

INSTRUCTIONS FOR FCC FORM 2100

APPLICATION FOR MEDIA BUREAU VIDEO SERVICE AUTHORIZATION

GENERAL INSTRUCTIONS

- A.** We have estimated that each response to this collection of information will take on average 3.5 hours for different Schedules attached to this form. Our estimate includes the time to read the instructions, look through existing records, gather and maintain required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERF, Washington, DC 20554, Paperwork Reduction Project (3060-0798). We will also accept your comments via the Internet at PRA@fcc.gov. Please do not send completed application forms to this address.

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 with this notice.

This notice is required by the Privacy Act of 1974, Public Law 93-579, December 31, 1974, 5 U.S.C. § 552a(e)(3) and the Paperwork Reduction Act of 1995, Public Law 104-13, October 1, 1995, 44 U.S.C. 3507.

- B. Purpose of Form.** FCC Form 2100 is a multi-purpose form. It is used to apply for authority to construct a new commercial TV broadcast station, for a new or a modification of an existing broadcast station license, and to perform a variety of other miscellaneous transactions in the Media Bureau (MB).

The purpose of this form is to collect data pertaining to the proposed request. This data is used by the FCC to determine whether the public interest would be

served by a grant of the request.

- C. Introduction.** FCC Form 2100 is a multi-part form comprising a Main Form and several optional schedules. Each application, amendment, modification, or other request must contain only one Main Form but may contain as few or as many of the optional schedules as necessary.
- D. Main Form.** The Main Form contains questions and certifications applicable to all FCC Form 2100 filers. The Main Form is required for every application filed on FCC Form 2100, including Modifications and Amendments.

E. Schedules

The purposes of the optional schedules are as follows:

(1) Schedule A

The Schedule to apply for authority to construct a new commercial TV broadcast station or to make changes in the existing facilities of such a station. In the case of new station and major modification proposals, this Schedule is filed by either the successful bidder at a broadcast frequency auction or by an applicant proposing facilities that are not mutually exclusive with any other application filed during the same window and thus not subject to the Commission's comparative bidding procedures. All proposals for minor changes to authorized commercial stations are also to be filed using this Schedule. For alien ownership information and compliance, see Instructions for FCC 2100 Main Form, Section D. Approved by OMB control number: 3060-0027.

(2) Schedule B

The Schedule for applying for a new or modified noncommercial educational or commercial digital television (DTV) broadcast license. The Schedule

*The instructions for the 2100 series forms are approved under OMB control number 3060-0027, but the instructions pertain to all of the 2100 series forms (schedules).

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 and to implement modifications to existing licenses as permitted by 47 C.F.R. §§ 73.1675(c), 73.1690(e). Approved by OMB control number: 3060-0837.

(3) **Schedule C**

The Schedule to apply for authority to construct a new low power or television Translator station or make changes in the existing facilities of such stations. All Proposals for minor changes to authorized LPTV or TV translator stations are also to be filed using this Schedule. For alien ownership information and compliance, see Instructions for FCC 2100 Main Form, Section D. Approved by OMB control number: 3060-0016.

(4) **Schedule D**

The Schedule to apply for a new low power or television translator station broadcast license. The Schedule may be used to cover an authorized construction permit, provided that the facilities have been constructed in compliance with the provisions and conditions specified on the construction permit. Approved by OMB control number: 3060-0837.

(5) **Schedule E**

The Schedule to apply for authority to make changes in the existing facilities of Class A stations. For alien ownership information and compliance, see Instructions for FCC 2100 Main Form, Section D. Approved by OMB control number: 3060-0932.

(6) **Schedule F**

The Schedule to apply for a new class A station broadcast license. The Schedule may be used to cover an authorized construction permit, provided that the facilities have been constructed in compliance with the provisions specified on the construction permit. This Schedule also may be filed to convert an exiting or licensed LPTV station authorization to class A status. Approved by OMB control number: 3060-0928.

F. Schedules Required

Applicable Schedules Required for TV Broadcast Stations

Service	Licensing Modernization Form/Schedule Title
TV Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule A – Schedule for a Construction Permit for a Commercial Broadcast Station Approved by OMB: 3060-0027

TV Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule A – Schedule for a Digital Television Broadcast Station License Approved by OMB: 3060-0837
LPTV / TV Translator Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule C – Schedule for a Construction Permit for a LPTV or TV Translator Broadcast Station Approved by OMB: 3060-0016
LPTV / TV Translator Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule D – Schedule for a LPTV / TV Translator Broadcast Station License Approved by OMB: 3060-0837
Class A TV Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule E – Schedule for a Construction Permit for a Class A Broadcast Station Approved by OMB: 3060-0932
Class A TV Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule F – Schedule for a Class A Broadcast Station License Approved by OMB: 3060-0928
TV / Class A TV Broadcast Stations	FCC 2100 Main Form – Application for Media Bureau Audio and Video Service Authorization Schedule 381– Certification of TV Broadcast Licensee Technical Information in Advance of Incentive Auction Approved by OMB: 3060-1206

GENERAL FILING INSTRUCTIONS

A. Provide All Information Requested:

Applicants should provide all information requested by the application. If any portion of an application is not applicable, the applicant should so state. **Defective or incomplete applications will be returned without consideration.** Inadvertently accepted applications are also subject to dismissal. See 47 C.F.R. § 73.3564(b).

B. Information Current and Complete:

Information filed with the FCC must be kept current and complete. The Applicant must notify the FCC regarding any substantial and significant changes in the information furnished in the application(s). See 47 C.F.R. § 1.65.

C. Applicable Rules and Regulations:

Applicants should obtain the relevant parts of the FCC's rules in Title 47 of the Code of Federal Regulations. Copies of Title 47 may be purchased from the Superintendent of Documents; Government Printing Office; Washington, DC 20402; (202) 512- 1800. Refer also to the Government Printing Office's website at <http://www.access.gpo.gov>.

Some FCC rules require the Applicant to attach one or more exhibits to an application in addition to the information requested in the application form.

INSTRUCTIONS FOR SECTION I: GENERAL INFORMATION

Upon grant of a license application, the Licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements may result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.

A. Electronic Filing

FCC Form 2100 must be filed electronically.

B. Exhibits

Each document required to be filed as an exhibit should be current as of the date of filing. Each page of every exhibit must be identified with the number or letter of the exhibit, the number of the page of the exhibit, and the total number of pages of the exhibit. If material is to be incorporated by reference, see the instruction on incorporation by reference. If interference studies are required by rule, attach these as an exhibit.

C. Incorporation by Reference

You may incorporate by reference documents, exhibits, or other lengthy showings already on file with the FCC only if the information previously filed is more than one 8½" by 11" page in length, and all information therein is current and accurate in all significant respects; the reference states specifically where the previously filed information can be found (i.e., station call sign and application file number, title of proceeding, docket number and legal citations), including exhibit and page references. Use the relevant item number followed by 'A'. Items that call for numbers, or which can be answered 'Y' or 'N' or other short answers must be answered directly without reference to a previous filing.

D. Station Public Inspection File

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

E. Certifying Compliance

This application requires applicants to certify compliance with many statutory and regulatory requirements. Each response contained within the application constitutes a certification. Furthermore, each applicant is responsible for the information that the

application instructions and worksheets convey. As a key element in the Commission's streamlined licensing process, a certification that these materials have been reviewed and that each question response is based on the applicant's review is required.

F. Detailed instructions and worksheets 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. Each applicant is responsible for the information that the application instructions and worksheets convey. Applicants are required to review all application instructions and worksheets.

G. This application is presented primarily in a "Yes/No" certification format. However, it contains places for submitting explanations and exhibits where necessary or appropriate. Each certification constitutes a material representation. Applicants may only mark the "Yes" certification when they are certain that the response is correct. A "No" response is required if the applicant is requesting a waiver of a pertinent rule and/or policy, or where the applicant is uncertain that the application fully satisfies the pertinent rule and/or policy. Thus, a "No" response to any of the certification items **will not** cause the immediate dismissal of the application provided that an appropriate exhibit is submitted.

H. Authorization to Sign the Application

The applicant and the applicant's authorized representative, if any, must sign the application. Depending on the nature of the applicant, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. See 47 C.F.R. § 73.3513. The signature of an electronically filed application 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).

I. FCC Registration Number (FRN)

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

Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201. Facility ID Number. Radio and TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can also obtain your Facility ID Number by calling: Radio (202) 418-2700, TV (202) 418-1600. Further, the Facility ID Number is now included on all Radio and TV authorizations and postcards.

For Assistance

For assistance with this application, contact the Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245, call (877) 480-3201 (TTY 717-338-2824), or visit <http://esupport.fcc.gov>.

INSTRUCTIONS FOR FCC 2100 MAIN FORM

A. Fees, Waivers, and Exemptions

The Commission is statutorily required to collect charges for certain regulatory services to the public. Applications requiring a fee, as well as the corresponding fee, are listed in the "Media Bureau Fee Filing Guide," which can be found on the Commission's website, www.fcc.gov. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service noncommercial educational radio and TV broadcast licensees and permittees, provided that the proposed facility will be operated noncommercially. See 47 C.F.R. § 1.1116.

When filing a fee-exempt application, an applicant must indicate the reason for the fee exemption and provide an explanation as appropriate.

Applicants have the option of paying by credit card or by FCC Form 159 when submitting the application.

For further information regarding the applicability of a fee, the amount of the fee, or the payment of the fee; applicants should consult the "Media Bureau Fee Filing Guide," which can be found on Commission's website, www.fcc.gov.

B. Applicant Information

Applicant Name, Type, and Contact Information:

The name of the applicant must be stated exactly. If the applicant is a corporation, 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. Applicants should use only those state abbreviations approved by the U.S. Postal Service.

C. Contact Representatives. If the applicant is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address must be specified.

D. Alien Ownership. All applications must comply with Section 310 of the Communications Act, as amended. Specifically, Section 310 proscribes the holding and transfer of a broadcast 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 broadcast 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 Section 1.5000 *et seq.* of the Commission's rules.

Compliance with section 310 is determined by means of a two-prong analysis, one pertaining to voting interests and the second to ownership interests. See, e.g., *BBC License Subsidiary L.P.*, 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. For example, if an alien held a 30% voting interest in Corporation A which, in turn, held a non-controlling 40 % 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% x 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 % 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*, Report and Order, FCC 16-128, paras. 67-72 (rel. Sept. 30, 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-prong 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 its 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, provided that it and the licensee named in the declaratory ruling certify in the application that it is in compliance with the terms and conditions of the original foreign ownership declaratory ruling. See 47 C.F.R. § 1.5004(b).

E. Parties to the Application. This section requires the disclosure of information on the applicant and all parties to the application. As used in this application form, 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. In responding, applicants should review the Commission's multiple ownership attribution policies and standards which are set forth in the Notes to 47 C.F.R. §73.3555, as revised pursuant to Report and Order in MB Dockets 02- 277 and 03-130, and MM Dockets 01-235, 01-317, and 00- 244, 18 FCC Rcd 13620 (2003), *aff'd in part and remanded in part, Prometheus Radio Project, et al. v. F.C.C.*, 373 F.3d 372 (3d Cir. 2004), stay modified, No. 03-3388 (Sept. 3,

2004), and/or as revised in *Review of the Commission's Regulations Governing Attribution of Broadcast and Cable/MDS Interests*, 14 FCC Rcd 12559 (1999), reconsideration granted in part, 16 FCC Rcd 1097 (2000) *2006 Quadrennial Regulatory Review- Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Order on Reconsideration, MB Docket No. 06- 121 et al., 23 FCC Rcd 2010 (2008) ("2006 Quadrennial Media Ownership Order").

Generally, insulated limited partners or members of a limited liability corporation, certain investors, and certain creditors are not considered parties to the application. However, as set forth in Worksheet #2E entitled, "Investor Insulation and Non-Party Influence over Applicant," the holder of such an interest may be deemed a party to the application and, if so, must be listed. In the event that the Investor Insulation and Non-Party Influence over Applicant worksheet requires the submission of an explanatory exhibit, the applicant must respond "No" to the Equity and Financial Interest certification located in the Attributable Interest Section of the application and complete this exhibit.

F. Equity/Debt Plus Attribution Standard.

Certain interests held by substantial investors in, or creditors of, the applicant may also be attributable and the investor reportable as a party to the application, if the interest falls within the Commission's equity/debt plus (EDP) attribution standard. Under the EDP standard, the interest held is attributable if, aggregating both equity and debt, it exceeds 33 percent 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 or cross-ownership rules – AND the interest holder also holds (1) an attributable interest in a media outlet in the same market, or (2) supplies over 15 percent of the total weekly broadcast programming hours of the station in which the interest is held. For example, the equity interest of an insulated limited partner in limited partnership applicant would normally not be considered attributable, but, under the EDP standard, that interest would be attributable if the limited partner's interest exceeded 33 percent of the applicant's total asset value AND the limited partner also held a 5 percent voting interest in a radio or television station licensee in the same market.

The interest holder may, however, exceed the 33 percent threshold without triggering attribution where such investment would enable an eligible entity to acquire a broadcast station provided that: (1) the combined equity and debt of the interest holder in the eligible entity is less than 50 percent, or (2) the total debt of the interest holder in the eligible entity does not exceed 80 percent of the asset value of the station being acquired by the eligible entity and the interest holder does not hold any equity interest, option, or promise to acquire an equity interest in the eligible entity or any related entity. *See In re Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rule Making, 23 FCC Rcd 5922 (Mar. 5, 2008).

- G.** The Commission defines an "eligible entity" as any entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping, as

set forth in 13C.F.R. §§ 121-201, and holds (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (3) more than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company. In the event the Applicant claims status as an eligible entity, the Applicant must submit an explanatory exhibit demonstrating compliance. The Applicant must retain and provide on request, material documentation, including, for example, annual financial statements or tax returns, etc., used to establish the basis for the applicant's response.

H. Additionally, "parties to the application" includes the following with respect to each of the listed applicant entities:

Individual Applicant: The natural person seeking to hold in his or her own right the authorization specified in this application.

Partnership Applicant: Each partner, including all limited partners. However, a limited partner in a limited partnership is **not** considered a party to the application **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 the Equity and Financial Interest certification. Sufficient insulation of a limited partner for purposes of this certification would be assured if the limited partnership arrangement:

- (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 Sections 402 (4)-(5) of the Revised Uniform Limited Partnership Act, is adjudicated incompetent by art 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 limited partner's interest is attributable under the Commission's EDP attribution standard described below; or **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 Applicant: 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. In such a case, the applicant should certify "Yes" in response to the Equity and Financial Interests Certification.

Corporate Applicant: Each officer, director and owner of stock accounting for 5% or more of the issued and outstanding voting stock of the applicant is considered a party to the application. Where the 5% 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 x .20 = .05) and, therefore, are considered parties to this application. In applying the multiplier in this context, 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 noninsulated, 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.

And Other Applicant: Each executive officer, member of the governing board and owner or holder of 5% or more of the votes in the applicant is considered a party to the applicant.

- I. Equity and Financial Interests.** Applicants are directed to review compliance with the Commission's broadcast attribution rules and policies, as discussed in the instructions to the Parties to the Application Section.
- J. Multiple Ownership.** These items require that the applicant either certify compliance with, or request waiver of, the Commission's broadcast ownership rules, including

restrictions on investor insulation and participation of non-party investors and creditors. An Exhibit is required only if requesting a waiver demonstrating compliance with 47 C.F.R. § 73.3555(a) or, if the applicant cannot certify compliance, requesting a waiver or exemption, with adequate justification. In order to facilitate the evaluation of the transaction that is the subject of FCC Form 2100, applicants are directed to Worksheet #2, which is tailored to the individual inquiries.

- K. Eligible Entities:** The Commission defines an "eligible entity" as any entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping, as set forth in 13 C.F.R. §§ 121- 201, and holds (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (3) more than 50 percent of the voting power of the corporation that will own the media outlet if such corporation is a publicly traded company.

In the event the Applicant claims status as an eligible entity, the Applicant must select "Yes" to the Multiple Ownership Question and submit an explanatory exhibit demonstrating compliance. The Applicant must retain and provide on request, material documentation, including, for example, annual financial statements or tax returns, etc., used to establish the basis for the applicant's response.

INSTRUCTIONS FOR SCHEDULE A - SCHEDULE FOR CONSTRUCTION PERMIT FOR A COMMERCIAL BROADCAST STATION

GENERAL APPLICATION INSTRUCTIONS

- A. Financial Qualifications.** Applicants are not required to certify as to their financial qualifications in Schedule A. *See Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Fixed Service Licenses*, 13 FCC Rcd 15920, 15989 (1998) ("Auctions Order"). Nevertheless, the Commission's substantive financial qualification requirements are unchanged. All applicants for new broadcast facilities must have reasonable assurance of committed financing sufficient to construct the proposed facility and operate it for three months without revenue **at the time they file Schedule A**. *See Merrimack Valley Broadcasting, Inc.*, 82 FCC 2d 166, 167 (1980); *Liberty Productions*, 7 FCC Rcd 7581, 7584 (1992).
- B. Channel and Facility Information and Antenna**

Location and Technical Data. The applicant must ensure that the facility specifications are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

C. Notifications. 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.

D. Antenna Structure Registration. For information when an Antenna Structure Registration ("ASR") number is required and how to acquire an ASR number, please review the information posted on the Commission's website at <http://www.fcc.gov/category/help/wireless-telecommunications-bureau/asr-overview>.

E. Transmitter Make and Model. An indication as to the specific transmitter make and model is not required by Schedule A. Rather, any permit authorizing construction will require installation of a type-accepted transmitter or one complying with the provisions of 47 C.F.R. Section 73.1660.

F. Coordinates. Applicant should use NAD 83 for the geographic coordinates of the transmitter site in their applications.

CONSTRUCTION PERMIT CERTIFICATIONS

A. Environmental Effects. 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 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 C.F.R. §1.1307(b). In this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. Worksheet #3 includes both a general environmental evaluation and specific sub-sections for RF exposure analysis. These pages are designed to facilitate and substantiate the Environmental Effects certification. Their use is voluntary, but strongly encouraged.

B. 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 <http://www.fcc.gov/oet/rfsafety>. Copies can also be purchased from the Commission's duplicating/research contractor, BCPI, 7851 -E Beechcroft Avenue, Gaithersburg, MD 20879 (telephone: (301) 857-3800; fax: (202) 857-3805) or 445 12th Street SW, Rm CY-C401, Washington, DC 20554. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

The RF worksheets and tables appended to Worksheet 3 below will enable certain categories of stations to determine whether or not the proposed facility will have a significant environmental impact as defined by Section 1.1307. All applicants can use the General Environmental Worksheet. Some, but not all, stations will be able to use the RF worksheets. Generally, the RF

worksheets can only be used in the following situations: (1) single use tower; (2) single tower with several FM/FM translators; or (3) a multiple tower AM array with no other user co-located within the array. Additionally, the RF worksheets can be used in regard to an AM station only if access to the AM station is restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs are posted at appropriate intervals describing the potential for RF exposure. See "RF Exposure Compliance Worksheet Instructions" for more detail on eligibility.

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

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

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

- (1) A description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high-intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
- (2) A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) by zoning, planning, environmental and other local, state, or federal authorities on matters relating to environmental effects.

- (3) A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
- (4) A discussion of environmental and other considerations that led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects; and any alternative sites or facilities that have been or reasonably might be considered.
- (5) If relevant, a statement why the site cannot meet the FCC guidelines for RF exposure with respect to the public and workers.

BROADCAST FACILITY

A. Section 73.616: DTV Station Interference Protection.

The applicant must certify that the proposal will not cause or increase interference to any other DTV broadcast application, DTV allotment, or analog TV broadcast authorization. Interference is to be predicted in accordance with the procedure set forth in the *Third DTV Periodic Report and Order* in MB Docket No. 07-91. See 47 C.F.R. § 73.616. If applicant cannot certify "Yes," the applicant must demonstrate that the proposal will not cause or increase interference to any other DTV broadcast application, DTV allotment, or analog TV broadcast authorization.

- B. Section 73.622(i): DTV Table of Allotments.** The applicant must certify compliance with the digital television channel allotment and operational requirements contained in 47 C.F.R. § 73.622(i). Specifically, this question requires that the applicant certify that the application specifies a channel and community in accordance with the Commission's Table of Television Allotments, 47 C.F.R. § 73.622(i), that it will operate a facilities that does not expand the noise-limited service contour in any direction beyond that established by Appendix B of the *Seventh Report and Order* in MB Docket No. 87-268 establishing the new DTV Table of Allotments in 47 C.F.R. § 73.622(i), and that it will operate at post-transition facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the new DTV Table Appendix B.

- C. Section 73.623(e): Protection of land mobile operations on channels 14–20.** The Commission will not accept petitions to amend the DTV Table of Allotments, applications for new DTV stations, or applications to change the channel or location of authorized DTV stations that would use channels 14–20 where the distance between the DTV reference point as defined in 47 C.F.R. § 73.622(d), would be located less than 250 km from the city center of a co-channel land mobile operation or 176 km from the city center of an adjacent channel land mobile operation. Petitions to amend the DTV Table, applications for new DTV stations, or requests to modify

the DTV Table that do not meet the minimum DTV-to-land mobile spacing standards will, however, be considered where all affected land mobile licensees consent to the requested action. For the markets and channels that Land mobile operations are authorized in see 47 C.F.R. §73.623(e).

- D. Section 73.625: Community Coverage.** The applicant must certify that the proposed facility complies with the Commission's community coverage requirements. The principal community contour is as follows for digital television stations:

Channels 2-6:	28 dBμ
Channels 7-13:	36 dBμ
Channels 14-69:	41 dBμ

To determine if the proposed facility complies with the requirements of section 73.625(a) and (b), the predicted distance to the pertinent signal-strength contour must be calculated using the standard methodology in 47 C.F.R. §73.625(b)

- E. Section 73.1030: Notifications Concerning Interference to Radio Astronomy, Research, and Receiving Installations.** All applicants must comply with the requirements of section 73.1030. 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.

- F. Section 73.1125: Main Studio Location.** The applicant must certify that its proposed main studio location complies with the requirements of 47 C.F.R. Section 73.1125. In order to answer "Yes" to this question, the applicant's proposed main studio must be **either** (1) within the principal community contour of **any station** licensed to that community; **or** (2) within 25 miles from the reference coordinates of the center of its community of license. A community's reference coordinates are generally the coordinates listed in the United States Department of the Interior publication entitled *Index to the National Atlas of the United States*. An alternative reference point, if none is listed in the Atlas, is the coordinates of the community's main Post Office.

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

must at all times maintain a toll-free telephone line from its community of license to its main studio, wherever located.

LEGAL CERTIFICATIONS

- A. Character Issues and Adverse Findings.** The Character Issues Section 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 the Adverse Finding Section 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 Sections, 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).

Where the response to either Character issue question is "Yes," the applicant must submit an exhibit that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

In responding to the Adverse Finding Section, the applicant should consider any relevant adverse finding that occurred within the past ten years. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "No" 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 "Yes" response.

Where the response to the Adverse Finding question is "Yes," the applicant must provide in an exhibit a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 C.F.R. §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.

B. Program Service Certification. Applicants for broadcast construction permits need no longer file a specific program service proposal. Nevertheless, prior to making the certification, the applicant should familiarize itself with its obligation to provide programming responsive to the needs and interests of the residents of its community of license. See *Programming Information in Broadcast Applications*, 3 FCC Rcd 5467 (1988).

C. Local Public Notice.

(1) 47 C.F.R. § 73.3580 requires that applicants for construction permits for new broadcast stations and for major change in existing broadcast facilities (as defined in 47 C.F.R. §73.3572(a)(1)) give local notice in a newspaper of general circulation in the community to which the station is licensed. This publication requirement also applies with respect to major amendments as defined in 47 C.F.R. §73.3772(b). Local notice is also required to be broadcast over the station, if operating. However, if the station is the only operating station in its broadcast service licensed to the community involved, publication of the notice in a newspaper is not required.

(2) Completion of publication may occur within 30 days before or after the tender of the application to the Commission. Compliance or intent to comply with the public notice requirements must be certified by the applicant in Item 9 of Section II of this application. The required content of the local notice is described in Paragraph (f) of 47 C.F.R. § 73.3580. Worksheet #1 attached to these instructions provides additional guidance. Proof of publication need not be filed with this application.

D. Auction Authorization. The Commission's Part 1 auction rules require all winning bidders for construction permits or licenses to include certain exhibits with their long-form applications. **If this application is being submitted to obtain a construction permit for which the applicant was a winning bidder in an auction**, then the applicant must, pursuant to 47 C.F.R. Section 73.5005(a), include an exhibit containing the information required by the following Part 1 auction rules, if applicable. (1) Section 1.2107(d) requires the applicant to provide a detailed explanation of the terms, conditions, and parties involved

in any bidding consortium, joint venture, partnership, or other agreement or arrangement it had entered into relating to the competitive bidding process. See 47 C.F.R. Section 1.2107(d). (2) Section 1.2110(j) requires applicants claiming designated entity status to describe how they satisfy the requirements for eligibility for such status, and to list and summarize all agreements that affect designated entity status, such as partnership agreements, shareholder agreements, management agreements, and any other agreements, including oral agreements, which establish that the designated entity will have both de facto and de jure control of the entity. See 47 C.F.R. Section 1.2110(j). (3) Section 1.2112(a) requires that each long-form application fully disclose the real party or parties in interest and disclose specified ownership information, including identifying any party holding a 10 percent or greater interest in the applicant. See 47 C.F.R. Section 1.2112(a). (4) Section 1.2112(b) requires each applicant claiming status as a "small business" to disclose specified gross revenue information; to list and summarize all agreements or instruments that support the applicant's eligibility as a small business, including the establishment of de facto and de jure control; and to list and summarize any investor protection agreements. See 47 C.F.R. Section 1.2112(b).

E. Equal Employment Opportunity (EEO)

Applicants seeking authority to construct a new commercial 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 C.F.R. § 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). This program is submitted to the Commission as the Model EEO Program on FCC Form 396-A, which should be filed simultaneously with this application. If an applicant proposes to employ less 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 FCC Form 396-A.

F. Anti-Drug Abuse Act Certification. This question requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses

consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. A "Yes" response constitutes a certification that neither the applicant nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of section 5301.

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

INSTRUCTIONS FOR SCHEDULE B –SCHEDULE FOR DIGITAL TELEVISION BROADCAST STATION LICENSE

- A. Channel and Facility Information and Antenna Location and Technical Data.** The applicant must ensure that the facility specifications are accurate. Conflicting data found elsewhere in the application will be disregarded. All items must be completed. The response "on file" is not acceptable. The response "not applicable" is not acceptable unless otherwise noted.

LICENSE APPLICATION CERTIFICATIONS

- B. Constructed Facility.** The applicant must certify that the facility was constructed as authorized in the underlying construction permit. If there are any differences between the facilities constructed compared with those authorized in the construction permit, the applicant may need to seek approval for the change on FCC Form 2100 Schedule A.
- C. Special Operating Conditions:** The special operating conditions are located on the final pages of the construction permit. Attach exhibits, if required, to document compliance with the special operating conditions.
NOTE: Special operating conditions may prohibit automatic program test authority.
- D. Transmitter.** A permittee or licensee installing as a main transmitter one that is not included on the FCC's "Radio Equipment List, Equipment Acceptable for Licensing," must have first obtained authority to use such a transmitter through the filing and grant of FCC Form 2100 Schedule A.

CHANGING TRANSMITTER POWER OUTPUT.

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

A. Replacing a directional antenna.

This question is to be answered by applicants replacing a directional antenna with another directional antenna. See 47 C.F.R. Section 73.1690(c)(3). It requires the applicant to certify and provide an exhibit demonstrating that: (1) the proposed theoretical antenna pattern will not exceed the licensed directional pattern at any azimuth and no change in effective radiated power will result; and (2) the requested modification of license complies with 47 C.F.R. Section 73.685(f).

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

B. Use a formerly licensed main facility as an auxiliary facility.

This question set forth a series of certifications for applicants proposing the use of a formerly licensed main facility as an auxiliary facility. This question requires the applicant to certify and submit an exhibit showing that the proposed auxiliary facilities will not extend beyond the Grade B coverage area of the main antenna after the change in ERP has been effectuated. See 47 C.F.R. Section 73.1675(a).

C. Change the license status.

Applicants may change their license status from commercial to noncommercial or from noncommercial to commercial. However, if changing from commercial to noncommercial educational status, the applicant must submit as an exhibit a completed Section II of FCC Form 340, establishing its qualifications to operate the subject facility as a noncommercial educational station. See 47 C.F.R. Section 73.1690(c)(9).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take from 3 to 6.25 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 it causes you, please e-mail them to pra@fcc.gov or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0027), Washington, DC 20554. Please DO NOT SEND COMPLETED APPLICATIONS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0027.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. § 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507.

INSTRUCTIONS FOR FCC FORM 2100, SCHEDULE 381

PRE-AUCTION TECHNICAL CERTIFICATION FORM

GENERAL INSTRUCTIONS

This form must be completed by full power and Class A television licensees with a facility eligible for relinquishment in the broadcast television incentive auction and protection in the repacking process (“Eligible Facility”), as listed in a Public Notice released by the Media Bureau (“Eligibility PN”). See *Expanding the Economic and Innovative Opportunities of Spectrum Through Incentive Auctions*, GN No. 12- 268, Report and Order, 29 FCC Rcd 6567, 6651, n. 615 (2014)(“Incentive Auction Report and Order”).

Completion of this form will enable the Commission to ensure the accuracy of the technical data in its database for these Eligible Facilities and facilitate the incentive auction repacking process. *Id.* at 6651, n. 615. Licensees must certify that all information provided on this Form is correct to the best of the licensee’s knowledge.

Item 1: Database Certification

The licensee must certify that it has reviewed the authorization for its Eligible Facility as well as the “database technical information” related to the authorization and confirm that all information is correct with respect to actual operations. “Database technical information” includes all underlying technical data that sets forth the operational parameters of the Eligible Facility, including but not limited to technical information that may be found in the Commission’s Consolidated Database System (and its successor the Licensing Management System) and Antenna Registration System (“Database Technical Information”). This Form will prefill with the authorization file number for the Eligible Facility about which the licensee must make its certification.

In making its certification the licensee must either indicate that:

- A. the authorization for the Eligible Facility and all underlying Database Technical Information is accurate and complete, to the best of its knowledge;
- B. the authorization for the Eligible Facility is

inaccurate because of a discrepancy between the authorization and the underlying Database Technical Information on file with the Commission (in which case it must supply an explanatory exhibit); or

- C. it is operating the Eligible Facility with parameters at variance from those specified in its authorization and the database technical information. In this case, the licensee must file an application for modification of its facility (FCC Form 2100, Schedule A) to correct the discrepancy and a request for special temporary authority to operate with parameters at variance pursuant to Section 73.1635 of the Commission’s Rules, 47 C.F.R. § 73.1635. If such application(s) have already been filed, the licensee must supply the file number for the application(s). Note that modifications to the Eligible Facility made to correct unauthorized operations will not be considered in determining the scope of the Eligible Facility’s spectrum usage rights eligible for relinquishment in the broadcast television incentive auction and for protection in the repacking process. The Eligible Facility considered for these purposes will be based on the parameters in the Eligibility PN.

Item 2: Information on Eligible Facility

The licensee must provide details concerning the Eligible Facility. Because distributed transmission system (DTS) facilities are comprised of multiple antenna locations, licensees of DTS facilities will need to complete this item for *each* facility that is part of their license authorization.

- A. Transmitter. The licensee must provide information concerning the Eligible Facility’s primary transmitter, including the make and model of the transmitter (exclude all dashes and spaces); the maximum power output capacity of the transmitter according to the manufacturer’s specifications; and transmitter type (tube or solid state). Licensee should provide this information for the main transmitter used in operation of the Eligible Facility.

B. Antenna. The licensee must provide information concerning the Eligible Facility's primary antenna including:

- (1) Indicating the type of antenna from the list provided (or, if the type is not listed, selecting "other" and providing an explanatory exhibit;
- (2) Indicating whether its primary antenna is capable of operating on multiple channels (e.g., broadband) and, if so, identifying the frequency range (in megahertz);
- (3) Indicating whether it shares its antenna with another broadcaster(s) and, if so, with whom by listing the facility identification number(s) and call-sign(s) (only valid Facility ID Numbers and Call-Signs will be accepted by the system); and
- (4) Specifying, by choosing all that apply, where the antenna is located on the antenna support structure (or, if none of the options or additional options apply, selecting "other" and providing an explanatory exhibit).

C. Transmission Line. The licensee must provide information concerning the Eligible Facility's principal transmission line, which is the line that links the main transmitter to the primary antenna. For purposes of this question the principal transmission line is defined as the part of the transmission line that consists of 90% or more of the entire transmission system. It must identify the type of transmission line and, if "rigid," must select one of the lengths from the options provided. If no single component consists of 90% or more of the entire transmission system, include an explanatory exhibit.

D. Antenna Support Structure. For the antenna support structure (e.g., the tower, building, etc.) on which the Eligible Facility's primary antenna is located, the licensee must indicate:

- (1) The year in which a structural analysis was last conducted (or, if no structural analysis has been conducted the licensee must select "other" and provide an exhibit explaining why no analysis has been conducted);
- (2) Under which version of the ANSI/TIA-222 standard "Structural Standards for Antenna Supporting Structures and Antennas" was the last analysis conducted (or, if none of the options apply, the licensee must select "other" and provide an exhibit in which it indicates under which structural analysis, if any, the structure was last analyzed; and
- (3) Whether the antenna support structure on which

its primary antenna is located is owned by the licensee, including any entity under common ownership as the licensee (e.g., a subsidiary or parent company) or leased from a third-party. If the latter, it must provide the name of the lessor.

If the licensee does not own its antenna support structure it may need to contact the structure owner to obtain the information requested in (1) and (2).

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form to ensure that all data in the Commission's database is accurate in order to conduct the incentive auction and repacking process. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

Your verification of the accuracy of the technical information on file with the Commission and provision of details concerning your Eligible Facility is important in order for the Commission to conduct the incentive auction and repacking process. An incomplete form will not be accepted for filing. An inadvertently accepted form is subject to return. **If a licensee fails to file a complete form prior to the deadline specified in the Eligibility PN, all technical data on file with the Commission related to its Eligible Facility will be considered accurate and will be used to determine the scope of the Eligible Facility's spectrum usage rights eligible for relinquishment in the broadcast television incentive auction and for protection in the repacking process.**

We have estimated that it will take respondents on average 2 hours to complete this collection of information. 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 estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-1206), Washington, DC 20554. We will also accept your comments via the Internet if you send them to PRA@fcc.gov.

Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-1206.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. § 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. § 3507.

