

**INSTRUCTIONS – FORM 2100, SCHEDULE 340 - NONCOMMERCIAL EDUCATIONAL RESERVED
CHANNEL CONSTRUCTION PERMIT APPLICATION**

The following instructions track the Noncommercial Educational TV Station Construction Permit Application Flow in LMS:

GENERAL INSTRUCTIONS

When to Use this Schedule/Filing Fees: This Form 2100, Schedule 340 (Schedule 340), is used to apply for authority to construct a new full service noncommercial educational television (NCETV) broadcast station, to make changes in an authorized NCETV 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 noncommercial educational use, i.e., channels appearing with an asterisk in the Table of TV Allotments. See 47 CFR §§ 73.622(a) and (j). There is no fee to file an application on Schedule 340. See 47 CFR § 1.1116.

When NOT to Use this Schedule: Do not use Schedule 340 to file an application on behalf of any station that will operate on a non-reserved channel, i.e., a channel that is also available to commercial applicants. Non-reserved channels are channels appearing without an asterisk in the Table of TV Allotments (47 CFR § 73.622(j)). Because non-reserved channels can be used commercially, applicants for new stations and for major changes to existing stations using non-reserved channels are subject to the Commission's competitive bidding (auction) procedures, even if they propose to operate noncommercially. Applicants can obtain more information about the Commission's competitive bidding procedures in subpart I of part 73 of the Commission's rules. Applicants applying for a minor change to an existing noncommercial educational station operating on a non-reserved channel should use Schedule 340. Applicants seeking authority to construct a new station or to make a major modification to existing facilities of a station operating on a non-reserved channel should use FCC Form 175 during a designated TV auction window. For definitions of "major change" and "minor change" see 47 CFR § 73.3572(a).

When to File: The Commission periodically issues public notices that announce filing windows during which it will accept certain types of broadcast applications. See 47 CFR § 73.3572(d). When using Schedule 340 to apply for a new station or to propose major changes to an existing station, applicants must file during a window filing period for NCETV applications. When using Schedule 340 to propose minor changes to an existing NCETV authorization, an applicant may generally file at any time, subject to any restriction that the Commission may issue. See 47 CFR § 73.3564(e).

Which Form Sections to File: This application schedule consists of the following sections:

- GENERAL INFORMATION
- FEES, WAIVERS, AND EXEMPTIONS
- APPLICANT INFORMATION
- CONTACT REPRESENTATIVES
- ALIEN OWNERSHIP*
- CHANNEL AND FACILITY INFORMATION
- ANTENNA LOCATION DATA
- ANTENNA TECHNICAL DATA

- PARTIES TO THE APPLICATION*
- ATTRIBUTABLE INTEREST*
- CONSTRUCTION PERMIT CERTIFICATIONS
- POINT SYSTEM FACTORS/TIE BREAKERS*
- LEGAL CERTIFICATIONS*
- CERTIFICATION

An applicant for a new station on a reserved channel must submit all sections. Existing stations proposing a major or minor change on a reserved channel need file only the application sections displayed by the Commission's Licensing and Management System (LMS) database based on the applicant's responses to application questions. Generally, the application sections marked with an asterisk (*) will not be displayed to applicants for modifications to existing facilities or for auxiliary facilities.

This application schedule 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) Service (TV).
- (3) Call letters or specify "NEW" station.
- (4) Channel number.
- (5) Community of license.
- (6) Facility ID Number.

Public Notice Requirements. Applicants filing Schedule 340 must provide a public notice to inform the community about the proposal. 47 CFR § 73.3580(c)(1) requires that applicants for construction permits for a new NCETV station shall give online notice, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or otherwise by posting notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing, in the form prescribed in 47 CFR § 73.3580(b)(2).

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

Public Inspection File. A copy of the completed application and all related documents shall be made available for inspection by the public in the applicant's public inspection file, pursuant to the requirements of 47 CFR § 73.3527(b)(1). An applicant for a new station shall maintain its file at an accessible place in the proposed community of license.

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 of 1934, as amended (the 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 attachment is 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 as the applicant’s authorized representative. 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(b). The electronic signature will consist of the electronic equivalent of the typed name of the individual. See *In the Matter of 1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, MM Docket Nos. 98-43 and 94-149, Report and Order, 13 FCC Rcd 23056, 23064, para. 17 (1998) (1998 Biennial Review).

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

FCC Schedule 340 is a fee-exempt application.

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 the waiver(s).

APPLICANT INFORMATION

Applicant Name and Type: Select the Applicant Type (e.g., Unincorporated Association, Trust, Government Entity, etc.) from the drop-down menu. In the box below the drop-down menu, enter the exact legal name of the 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 an executive officer, his/her office, and the name of the association.

Applicant Information: Enter the applicant's postal address, telephone number, and e-mail address in the spaces provided. Select the applicant's Country and State from the drop-down menus.

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/e-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 Information: Enter the Contact Representative's postal address, telephone number, and e-mail 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."

ALIEN OWNERSHIP

All applications must comply with section 310 of the Communications Act. Specifically, section 310 proscribes issuance of a construction permit or station license to an alien, a representative of an alien, a foreign government or the representative thereof, or a corporation organized under the laws of a foreign government. This proscription also applies with respect to any entity of which more than 20% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its representative, or an entity organized under the laws of a foreign country. The Commission may also deny a construction permit or station license to a licensee directly or indirectly controlled by another entity of which more than 25% of the capital stock is owned or voted by aliens, their representatives, a foreign government or its

representative, or another entity organized under the laws of a foreign country. Any such applicant seeking Commission consent to exceed this 25% benchmark in section 310(b)(4) of the Act must do so by filing a petition for declaratory ruling pursuant to 47 CFR §§ 1.5000-04.

Compliance with section 310 is determined by means of a two-pronged analysis, one pertaining to voting interests and the second to ownership interests. *See, e.g., BBC License Subsidiary L.P.*, Memorandum Opinion and Order, 10 FCC Rcd 10968 (1995). The voting interests held by aliens in a licensee through intervening domestically organized entities are determined in accordance with the multiplier guidelines for calculating indirect ownership interests in an applicant as set forth in the “Corporate Applicant” Instructions above. For example, if an alien held a 30-percent voting interest in Corporation A which, in turn, held a non-controlling 40- percent voting interest in Licensee Corporation B, the alien interest in Licensee Corporation B would be calculated by multiplying the alien's interest in Corporation A by that entity's voting interest in Licensee Corporation B. The resulting voting interest ($30\% \times 40\% = 12\%$) would not exceed the 25% statutory benchmark. However, if Corporation A held a controlling 60% voting interest in Corporation B, the multiplier would not be utilized and the full 30 percent alien voting interest in Corporation A would be treated as a 30 percent interest in Licensee Corporation B, i.e., an impermissible 30% indirect alien voting interest in the licensee. If Partnership A held a 40% voting interest in Licensee Corporation B, that voting interest would be similarly impermissible if any general partner or any non-insulated limited partner of partnership A was an alien, regardless of his or her partnership interest. *See also Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, GN Docket No. 15-236, Report and Order, 31 FCC Rcd 11272, 11305-07, paras. 67-72 (2016) (*2016 Foreign Ownership Order*).

Applicants must also comply with the separate alien equity ownership benchmark restrictions of section 310. Under the second prong of the analysis, an applicant must determine the *pro rata* equity holdings of any alien investor in a licensee entity or its parent. In calculating alien ownership, the same voting interest multiplier rules apply.

In order to complete this two-pronged analysis, an applicant must determine the citizenship of each entity holding either a voting or equity interest or explain how it determined the relevant percentages. Corporate applicants and licensees whose stock is publicly traded must determine the citizenship of interest holders who are known or should be known to the company in the ordinary course of business, including: (1) registered shareholders; (2) officers, directors, and employees; (3) interest holders reported to the Securities and Exchange Commission; (4) beneficial owners identified in annual or quarterly reports and proxy statements; and (5) any other interest holders that are actually known to the company, such as through transactions, litigation, proxies, or any other source. Statistical sampling surveys are no longer necessary. Although direct inquiry and publicly available resources may be used to determine citizenship of known or should-be-known interest holders, street addresses are not sufficient for this purpose. For more detailed information on identifying and calculating foreign interests, *see 2016 Foreign Ownership Order*, paras. 44-72.

If the combined total foreign ownership (foreign voting interests and foreign equity interests) identified under this methodology does not exceed 25%, a declaratory ruling is not necessary to grant the application. A subsidiary or affiliate of a licensee already named in a foreign ownership declaratory ruling may rely on that ruling, and by certifying compliance with the provisions of section 310 of the Communications Act, relating to interests of aliens and foreign governments, certifies that it and the licensee named in the declaratory ruling are in compliance with the terms and conditions of the original foreign ownership declaratory ruling. *See* 47 CFR § 1.5004(b). Questions 6-9 of this item ask whether the applicant has received a foreign ownership declaratory ruling and whether the applicant complies with the terms of that prior declaratory ruling. Alternatively, it asks whether the applicant is filing for a foreign ownership declaratory ruling in connection with this application.

CHANNEL AND FACILITY INFORMATION

Proposed Community of License: Facility ID Number. If this is an application for a new NCETV station, LMS will assign a Facility ID Number to the proposed facility. If this is an amendment to a pending application or an application to modify existing facilities, either enter the correct Facility ID Number or verify that the pre-filled Facility ID Number is correct.

Television Facility ID Numbers can be obtained at the FCC's Licensing and Management System (LMS) Search Page at <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicFacilitySearch.html> or by calling the FCC Call Center at 1-888-CALL FCC (225-5322). Further, the Facility ID Number is included on all television authorizations.

State / City. Select the State from the pull-down menu. Select the city or community name from the pull-down menu. The application will only display communities where there are vacant allotments.

Channel. The proposed channel will be one associated with an asterisk in the Table of TV Allotments, 47 CFR §§ 73.622(a) and (j). The frequency will be that corresponding to the proposed channel, and will be automatically filled in by LMS. See 47 CFR § 73.603(a).

Facility Type: “Noncommercial educational” will be pre-filled. Applications for commercial stations are not filed on Schedule 340.

ANTENNA LOCATION DATA

Antenna Structure Registration: If you have obtained an Antenna Structure Registration number (ASR), select “Yes” and then enter the ASR in the text box that opens. Most towers greater than 61 meters (200 feet) in height, or those located near airports, require antenna registration numbers. See 47 CFR § 17.4. For information when an Antenna Structure Registration number is required and how to acquire an ASR number, please review the information posted on the Commission’s website at <https://www.fcc.gov/wireless/support/knowledge-base/antenna-structure-registration-asr-resources/antenna-structure>.

If the FAA has not yet ruled on a proposed structure, select “Filed with the FAA.” If the tower does not require registration, select “No”.

Coordinates (NAD 83): If you have an ASR for the proposed tower, you may click the “Pre-fill Coordinates From ASR” button next to the box in which you entered the ASR, and LMS will pre-fill the coordinates of the tower as registered. If you are manually completing the 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. **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/>. Degrees and Minutes should be expressed in whole numbers; Seconds should be expressed to one decimal point only.

Structure Type: Select from the pull-down menu the structure type that corresponds to the structure on which the antenna is to be mounted (e.g., Building with antenna on top, Oil or other rig, Monopole array, etc.).

Overall Structure Height: All heights must be in meters. Overall structure height refers to the height above ground level (AGL) of the total structure on which the antenna is mounted, including any appurtenances (e.g., masts, lighting).

Support Structure Height: All heights must be in meters. Support structure height refers to the height of any structure, such as a building, on top of which the antenna or a mast supporting the antenna is erected, AGL.

Ground Elevation (AMSL): All heights must be in meters. This refers to the elevation above mean sea level of the ground at the base of the tower or other support structure on which the antenna is mounted.

ANTENNA TECHNICAL DATA

Antenna Type: Select the radio button corresponding to the antenna type (Directional or Non-Directional). If “Directional” is selected, the directional antenna must comply with 47 CFR § 73.625. 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 additional azimuths may be added at the bottom of the table for additional accuracy.

PARTIES TO THE APPLICATION

The following instructions apply to the “Applicant Party Name and Positional Interest,” “Party Contact Information,” and “Attributable Interest” sections of the application.

This section is designed to identify all individuals and organizations that may be subject to various FCC rules and related statutory requirements. The applicant will be answering questions about those individuals and entities listed in response to the questions in this section when completing other subsequent application sections.

Attributable Interest. As used in this application, 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 license sufficient to implicate the Commission's multiple ownership rules. Although the multiple ownership rules do not limit the number of attributable noncommercial educational stations that can be owned, the attributable nature of stations is nevertheless an important one in the noncommercial educational context, especially in the use of resolving mutually exclusive applications. In responding to these questions, applicants should review the Commission's multiple ownership attribution policies and standards which are set forth in the Notes to 47 CFR § 73.3555, as revised and explained in *Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, MM Docket No. 94-150, Report and Order, 14 FCC Rcd 12559 (1999). *See also Reexamination of the Commission's Rules and Policies Regarding the Attribution of Ownership Interests in Broadcast, Cable Television and Newspaper Entities*, MM Docket No. 83-46, Report and Order, 97 FCC 2d 997 (1984) (1984 Attribution R&O), *recon. granted in part*, 58 RR 2d 604 (1985) (1985 Attribution MO&O), *further modified on recon.*, 1 FCC Rcd 802 (1986) (1986 Attribution MO&O). In the noncommercial context, the interest of the applicant, its parent, its subsidiaries, and their officers and directors are attributable. Additionally, “parties to the application” includes the following with respect to each of the listed applicant entities:

Government or Public Educational Agency, Board, or Institution: The members of the governing board and chief executive officers shall be considered parties to the application.

Non-Stock Corporations or Other Non-Stock Entities: The applicant, the parent and subsidiary entities of the applicant, and the officers, directors, and governing board members of the applicant and its parent and subsidiary entities are considered to be parties to the application.

Partnerships and Limited Partnerships: Partners and non-insulated limited partners are considered to be parties to the application. A limited partner in a limited partnership is considered to be insulated if the limited partner is not materially involved, directly or indirectly, in the management or operation of the media-related activities of the partnership, and the applicant so certifies in response to subsection “b” of the “Equity and Financial Interests” question below. Sufficient insulation of a limited partner for purposes of this certification is assured if the limited partnership

agreement:

- (1) specifies that any exempt limited partner (if not a natural person, its directors, officers, partners, etc.) cannot act as an employee of the limited partnership if his or her functions, directly or indirectly, relate to the media enterprises of the company;
- (2) bars any exempt limited partner from serving, in any material capacity, as an independent contractor or agent with respect to the partnership's media enterprises;
- (3) restricts any exempted limited partner from communicating with the licensee or the general partner on matters pertaining to the day-to-day operations of its business;
- (4) empowers the general partner to veto any admissions of additional general partners admitted by vote of the exempt limited partners;
- (5) prohibits any exempt limited partner from voting on the removal of a general partner or limits this right to situations where the general partner is subject to bankruptcy proceedings, as described in section 402(4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by a court of competent jurisdiction, or is removed for cause, as determined by an independent party;
- (6) bars any exempt limited partner from performing any services to the limited partnership materially relating to its media activities, with the exception of making loans to, or acting as a surety for, the business; and
- (7) states, in express terms, that any exempt limited partner is prohibited from becoming actively involved in the management or operation of the media businesses of the partnership.

Notwithstanding conformance of the partnership agreement to these criteria, however, the requisite certification cannot be made if the applicant has actual knowledge of a material involvement of a limited partner in the management or operation of the media-related businesses of the partnership. In the event that the applicant cannot certify as to the noninvolvement of a limited partner, the limited partner will be considered as a party to this application.

Limited Liability Companies: The Commission treats an LLC as a limited partnership, each of whose members is considered to be a party to the application. However, where an LLC member is insulated in the manner specified above with respect to a limited partnership and where the relevant state statute authorizing the LLC permits an LLC member to insulate itself in accordance with the Commission's criteria, that LLC member is not considered a party to the application.

Stock Corporations: The Commission's multiple ownership attribution policies and standards apply to NCE applicants and licensees that are stock corporations. Generally, the applicant, the parent and subsidiary entities of the applicant, the officers, directors, and governing board members of the applicant and its parent and subsidiary entities, and holders of voting stock interests in the applicant of 5 percent or more are considered to be parties to the application.

- a. Voting stock interests. Voting stock interests of 5 percent or more of the issued and outstanding voting stock of the applicant are attributable, unless the interest is passive in nature, in which case voting stock interests of 20 percent or more are attributable. Where the 5 percent stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application UNLESS the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the

applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application ONLY IF that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5% or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25% of the applicant's votes, only Corporation X shareholders holding 20 percent or more of the issued and outstanding voting stock of Corporation X have a 5% or more indirect interest in the applicant ($.25 \times .20 = .05$) and, therefore, are considered parties to this application. In applying the multiplier, any entity holding more than 50% of its subsidiary will be considered a 100% owner. Where the 5% stock owner is a partnership, each general partner and any limited partner that is non-insulated, regardless of the partnership interest, is considered a party to the application. Stock subject to stockholder cooperative voting agreements accounting for 50% or more of the votes in a corporate applicant will be treated as if held by a single entity and any stockholder holding 5% or more of the stock in that block is considered a party to this application. An investment company, insurance company or trust department of a bank is not considered a party to this application, and an applicant may properly certify that such entity's interest is non-attributable, IF its aggregated holding accounts for less than 20% of the outstanding votes in the applicant AND IF:

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

NOTE: In the event that the applicant has more than 50 stockholders, stock subscribers, or holders of membership certificates or other ownership interests, only officers, directors, and persons or entities who are the beneficial or record owners, have the right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest, shall be considered parties to this application. If any corporation or other legal entity owns 1% or more of an applicant with more than 50 stockholders, its officers, directors and all persons or entities, who are the beneficial or record owners, have the right to vote 1% or more of the capital stock, membership or ownership interest, or are subscribers to such interest in the entity, shall also be considered parties to this application.

- b. Non-voting stock and debt interests. Non-voting stock and debt interests may be attributable under the Commission's "equity-debt-plus" (EDP) attribution standard. Under the EDP standard, the interest held, aggregating both equity and debt, must exceed 33% of the total asset value (all equity plus all debt) of the applicant, a broadcast station licensee, cable television system, daily newspaper or other media outlet subject to the Commission's broadcast multiple ownership rules AND the interest holder must either hold an attributable interest in a media outlet in the same market or supply over 15% of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of a donor or lender would normally not be considered attributable. However, under the EDP standard, that interest would be attributable if the donor or lender provided more than 33% of the applicant's total asset value AND the donor or lender also held a 5% voting interest in a radio or television station licensee in the same market.

There are two ways in which you may enter party information. Option 1 is to manually enter information for each party. Option 2 is to upload an attachment in a Comma-Separated Values (CSV) format, using the template file you can download by clicking on "Upload a list of parties" and then clicking on the "Download a CSV template file" link that appears. Once the CSV file is saved to your computer, you can select it by using the "Browse" button.

If manually entering party information using Option 1, you will be displayed the "Add Party to the Application" page. Follow these instructions:

Applicant Party Name and Positional Interest. For each applicant and attributable interest holder, the following information must be provided:

- Positional Interest: Select one from the pull-down menu (e.g., Director, General Partner, Investor or Creditor, etc.).
- Citizenship: Select from the pull-down menu.
- Percentage of Ownership, Voting Stock, or Membership: Fill in to up to two decimal places.
- Director or Member of Governing Board: Select “Yes” or “No.”
- Percentage of Total Assets (equity plus debt): Fill in to up to two decimal places.
- First Name / Middle Name / Last Name / Suffix / Title: Complete for natural person applicants or natural person attributable interest holders. Middle Name, Suffix, and Title are optional fields.
- Company Name: Complete for applicants and attributable interest holders that are entities.

Party Contact Information: For each applicant and attributable interest holder listed under “Applicant Party Name and Positional Interest,” provide the following:

- Country: Select from the pull-down menu.
- PO Box / Address Line 1: Complete at least one of these two fields.
- Address Line 2: Optional. Complete if needed.
 - City
 - State: Select from pull-down menu.
 - ZIP Code
 - Phone: Include area code and country code if applicable.
 - Email

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

ATTRIBUTABLE INTEREST

Equity and Financial Interests: By selecting “Yes” to this item, the applicant certifies that any individuals or entities not listed in response to the “Applicant Party Name and Positional Interest” question do not hold attributable interests in the applicant pursuant to the Notes to 47 CFR § 73.3555. If there remain parties with attributable interests, please enter their information in response to the “Applicant Party Name and Positional Interest” and “Party Contact Information” questions. If you select “No” to this question, submit an explanatory attachment.

Other Authorizations: Select “yes” or “no” to indicate whether the applicant or any party to the application holds an attributable interest in any AM, FM, or TV station(s). If selecting “Yes,” submit an attachment identifying such other authorization(s) by call sign, community of license, and Facility Identification Number.

CONSTRUCTION PERMIT CERTIFICATIONS

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 and modifications of existing stations, and license renewals must contain either an environmental assessment (EA) 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 EA as described below.

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 from the FCC Call Center at 1-888-CALL FCC (225-5322).

If 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.

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 EA 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.

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.

Reasonable Site Assurance. All applicants for broadcast facilities must have reasonable assurance that the specified site will be available **at the time they file the FCC application.** See *William F. and Anne K. Wallace*, Memorandum Opinion and Order, 49 FCC 2d 1424, 1427, paras. 6-7 (Rev. Bd. 1974); *Genesee Communications, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 3595, 3595, para. 4 (Rev. Bd. 1988). Applicants filing this Schedule 340 must certify that the site specified in the application is available for its intended use. If reasonable assurance is not based on the applicant's ownership of the proposed site or structure, the applicant must certify that it has obtained reasonable assurance of the site's availability by contacting the owner or person possessing control of the site or structure. The applicant must specify the name of the person contacted, the person's telephone number, and whether the contact is the tower owner, agent, or authorized representative.

POINT SYSTEM FACTORS / TIE BREAKERS / MANDATORY TIME SHARING

In the event of conflicting mutually exclusive applications not resolved through consideration of the preliminary matters discussed above, the Commission will conduct a paper hearing process by applying a point system to select one application for grant. The point system was established in *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, Docket No. 95-31, Report and Order, 15 FCC Rcd 7386 (2000) (*NCE Comparative R&O*), *aff'd* and clarified in Memorandum Opinion and Order, 16 FCC Rcd 5074 (2001) (*NCE Comparative MO&O*). The applicant's qualification for points is determined as of the closing of the filing window, assuming the applicant continues to qualify for all points claimed at the time of selection. Thus, points cannot be enhanced by changes made after the close of the deadline for filing of competing applications, but may be reduced by such changes.

Established Local Applicant. Established local applicants may claim 3 points. An applicant is considered established if it has been local for at least the 24 months immediately preceding application. A nongovernmental applicant is local if, within 25 miles of the reference coordinates for the proposed community of license, applicant has a school campus, its primary physical headquarters, or the primary residences of 75 percent of its governing board members. A primary residence is a domicile and not, for example, a vacation home or a student's temporary school address. For example, an address may be a domicile if it is the address from which the board member is registered to vote, maintains his or her driver's license, and/or files his or her federal income taxes. A local headquarters or residence must be a primary place of

business or residence and not, for example, a post office box, lawyer's office, branch office, or vacation home. Governments are also considered local throughout the area within their jurisdiction. For example, a state government is local throughout a state, whereas a city Board of Education is local throughout the city.

An applicant claiming points as an established local applicant must place supporting documentation in the applicant's public inspection file and submit to the Commission copies of the documentation. Examples of acceptable documentation include corporate material from the secretary of state, lists of names, addresses, and length of residence of board members, copies of governing documents requiring a 75 percent local governing board, and course brochures indicating that classes have been offered at a local campus for the preceding two years, etc. Pursuant to the requirements of 47 CFR § 73.3527(b)(1), an applicant for a new station shall maintain its file at an accessible place in the proposed community of license.

An applicant claiming points as an established local applicant must also pledge to maintain localism characteristics during the period from grant of the construction permit until the station has achieved at least four years of on-air operations.

Diversity of Ownership. If no party to the application has an attributable interest in another authorized station with an overlapping principal community contour, the applicant can claim two points. Parties are those people or entities identified as parties to the application as discussed above. For purposes of this question, only same service stations (television) are relevant. Low power television and TV translator stations are not attributable. Class A stations are attributable. See 47 CFR § 73.7003(b)(2).

An applicant claiming points for diversity of ownership must place supporting documentation in the applicant's public inspection file and submit to the Commission copies of the documentation. The preferred documentation is a contour map showing the noise limited service contour (NLSC) of the proposed station and of other attributable stations whose NLSC overlap come within 10 miles of the proposed station's contour. If the applicant has no other attributable stations or has only more distant attributable stations, it must upload a statement to that effect. Pursuant to the requirements of 47 CFR § 73.3527(b)(1), an applicant for a new station shall maintain its file at an accessible place in the proposed community of license.

If the applicant is relying on a divestiture pledge, it does not need to count the station(s) that will be divested for purposes of the diversity of ownership certification. Any applicant relying on the divestiture pledge may exclude the station(s) from the question immediately above if it answers "Yes" to this question and provides an exhibit identifying the overlapping station(s) and stating its intention to divest the station(s) upon commencement of operation of the proposed NCE full service station (i.e., upon its filing of a license application and receipt of program test authority).

Any applicant that certifies that it qualifies for points for "diversity of ownership" must also, by selecting "yes," pledge to comply with the restrictions on station modifications and acquisitions, as defined in 47 CFR § 73.7005, during the period from grant of the construction permit until the station has achieved at least four years of on-air operations.

State-wide Network. The "state-wide" network credit is an alternative for applicants that use multiple stations to serve large numbers of schools and, therefore, do not qualify for the local diversity of ownership credit; applicants may not claim both the state-wide network and local diversity credit. Both public and private entities can qualify for the state-wide network credit, provided that they meet the requirements set out in 47 CFR § 73.7003(b)(3). National and regional networks generally will not qualify for this credit. Applicants who determine that they qualify should answer "Yes." All others should answer "No." Applicants claiming points as a state-wide network must place supporting documentation in their public inspection file and submit to the Commission as attachments copies of the documentation. Preferred documentation includes identification of the names, locations, accrediting bodies, and number of schools which the

applicant is currently serving and those that it will serve, and an indication of whether the schools are under the applicant's jurisdiction or are being served pursuant to a coordinated agreement with another authority. If the schools are not under the applicant's jurisdiction, the applicant should include documentation of the terms of its agreement with the entity with authority over the schools. Pursuant to the requirements of 47 CFR § 73.3527(a)(1) and (b)(2)(i), an applicant for a new station or change of community shall maintain its file at an accessible place in the proposed community of license.

Technical Parameters. An applicant that provides the best technical proposal among the competing applicants, in terms of area and population served, may be eligible for additional points. Applicant should indicate the area and population within its proposed NLSC. For new stations, the proposal is the area covered by that contour. Area must be measured in square kilometers and exclude significant areas of water, e.g. ocean and lakes. Population should be measured using the most recent census block data available from the United States Bureau of Census. If an applicant's claimed coverage is superior to all others in terms of both area and population by at least 10 percent, the Commission will award one point. If the proposal is superior to all others by at least 25 percent, the Commission will instead award two points. The applicant should place in its public inspection file a statement of how the technical parameters were calculated, e.g., the year and blocks of census information used, and the method used to determine area, including the amount of area excluded for specific large areas of water. Pursuant to the requirements of 47 CFR § 73.3527(b)(1), an applicant for a new station shall maintain its file at an accessible place in the proposed community of license. The applicant should submit to the Commission as attachments copies of this information.

The applicant must also enter, in the boxes provided, the new area served (excluding areas of water), expressed to the nearest square kilometer, and the population served based on the most recent Census block data.

TIE BREAKERS

If two or more applicants are tied under the point system, the Commission will apply a series of tie breakers, until the tie is broken. If the tie cannot be broken and the applicants cannot reach a voluntary settlement, the Commission will consider the tied applicants for mandatory timesharing on an equal-time basis.

Existing Authorizations. If mutually exclusive applicants differ in their number of existing authorizations, the applicant with the fewest attributable authorizations at the time of filing will be chosen. Applicant should indicate in the box provided the number of attributable authorizations held by parties to the application, but only full service stations in the same service (television). Include both licenses and construction permits, whether commercial or noncommercial.

Example: Applicants A and B are competing to construct a new noncommercial educational television station, and are tied. Applicant A has one television station, one FM station using one fill-in FM translator, and one construction permit to build a new commercial AM station. Applicant A should indicate interests in one television station. (The FM and fill-in FM translator and AM station interests are not counted.)

Applicant B has no other television authorizations. A member of its governing board, however, also serves on the governing board of a corporation that has interest in 10 television stations. Applicant B should indicate interests in ten television stations.

Applicant A would become the tentative selectee because it has fewer attributable authorizations.

Pending Applications. If a tie remains between mutually exclusive applicants after considering existing authorizations, the Commission will select the applicant with the fewest pending applications in the same service (television) at the time of filing. Applicant should indicate in the box provided the number of applications in which parties to the application

hold an attributable interest. For applicants for new NCETV stations, this would include applications for new stations, whether commercial or noncommercial full-service. Do not include other types of applications for existing stations (e.g., assignment of license or transfer of control, license renewal, minor change in existing facilities, and applications to license minor changes).

Prior NCE Applications. If a tie still remains between mutually exclusive applications after considering the Existing Authorizations and Pending Applications questions above, the Commission will select the applicant that can demonstrate that (1) it applied for an NCE construction permit in a prior filing window and had its application accepted for filing and processed, but subsequently dismissed in favor of an applicant with superior points, or based on a tie-breaker preference; and (2) it has been in continuous existence from the date of the previous filing window until the present, and it does not hold any NCE construction permit or license. The applicant should submit to the Commission as attachments documents demonstrating its qualifications under this tie-breaker criterion.

MANDATORY TIME-SHARING INFORMATION

The applicant must indicate the date on which it qualified as local and certify whether it has remained local at all times since this date.

LEGAL CERTIFICATIONS

NCETV Eligibility Certifications. Applicants filing FCC Form 2100, Schedule 340 must meet basic eligibility requirements set forth in 47 CFR § 73.621 and established licensing policies. *See NCE Comparative R&O*, 15 FCC Rcd 7386; *WQED Pittsburgh*, Memorandum Opinion and Order, 15 FCC Rcd 202 (1999), *vacated in part*, 15 FCC Rcd 2534 (2000). Because section 73.621(a) requires that a reserved channel be “licensed only to nonprofit educational organizations . . .,” reserved channels may **NOT** be licensed to individuals.

Schedule 340 requires that each applicant certify that it is either a nonprofit educational institution, a governmental entity other than a school, or a nonprofit educational organization. All nonprofit educational institutions, including public and private schools and colleges, should choose “nonprofit educational institution” under “Legal Certifications/Eligibility” on Schedule 340. Government entities, including agencies and boards that do not operate a school, should choose “governmental entity other than a school.” Nonprofit educational organizations that are neither schools nor government entities, such as private educational nonprofit corporations, should choose “nonprofit educational organization, other than described above.” **If the applicant cannot answer “Yes” to any subpart of this question, the applicant is not eligible to hold an NCE station authorization.**

Television applicants other than governments and schools are eligible to hold NCE authorizations only if the majority (more than 50 percent) of their governing board or leaders are representative of a broad cross section of community elements. *NCE Comparative R&O*, 15 FCC Rcd at 7409, n. 38. Thus, if the applicant chooses “nonprofit educational organization,” under the Eligibility Certification, it is required to demonstrate that persons in leadership positions, such as its officers, directors and members of its governing board, are broadly representative of the educational, cultural, and civic segments of the principal community to be served in order to establish their basic qualifications. *See ESP Technology Community Broadcasters*, 20 FCC Rcd 14633 (MB 2005). The address given for these local members must be a primary place of business or primary residence and not, for example, a Post office box, lawyer’s office, or vacation home, which would not provide sufficient contact between the station’s decision and policy makers and the area to be served. For examples of elements of the community, see 2017 Instructions for FCC 340 at <https://transition.fcc.gov/Forms/Form340/340.pdf>, Instructions for Section II – Legal and Financial Information, Question 3; see also *NCE Comparative MO&O*, 16 FCC Rcd at 5092-93, n.33, citing *Ascertainment of Community Problems by Broadcast Applicants*, 41 Fed. Reg. 1372, 1384 (Jan. 7, 1976). For the governing board or leadership to be considered broadly representative, the applicant must have at least four different elements of the community among its leadership. *La Dov Educational Outreach, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 12457, 12460, para. 9 (2008). The applicant must provide an exhibit showing how it meets this eligibility criterion.

Applicants whose educational qualifications and proposed programming were previously approved by the Commission, and

intend to use the proposed station to advance a similar program, may so certify by answering “Yes” to the second question in the “Eligibility” section on the Legal Certifications page of Schedule 340 and indicate the file number of the most recent full power noncommercial education television application in which the Commission granted such approval. Applicants not previously approved or those applicants planning to advance a program dissimilar from one previously approved, i.e., answering No,” must establish their qualifications. The applicant must provide an exhibit showing that it has an educational objective and that the station will be used **primarily** (i.e., more than 50 percent) to serve the educational needs of the community; for the advancement of educational programs; and to furnish a nonprofit and noncommercial television broadcast service in accordance with 47 CFR § 73.621. In considering these requirements, emphasis is placed on proposed station programs which are clearly educational in nature, i.e., actually involve teaching or instruction, whether for formal credit or not. However, it is not necessary that the proposed station’s programming be exclusively educational in nature. Also, all programming on the station must be noncommercial in nature, with no advertisements, and must not offer support for or opposition to a candidate for political office. The applicant should carefully review its governing documents to confirm that it has an educational objective and that the station will be used for the advancement of an educational program. If the applicant responds “No” to this certification question, it should review its governing documents to determine whether they permit the applicant to advance an educational program, and whether they contain any provisions limiting the applicant from advancing an educational program or from complying with the Commission’s rules, policies, or the Communications Act. The applicant must respond “Yes” or “No” to the question asking it to certify that its governing documents allow it to advance an educational program and do not restrict it from advancing such a program, and must submit an explanatory attachment.

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 *Policy Regarding Character Qualifications in Broadcast Licensing*, GN Docket No. 81-500, Report, Order and Policy Statement, 102 FCC 2d 1179 (1985), *recon. denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990), *on recon.*, 6 FCC Rcd 3448 (1991), *as modified*, 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 *1984 Attribution R&O* and *1985 and 1986 Attribution MO&Os*.

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 involving the applicant or any party to the application. 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.

Program Service Certification. A broadcast station is required to present informational programming responsive to issues and problems of the residents of its community of license. Issues can be addressed in programming such as news, public affairs, religious, community bulletin boards, and public service announcements. Prior to making the certification, the applicant should familiarize itself with its obligations. *See Request for Declaratory Ruling Concerning Programming Information in Broadcast Applications for Construction Permits, Transfers and Assignments*, Memorandum Opinion and Order, 3 FCC Rcd 5467 (1988). *See also* 47 CFR § 73.621.

Local Public Notice. Applicants filing Schedule 340 must provide a public notice to inform the community about the proposal. 47 CFR § 73.3580(c)(1) requires that applicants for construction permits for a new NCETV station shall give online notice, either on the station website or a website affiliated with the station, its licensee, or its parent entity, or otherwise by posting notice on a publicly accessible, locally targeted website, for 30 continuous days following acceptance of the application for filing, in the form prescribed in 47 CFR § 73.3580(b)(2).

Equal Employment Opportunity. Applicants seeking authority to construct a new noncommercial broadcast station are required to afford equal employment opportunity to all qualified persons and to refrain from discriminating in employment and related benefits on the basis of race, color, religion, national origin or sex. *See* 47 CFR § 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees in its station employment unit must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). An “employment unit” is a station or group of commonly owned stations in the same market that share at least one employee. This program is submitted to the Commission as the Model EEO Program on the Broadcast Equal Employment Opportunity Model Program Report, FCC Form 2100, Schedule 396, which should be filed simultaneously with this application. If an applicant proposes to employ fewer than five full-time employees in its station employment unit, no EEO program for women or minorities need be filed.

General guidelines for developing an Equal Employment Opportunity program are set forth in the Broadcast Equal Employment Opportunity Model Program Report.

Financial Qualifications. These certification questions are for new stations only. Applicants for new stations must demonstrate their financial qualifications by answering these two items. An applicant for a new station must attest it has sufficient net liquid assets on hand, or committed sources of funds to construct the proposed facility and operate for three months, without additional funds. In so certifying, the applicant is also attesting that it can and will meet all contractual requirements, if any, as to collateral, guarantees, donations, and capital investments. As used here, “net liquid assets” means the lesser amount of the net current assets or of the liquid assets shown on a party's balance sheet, with net current assets being the excess of current assets over current liabilities. Applicants should also certify whether their application is contingent upon receipt of a grant from a charitable organization, approval of a school or university budget, or an appropriation from a state, county, municipality, or other political unit or subdivision.

Documentation supporting the attestation of financial qualifications need not be submitted with this application but must be available to the Commission upon request. The Commission encourages that all financial statements used in the

preparation of this application be prepared in accordance with generally accepted accounting principles

MAINTENANCE OF COMPARATIVE QUALIFICATIONS

These questions apply to modification applications only. Applicants for modified facilities whose construction permits were awarded based on certain preferences must demonstrate that they are maintaining those characteristics or that four years of on-air operations have already been provided.

Applicants who received no superior technical parameters credit under the point system selection method should answer “Yes” to the fourth question. All others should answer “No” to this question and provide the information requested in the next question. Applicants answering “No” to either the first or fourth questions should also provide an attachment demonstrating that a proposed downgrade would be in the public interest. The attachment should include the station’s covered population and area as authorized, and the population and area proposed.

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. § 853a.

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 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 1998 Biennial Review*, 13 FCC Rcd at 23064, para. 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 TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take 2-6 hours. Our estimate includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this burden estimate, or on how we can improve the collection and reduce the burden that it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERF, Paperwork Reduction Project (3060-0029), Washington, D.C. 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 3060-0029.

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