ERP. *See* 47 CFR § 73.1690(c)(8).
- o To change the license status from commercial to noncommercial or from noncommercial to commercial. *See* 47 CFR § 73.1690(c)(9).
- 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 ERP. *See* 47 CFR § 73.1690(c)(10).
- o To obtain authority to use a formerly licensed main antenna system as an auxiliary antenna, **provided** that the 1 mV/m (60 dB μ) contour of the auxiliary facility does not extend beyond the 1 mV/m (60 dB μ) contour of the main facility in any direction. *See* 47 CFR § 73.1675
- o 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 Schedule 301 or 340, as appropriate. *See* 47 CFR § 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 Schedule 301, as appropriate. *See* 47 CFR § 73.1690(b)(3).
- To change the operating power or ERP from that specified in the station authorization, except as permitted by 47 CFR § 73.1690(c). Any other such change requires the prior filing and approval of FCC Schedule 301 or 340, as appropriate. *See* 47 CFR § 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 Schedule 301 or 340, as appropriate. *See* 47 CFR § 73.1690(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 (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. Current prices and purchasing information may be obtained from the GPO Bookstore Website at <https://bookstore.gpo.gov/>. An up-to-date electronic version of Title 47 of the CFR may be accessed at https://www.ecfr.gov/cgi-bin/text-idx?SID=0970bd71b3f8da40f9fc92f01b613dfd&mc=true&tpl=/ecfrbrowse/Title47/47tab_02.tpl.

Electronic filing of this application is mandatory. See <https://enterpriseefiling.fcc.gov/dataentry/login.html>. Similarly, any amendment to the application 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)

Applicants should follow the procedures set forth in Parts 0, 1, 73, and 74 of the Commission's Rules.

A copy of the completed application and all related documents shall be made available for inspection by the public in the station's online public inspection file pursuant to 47 CFR § 73.3526 for commercial stations and § 73.3527 for noncommercial educational (NCE) stations.

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 dismissed.** Inadvertently accepted applications are also subject to dismissal.

In accordance with 47 CFR § 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.

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 that 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.

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. 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.

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.

Multiple ownership. It is not anticipated that the changes authorized on FCC Schedule 302-FM without prior approval on FCC Schedule 301 will 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 CFR § 73.3555 and mark the appropriate box in the Multiple Ownership question in the Increasing Effective Radiated Power section, below. 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 the Multiple Ownership section of FCC Schedule 301. These certifications should be attached as an Exhibit to the multiple ownership questions in the increasing or decreasing ERP section of this Schedule 302, as appropriate.

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 applicant must determine 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. The FCC Environmental Assessment Checklist/Worksheet includes a general environmental evaluation, and Worksheets ## 1 and 1A include specific sub-sections for FM RF exposure analysis. Click the "LMS Help Center" link in the application and then the "Worksheets" link in the LMS Help Center to access these worksheets. 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 ## 1 and 1A 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 FCC Environmental Assessment 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 "LMS Help Center" link in the application and then the "Worksheets" link in the LMS Help Center 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.

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 as the applicant or applicant's authorized representative. 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 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 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 your 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

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 their application. 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 NCE radio and TV broadcast licensees and permittees, **provided** that the proposed facility will be operated noncommercially. *See* 47 CFR § 1.1116.

When filing a fee-exempt application, an applicant must select "Yes" to the question asking if the applicant is exempt from FCC application fees. If selecting "Yes," explain in the text box that opens the reason for the fee exemption. Select "Yes" or "No" to the question asking whether the applicant is exempt from payment of FCC annual regulatory fees, as appropriate.

The Application Fee Filing Guide for Media Bureau, obtainable at <https://www.fcc.gov/document/media-bureau-application-fee-filing-guide-1>, contains a list of the required fees and Fee Type Codes needed to complete this application. The Commission's fee collection program utilizes a U.S. Treasury lockbox bank for maximum efficiency of collection and processing.

Payment of any required fee must be made by check, bank draft, money order, credit card, or wire transfer. If payment is made by check, bank draft, money order, or wire transfer, the remittance must be denominated in U.S. dollars, drawn upon a U.S. financial 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 February 2003, 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.

For further information regarding the applicability of a fee, the fee code, the amount of the fee, or the payment of the fee, applicants should consult the "Application Fee Filing Guide for Media Bureau," which may be accessed at <https://www.fcc.gov/document/media-bureau-application-fee-filing-guide-1>.

Waivers: If any waiver of the Commission's rules is requested at any part of the application, select "Yes" to this question. If selecting "Yes," complete the box that opens by stating the number of rule sections for which you request waiver. You must then submit an attachment setting forth the waiver(s) sought and the legal justification for waiver.

APPLICANT INFORMATION

Applicant Name and Type: Select the Applicant Type (e.g., Individual, Corporation, Partnership, LLC) from the drop-down menu. In the text 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; 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.

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 name of the Contact Representative. If the Contact Representative is the same as the applicant, you can pre-fill the Contact Name and Contact Information fields with the applicant information previously provided, by clicking the "Pre-fill From Applicant Details" button.

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."

LEGAL CERTIFICATIONS

Character Issues/Adverse Findings: The Character Issues question 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 the Adverse Findings question 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 these questions, 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 these questions, 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).

Character Issues: Where the response to the Character Issues question is "No," the applicant must submit an attachment 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.

Adverse Findings: In responding to the Adverse Findings question, the applicant should consider any relevant adverse finding. 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 the Adverse Findings question is "No," the applicant must provide in an attachment 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 CFR § 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.

MODIFICATION OF LICENSE CERTIFICATIONS

Change in effective radiated power, transmitter output power, replacing a directional antenna, deleting contour protection status, or correcting coordinates: Respond “Yes” to this question if the purpose of the application is to authorize a change in effective radiated power (ERP), change in transmitter output power (TPO), replacement of a directional antenna, deletion of contour protection status, or to correct coordinates, as set forth in 47 CFR § 73.1690(c)(1) – (c)(11).

Increasing ERP. An applicant may increase the 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 CFR § 73.1690(c)(5). Eligible stations were listed in the following Commission Public Notices:

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
DA 97-2568, released December 8, 1997

Alternatively, the construction permit or letter of authorization may contain a special condition announcing the permittee's eligibility for an ERP increase by means of FCC Schedule 302. Any change in ERP must comply with Sections 73.1675(c)(1) (regarding auxiliary antennas), 73.1690(c)(4), (c)(5), or (c)(7).

An applicant may also 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 CFR § 73.215. *See* 47 CFR § 73.1690(7).

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

1. Spacing Requirements. 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 47 CFR § 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 CFR § 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 47 CFR § 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 CFR § 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).

2. 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.

3. If the station is located in or near a radio quiet zone, radio coordination zone, or a Commission monitoring station, the licensee or permittee must have secured written concurrence from the affected party to increase effective radiated power PRIOR to increasing power.
4. The increased ERP will not cause the station to violate the multiple ownership requirements of 47 CFR § 73.3555.
5. Environmental Protection Act. All applicants proposing an increase in ERP must comply with the Commission's environmental rules, 47 CFR § 1.1300 et seq. Worksheets ## 1 and 1A are designed to aid FM applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Click the "LMS Help Center" link in the application, and then click the "Worksheets" link in the LMS Help Center to access this worksheet.

Increasing vertically polarized effective radiated power (non-reserved band). In certain circumstances, an applicant may 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 CFR § 73.1690(c)(4). FM stations operating on the non-reserved band that operate omnidirectionally may increase the vertically polarized effective radiated power up to the authorized horizontally polarized effective radiated power in a license modification application.

Increasing vertically polarized effective radiated power (reserved band). 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 47 CFR § 73.525(a)(1), may also increase the vertical ERP, up to the authorized horizontally polarized ERP. See 47 CFR § 73.1690(c)(4).

TV Channel 6 Protection Requirements. The proposal must comply with the spacing requirements set forth in 47 CFR § 73.525(a)(1) with respect to protection to nearby television channel 6 stations.

Environmental Protection Act. All applicants proposing an increase in ERP for a station in the reserved band must comply with the Commission's environmental rules, 47 CFR §§ 1.1300 et seq. Worksheets ## 1 and 1A are designed to aid FM applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Click on the "LMS Help Center" link in the application, and then click the "Worksheets" link in the LMS Help Center.

Decreasing effective radiated power (non-reserved channel). In certain specified circumstances, an applicant may file an application with FCC Schedule 302 to decrease ERP. See 47 CFR § 73.1690(c)(8). FM stations on the non-reserved band (channels 221-300) must continue to provide 70 dB μ coverage to the community of license, while FM stations on the reserved band (channels 200-220) must continue to provide a 60 dB μ contour over a portion of the community of license. In order to decrease power by filing FCC Schedule 302, the 60 dB μ and 70 dB μ contours must be predicted by use of the standard contour prediction method in 47 CFR § 73.313(b), (c), and (d). Any decrease in power must not change the authorized station class.

Auxiliary Facilities. The authorized or pending auxiliary facilities for the subject station must 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 CFR § 73.1675(a).

Multiple Ownership Showing. The decreased ERP must not cause the station to violate the multiple ownership requirements of 47 CFR § 73.3555.

Decreasing effective radiated power (reserved channel). See 47 CFR § 73.1690(c)(8). FM stations on the reserved band

(channels 200-220) must continue to provide a 60 dB μ contour over a portion of the community of license. See 47 CFR § 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.

Auxiliary Facilities. The authorized or pending auxiliary facilities for the subject station must 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 CFR § 73.1675(a).

Replacing a directional antenna. An applicant may use Schedule 302 to replace a directional FM antenna, where: (1) the measured or computer modeled 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 CFR § 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 CFR. § 73.1690(c)(2). The applicant must certify that: (1) the measured or computer modeled composite directional antenna pattern will not exceed the licensed composite directional pattern at any azimuth; and (2) the antenna measurement or computer modeling procedures comply with 47 CFR § 73.1690(c)(2). The modification of license application to cover the antenna replacement must include all of the data required by 47 CFR § 73.1690(c)(2)(i)-(v).

(An applicant may also 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 CFR § 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 an application with FCC Schedule 340 for any change in polarization. See 47 CFR § 73.1690(a)(6). See 47 CFR § 73.1690(c)(2).)

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

Installation of Directional Antenna. The applicant must certify that the new antenna was installed such that permanent installation will not distort the measured or computer modeled antenna pattern. The applicant must supply an attachment 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 CFR §§ 73.316(c)(2)(v)-(x); 73.1690(c)(2)(iv) and 73.1690(c)(2)(v).

Deleting contour protection status. In certain circumstances, an applicant may file an application with Schedule 302 to remove "contour protection" (under 47 CFR § 73.215) status from an FM station if that station meets the minimum spacing criteria set forth in 47 CFR § 73.207. See 47 CFR § 73.1690(c)(6). Stations currently authorized pursuant to 47 CFR § 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.

Correcting Coordinates. Schedule 302-FM may be used to correct antenna coordinates if the coordinate change is less than or equal to three seconds of longitude or latitude, provided there is no physical change in location and no other licensed parameters are changed, and provided that the correction of coordinates does not result in any new short spacings or increase existing short spacings. See 47 CFR § 73.1690(c)(11).

Using a formerly licensed main facility as an auxiliary facility. Select "Yes" or "No" to this question, asking whether the application is being filed to license a former main facility as an auxiliary facility, pursuant to 47 CFR § 73.1675(c)(1). This question sets 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 these questions.

Auxiliary antenna service area. 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 CFR § 73.1675(a).

Environmental Protection Act. This question requires the applicant to certify that its proposal complies with the Commission's environmental rules, 47 CFR §§ 1.1300 *et seq.* The FCC Environmental Assessment Checklist/Worksheet and Worksheets 1 and 1A will aid applicants in evaluating their compliance with the Commission's environmental rules, including those provisions regarding exposure to radiofrequency radiation. Click the "LMS Help Center" link in the application, and then click the "Worksheets" link in the LMS Help Center to access these worksheets, which applicants may find helpful in certifying this question.

Change in license status. This question asks whether the application is being filed to change the license status from commercial to noncommercial or from noncommercial to commercial. Select "Yes" or "No" as appropriate. However, if changing from commercial to noncommercial educational status, the applicant must submit the completed Eligibility Certifications and Financial sections of FCC Schedule 340, establishing its qualifications to operate the subject facility as a noncommercial educational station, as an attachment to this Schedule. See 47 CFR § 73.1690(c)(9).

CHANNEL AND FACILITY INFORMATION

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 Division of the Commission's Mass Media Bureau, **provided** that: (1) an application with FCC Schedule 302 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 CFR § 73.1620(a). The permittee of an FM station with a directional antenna must request program test authority prior to full- power operation. See 47 CFR § 73.1620(a)(2) (upon filing Schedule 302 requesting authority to commence program test operations at full power, the applicant may, while awaiting approval of full power operation, operate the directional antenna at one-half [50 percent] of the authorized effective radiated power). Accordingly, this question asks whether the applicant is operating pursuant to automatic program test authority or requesting program test authority.

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 (NAD 83): 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. **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/>.

Antenna Data: Effective Radiated Power. The effective radiated power must be entered in kilowatts, and rounded pursuant to Section 73.212.

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

ANTENNA TECHNICAL DATA

Antenna Type: Select the antenna type (Directional or Non-Directional) from the pull-down menu.

Transmitting Antenna: Applicant must provide the manufacturer/make, model number, number of sections (whole numbers only, no decimals), and the spacing between antenna sections, in wavelengths (tenths decimal place at most), in the boxes provided. 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

Measured Directional Antenna Relative Field Value: The required showings for applicants proposing directional antennas have been modified. Specifically, the relative directional antenna field values may be measured, as under the previous rules, or may now be computer modeled by the antenna manufacturer. *See Updating FM Broadcast Radio Service Directional Antenna Performance Verification*, MB Docket No. 21-422, FCC 22-38 (May 19, 2022). Applications for license upon completion of antenna construction must include all of the information detailed in 47 CFR § 73.316(c)(2) (i) – (x), as applicable. For example, the applicant must supply an attachment containing a description from the antenna manufacturer as to the procedures used to measure or computer model the directional antenna pattern. *See* 47 CFR § 73.316(c)(2)(iii)-(iv). In addition, applicants verifying the directional antenna pattern through computer modeling must submit the statements and certifications set forth in 47 CFR 73.316(c)(iv), and the computer modeling must conform to the specifications provided in that rule section.

Whether a proposed directional antenna pattern is verified by measurement or computer modeling, in either event the directional antenna must comply with 47 CFR § 73.316. Applicants proposing a directional antenna must complete the table in this item. Relative field values (0.001-1.000) must be entered for every 10 degrees on the unit circle from 0 to 350. Up to five azimuths may be added at the bottom of the table for additional accuracy. Measured or computer modeled pattern data entered must reflect any rotation. *See* 47 CFR § 73.316(c)(2)(iii)-(iv).

TECHNICAL CERTIFICATIONS

Transmitter Power Output: The applicant must certify that the transmitter power output (TPO) produces the authorized ERP. 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 percent becomes 0.86.

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 47 CFR § 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.

This Schedule 302 **may not be used:**

- To change location of the tower structure. Any such relocation requires the prior filing and approval of FCC Schedule 301 or 340, as appropriate. *See* 47 CFR § 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 Schedule 301, as appropriate. *See* 47 CFR § 73.1690(b)(3).

- To change the operating power or ERP from that specified in the station authorization, except as permitted by 47 CFR § 73.1690(c). Any other such change requires the prior filing and approval of FCC Schedule 301 or 340, as appropriate. See 47 CFR § 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 Schedule 301 or 340, as appropriate. See 47 CFR § 73.1690(c).

Special Operating Conditions: The special operating conditions are located on the final pages of the construction permit. Supply attachments, if required, to document compliance with the special operating conditions, if any. 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 # 1 includes both a general environmental evaluation and specific subsections for RF exposure analysis. Click the “LMS Help Center” link in the application, and then click the “Worksheets” link in the LMS Help Center 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).

The FCC Environmental Assessment Checklist/Worksheet and Worksheets ## 1 and 1A will enable certain categories of FM 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 FCC Environmental Assessment Checklist/Worksheet. Some, but not all, stations will be able to use the RF worksheets. 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 "LMS Help Center" link in the application, and then click the "Worksheets" link in the LMS Help Center 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.

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).

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 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 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.

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

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 Email 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.