

NON-SUBSTANTIVE CHANGE REQUEST JUSTIFICATION

OMB CONTROL NO. 3060-0029

FCC Form 2100, Schedule 340 – Noncommercial Educational Station for Reserved Channel Construction Permit Application

The Commission submits this non-substantive change request to the Office of Management and Budget (OMB) for approval of minor, non-substantive changes to FCC Form 2100, Schedule 340 – Noncommercial Educational Station for Reserved Channel Construction Permit Application (Schedule 340) and the corresponding instructions. Schedule 340 is used to apply for authority to construct a new full-service noncommercial educational (NCE¹) FM or TV broadcast station (including a DTS facility²), to make changes in an authorized NCE broadcast station, or to amend a pending Schedule 340 application. Schedule 340 is used only if the station will operate on a channel that is reserved exclusively for NCE use, or in the situation where applications for NCE stations on non-reserved channels³ are mutually exclusive⁴ only with one another. Also, Schedule 340 is used by Native American Tribes and Alaska Native Villages (Tribes), Tribal consortia, or entities owned or controlled by Tribes when qualifying for the “Tribal Priority” under 47 CFR §§ 73.7000, 73.7002.⁵

At this time, minor edits are needed to Schedule 340 and the corresponding instructions that will apply exclusively to NCE TV broadcast stations. The non-substantive changes, which are listed below, do not affect the substance, burden hours, or costs of completing the forms. Specifically, pertaining to NCE TV broadcast stations, the Commission is revising the form and corresponding instructions as follows:

Change #1 – Schedule 340, Technical Certifications, Broadcast Facility and Instructions, Technical Certifications, Broadcast Facility. The Commission adopted on September 18, 2023, the *Report and Order (R&O), Amendment of Part 73 of the Commission’s Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, FCC 23-72. The R&O adopted a number of revisions to the Commission’s rules to reorganize and clarify the Commission’s technical licensing, operating, and interference rules for full power and Class A television, including revisions to 47 CFR Sections 73.616, 73.622, 73.623, and 73.625. To reflect the reorganized rules applicable to NCE TV broadcast stations, the modified certification states that “The proposed facility complies with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.618, 73.622(j), 73.623(a), and 73.1030.” There is no change in substance, cost, and burden hours to comply with Schedule 340, under OMB Control Number 3060-0029.

¹ These stations are licensed to nonprofit educational organizations for use in the advancement of educational programs.

² TV stations may apply to use distributed transmission system (DTS) technology to serve their viewers. See 47 CFR § 73.626. DTS technology employs multiple synchronized transmitters spread around a station’s service area, rather than the current single-transmitter approach. Each transmitter would broadcast the station’s TV signal on the same channel, similar to analog TV booster stations, but more efficiently. Due to the synchronization of the transmitted signals, TV receivers should be able to treat the multiple signals as reflections or “ghosts” and use “adaptive equalizer” circuitry to cancel or combine them to produce a single signal.

³ Non-reserved channels are channels that are not reserved exclusively for NCE use and for which commercial entities could be eligible to operate full-power stations. Non-reserved channels include FM channels 221 and above appearing without an asterisk in the FM Table of Allotments (47 CFR § 73.202), and TV channels appearing without an asterisk in the Table of TV Allotments (47 CFR § 73.622(j)).

⁴ Mutually exclusive applications are those that either cause or receive prohibited contour overlap with other window-filed applications, thus preventing grant of more than one application.

⁵ See 47 CFR § 73.7000, which defines the terms “Tribe,” Tribal Applicant,” “Tribal Coverage,” and “Tribal Lands,” and 47 CFR § 73.7002(b), which spells out the relevant Tribal Priority analysis.

The modified Construction Permit Certifications, Broadcast Facility will read:

Broadcast Facility. *The proposed facility complies with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.618, 73.622(j), 73.623(a), and 73.1030.

The modified Instructions, Construction Permit Certifications, Broadcast Facility will read:

Broadcast Facility: The applicant must certify that the proposed facility complies with the Commission's engineering standards and assignment requirements for TV stations. *See* 47 CFR §§ 73.618, 73.622(j), 73.623(a), and 73.1030. An explanatory attachment is required to explain noncompliance with any of these rule sections.

Change #2 – Schedule 340, Point System Factors/Tie Breakers, Technical Parameters. The Commission adopted on September 18, 2023, the *Report and Order (R&O), Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, FCC 23-72. The R&O adopted a number of revisions to the Commission's rules to reorganize and clarify the Commission's technical licensing, operating, and interference rules for full power and Class A television, including revisions to 47 CFR Sections 73.622. To reflect the reorganized rules, the modified certification states that "Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or noise-limited (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM) and 73.619 (TV) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)." There is no change in substance, cost, and burden hours to comply with Schedule 340, under OMB Control Number 3060-0029.

The modified Point System Factors/Tie Breakers, Technical Parameters will read:

Technical Parameters. Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or noise-limited (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM) and 73.619 (TV) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC).