Federal Communications Commission
Washington, D.C. 20554

Approved by OMB
3060-0009
Estimated Time per Response – 1.5-4.5 hours

INSTRUCTIONS – FORM 2100, SCHEDULE 316 - APPLICATION FOR CONSENT TO ASSIGN BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE OR TRANSFER CONTROL OF ENTITY HOLDING BROADCAST STATION CONSTRUCTION PERMIT OR LICENSE

The following instructions track the *Pro Forma* Assignment and Transfer of Control of CP or License Application flow in LMS:

GENERAL INSTRUCTIONS

Form 2100, Schedule 316, is to be used when applying for FCC consent to: (1) assign an AM, FM, TV, Low Power FM, FM or TV Translator, or Low Power TV broadcast station construction permit or license; or (2) transfer of control of an entity holding a broadcast station construction permit or license **only where**:

1. There is an assignment from an individual or individuals (including partnerships) to a corporation owned and controlled by such individuals or partnerships without any substantial change in their relative interests;

2. There is an assignment from a corporation to its individual stockholders without effecting any substantial change in the proportion or disposition of their interests;

3. There is an assignment or transfer by which certain stockholders retire, provided that the interest transferred to the remaining stockholders is not a controlling interest;

4. There is a corporate reorganization which involves no substantial change in the beneficial ownership of the corporation;

5. There is an assignment or transfer: (a) from a corporation to a wholly owned subsidiary thereof; (b) from a wholly owned subsidiary to the corporate parent; (c) from one wholly owned subsidiary to another; or (d) from one corporation to another corporation owned or controlled by the assignor's/transferor's stockholders in substantially similar proportions;

6. There is an assignment or transfer of less than a controlling interest in a partnership;

7. There is an involuntary assignment or transfer of a controlling interest in a licensee/permittee to an executor, administrator, or other **court-appointed** individual caused by death or other legal disability; or

8. There is an involuntary assignment or transfer of a controlling interest in a licensee/permittee to a **court-appointed** federal trustee (in bankruptcy proceedings) or receiver (in state court receivership proceedings).

   See 47 CFR § 73.3540. Questions in the Assignment/Transfer Type section require applicants to certify that the proposed transaction fits into one of the listed categories.

9. For LPFM construction permits and licenses only, there is a voluntary transfer of a controlling interest in the licensee or permittee entity.

Note: This form **does not** cover assignments or transfers from an executor/administrator or other court-appointed officer to the ultimate beneficiary **or** assignments or transfers from a trustee or receiver to an ultimate third-party purchaser. Those transactions must be filed on either FCC Form 2100, Schedule 314 or Schedule 315, as appropriate.

Generally, use of this *pro forma* form is prohibited if the previously approved principals of the licensee/permittee will not retain **more than 50 percent** of the station's voting rights or when more than 50 percent of the station's voting rights is being assigned or transferred, irrespective of whether or not the recipient(s) are already holders of such stock. The Commission reserves the right to require the parties to file an application for consent to the proposed transaction on FCC Form 2100,
Schedules 314 or 315. For additional information on the scope of applications that can be filed on FCC Form 2100, Schedule 316, *see Metromedia, Inc.*, 98 FCC 2d 300, reconsideration denied, 56 RR 2d 1198 (1984). For LPFM stations, *see Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (MM Docket No. 99-25) (rel. Dec. 11, 2007).

The form consists of the following sections:

- GENERAL INFORMATION
- FEES, WAIVERS, AND EXEMPTIONS
- ASSIGNMENT / TRANSFER TYPE
- AUTHORIZATIONS TO BE ASSIGNED / TRANSFERRED
- ASSIGNMENT / TRANSFER QUESTIONS
- LICENSEE / PERMITTEE INFORMATION*
- LICENSEE / PERMITTEE CONTACT REPRESENTATIVES*
- ASSIGNOR / TRANSFEROR INFORMATION
- ASSIGNOR / TRANSFEROR CONTACT REPRESENTATIVES
- ASSIGNOR / TRANSFEROR LEGAL CERTIFICATIONS
- ASSIGNEE / TRANSFEREE INFORMATION
- ASSIGNEE / TRANSFEREE CONTACT REPRESENTATIVES
- CHANGES IN INTEREST
- CHANGES IN INTEREST CERTIFICATION
- ASSIGNEE / TRANSFEREE LEGAL CERTIFICATIONS
- ASSIGNEE / TRANSFEREE ALIEN OWNERSHIP
- APPLICATION SUMMARY
- ASSIGNEE / TRANSFEREE CERTIFY AND SIGNATURE
- ASSIGNOR / TRANSFEROR CERTIFY AND SIGNATURE

The applicant must complete all sections displayed to it. No section may be omitted. The Licensee/Permittee Information and Contact Representatives sections, identified with an asterisk (*), will only appear if the application requests a *pro forma* transfer of control. Note that certain questions, indicated in the instructions below, should be answered “Not

Applicable" (N/A) by applicants whose transactions involve only the sale or transfer of FM or TV translator stations or low-power TV (LPTV) stations.

This application form makes many references to FCC rules. Applicants should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (CFR):

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

FCC Rules may be purchased from the Government Publishing Office. Current prices and purchasing information may be obtained from the GPO Bookstore Website at https://bookstore.gpo.gov/. An up-to-date electronic version of Title 47 of the CFR may be accessed at https://www.ecfr.gov/cgi-bin/textidx?SID=0970bd71b3f8da40f9fc92f01b613dfd&mc=true&tpl=/ecfrbrowse/Title47/47tab_02.tpl .

Electronic filing of this application is mandatory. *See* https://enterpriseefiling.fcc.gov/dataentry/login.html. Similarly, any amendment to the application must be filed electronically. The amendment should contain the following information to identify the associated application:

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

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

Public Notice Requirements

An Application filed on FCC Form 2100, Schedule 316, is exempt from the requirement to provide local public notice. *See* 47 CFR § 73.3580(d)(2).

FCC Registration Number (FRN). To comply with the Debt Collection Improvement Act of 1996, the applicant must enter its FRN, a ten-digit unique entity identifier for anyone doing business with the Commission. If you do not have an FRN, you can obtain one through the FCC's CORES (COmmission REgistration System) web page. Go to **https://www.fcc.gov/licensing-databases/commission-registration-system-fcc** and follow the links to register and update an existing Username account, or to create or update a Username account (NOTE: Please use the Updated CORES System, as the legacy system is being retired and is displayed for archival purposes only). For further assistance with CORES, you may view tutorial videos at **https://www.fcc.gov/licensing-databases/fcc-registration-system-cores/commissionregistration-system-video-tutorials**, or you can call the FRN help desk from 8:00 a.m. to 6:00 p.m. Eastern Time at 1-877480-3201.

Online 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 online public inspection file, pursuant to the requirements of 47 CFR § 73.3526 for commercial stations, and Section 73.3527 for noncommercial educational stations.

Defective or incomplete applications will be dismissed. Inadvertently accepted applications are also subject to dismissal.

In accordance with 47 CFR § 1.65, applicants have a continuing obligation to advise the Commission, through amendments, of any substantial and material changes in the information furnished in this application. This requirement continues until the FCC action on this application is no longer subject to reconsideration by the Commission or review by any court.

This application requires applicants to certify compliance with many statutory and regulatory requirements. Detailed instructions provide additional information regarding Commission rules and policies. These materials are designed to track the standards and criteria that the Commission applies to determine compliance and to increase the reliability of applicant certifications. They are not intended to be a substitute for familiarity with the Communications Act and the Commission's regulations, policies, and precedent. While applicants are required to review all application instructions, they are not required to complete or retain any documentation created or collected to complete the application.

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

A representative from the assignor/transferor and the assignee/transferee 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 applicants or applicants' authorized representative(s). Depending on the nature of the applicants, the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. *See* 47 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998), ¶ 17.

In cases involving voluntary transfers and either multiple transferors or transferees, the signature of each transferor and/or transferee is required. Voluntary assignment applications require the signature of the assignor. *See* 47 CFR § 73.3513(a). Depending on the nature of the applicant, the application should be signed as follows: for a sole proprietor, personally; for a partnership, by a general partner; for a corporation, by an officer; for an unincorporated association, by a member who is an officer; for 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. If the application is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).

In cases involving involuntary assignments or transfers, the application need not be signed by the assignor/transferor. Rather, the court document appointing the estate executor/administrator, trustee, receiver, or other may take the place of assignor/transferor's signature. In this case, the applicant must submit documentation (enabling court order, letters testamentary, etc.) of its legal capacity to execute the application as an exhibit.

GENERAL INFORMATION

When you first log in to LMS, you are taken to the "Saved Applications" page, which will display any applications you have begun and saved but not filed, if any. At the top of the Saved Applications page, below the header, you will then select the
"Facilities" tab. This will take you to a page listing all facilities associated with the FCC Registration Number (FRN) used to log in to LMS. You will select one facility as the "lead" facility of the assignment or transfer of control application (you will have the ability to add facilities to the application at the "Authorizations to be Assigned" or "Authorizations to be Transferred" screen, immediately below). Select the lead facility by clicking on its Facility ID number in the list.

Once you have selected the lead facility for the application, you will be taken to its Facility Details page. At the top of the Facility Details page is a button labeled "File an Application." Click on this button and you will see a pull-down menu of application types that you can file. To begin a *pro forma* assignment or transfer of control application, select "Assignment of Authorization *pro forma*" or "Transfer of Control *pro forma*" from the drop-down menu. Making this selection will take you to the series of questions and certifications required for a *pro forma* (short form) assignment or transfer of control application, as detailed below.

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

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

FEES, WAIVERS, AND EXEMPTIONS

Fees: The Commission is statutorily required to collect charges for certain regulatory services to the public. Generally, applicants seeking authority to assign or transfer control of licenses or permits of broadcast stations are required to submit a fee with their application. Government entities, however, are exempt from this fee requirement. Exempt entities include possessions, states, cities, counties, towns, villages, municipal organizations, and political organizations or subparts thereof governed by elected or appointed officials exercising sovereign direction over communities or governmental programs. Also exempt are full-service NCE radio and TV broadcast licensees and permittees, and LPFM licensees and permittees, **provided** that the proposed facility will be operated noncommercially. *See* 47 CFR § 1.1116.

When filing a fee-exempt application, an applicant must select "Yes" to the question asking if the applicant is exempt from FCC application fees. If selecting "Yes," explain in the text box that opens the reason for the fee exemption.

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

The Commission's fees website contains general information on various methods for paying application filing and other fees. *See* **https://www.fcc.gov/licensing-databases/fees**.

The most convenient method for paying fees is from the Application Submitted page, which appears immediately after submitting the application, by clicking the "Pay Fees" button at the bottom of the page. This will automatically take you to the Commission's online Fee Filer. Applicants can also make payments directly through the Commission's online Fee Filer system, **https://www.fcc.gov/licensing-databases/fees/fee-filer**. You may log in to Fee Filer using your FCC Registration Number (FRN – see above) and password. The Fee Filer home page contains links to information concerning how to pay Commission fees.

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

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

ASSIGNMENT / TRANSFER TYPE

When you first log in to LMS, you are taken to the "Saved Applications" page, which will display any applications you have begun and saved but not filed, if any. At the top of the Saved Applications page, below the header, you will then select the
"Facilities" tab. This will take you to a page listing all facilities associated with the FCC Registration Number (FRN) used to log in to LMS. You will select one facility as the "lead" facility of the assignment/transfer of control application (you will have the ability to add facilities to the application at the "Authorizations to be Assigned/Transferred" screen, immediately below). Select the lead facility by clicking on its Facility ID number in the list.

Once you have selected the lead facility for the application, you will be taken to its Facility Details page. At the top of the Facility Details page is a button labeled "File an Application." Click on this button and you will see a pull-down menu of application types that you can file. To begin a *pro forma* assignment/transfer of control application, select "Assignment of Authorization *pro forma*" or "Transfer of Control *pro forma*" from the list. Making this selection will take you to the series of questions and certifications required for a *pro forma* (short form) assignment/transfer of control application. Making this selection will also pre-fill a "Yes" response to the "Assignment/Transfer Type" question, "Is this application a *pro forma* Assignment/Transfer of Control?"

The applicant is then asked to certify that the use of a *pro forma* application (short form application) is appropriate for the transaction. If the response is "No," the applicant must upload an exhibit explaining why the short form is being used. If responding "No," the applicant should consider re-filing the application on FCC Form 2100, Schedule 314 (Assignment) or 315 (Transfer of Control) for non-*pro forma* transactions.

When responding "Yes" to this question, the applicant must also select whether the assignment/transfer is voluntary or involuntary, by clicking the appropriate radio button.

AUTHORIZATIONS TO BE ASSIGNED / TRANSFERRED

On this page there are two tables displayed side-by-side. The left-hand table (Select Call Signs) should list all facilities associated with the FCC Registration Number (FRN) used to log in to LMS to file the application. Select each facility listed that is to be assigned or transferred in the application. Each selected facility should then appear in the right-hand table

(Selected Call Signs). If you wish to select all displayed facilities, click the "All" box at the top of the Select Call Signs table.

Unless specifically enumerated as excluded authorizations, the licenses for all subsidiary communications services (SCAs),
FM and TV booster stations, and all auxiliary service stations authorized under Subparts D, E, F, and H of 47 CFR Part 74 will be included in the assignment/transfer of control of the license or permit of the primary station(s). Applicants should complete the table.

If the station(s) to be assigned or transferred are not displayed, or cannot be selected, click on the "please review the list of Facility ID's associated with one or more FRN's" link. This will display a list of facilities that are associated with FRNs other than the one used to log in to the application.

ASSIGNMENT / TRANSFER QUESTIONS

Auction Authorization. This question asks whether any of the authorizations to be assigned or transferred were obtained through the Commission's competitive bidding procedures, 47 CFR §§ 1.2101 and 73.5000 *et seq*. If answering "yes," submit an attachment explaining which authorizations were so obtained, in which auction, and when the authorization was granted.

Under the Commission's competitive bidding licensing procedures, applicants seeking to assign or transfer control of a broadcast construction permit or license obtained by means of competitive bidding must inform the Commission that the permit or license was obtained through competitive bidding. The applicant must identify those authorizations that were obtained through competitive bidding, and for which FCC consent to assignment or transfer of control is sought in this application.

LICENSEE / PERMITTEE INFORMATION

This section will only appear if you are filing an application for a *pro forma* transfer of control.

Licensee/Permittee Name and Type: Select the Licensee/Permittee Type (e.g., Individual, 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 Licensee/Permittee or Licensee/Permittee entity. The name of the Licensee/Permittee must be stated exactly as it appears on the authorization to be transferred. If the applicant is a corporation, the applicant should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name. If the Licensee/Permittee is doing business under a fictitious business name or name other than the official name of the entity, you may enter that in the "Doing Business As" box.

Licensee/Permittee Contact Information: Enter the Licensee/Permittee's postal address, telephone number, and Email address in the spaces provided. Select the applicant's Country and State from the drop-down menus.

LICENSEE / PERMITTEE CONTACT REPRESENTATIVES

This section will only appear if you are filing an application for a *pro forma* transfer of control.

If the Licensee/Permittee is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified as Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the

person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated. To add a Contact Representative, click the "Add Contact" button at the top right of the screen.

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

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

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

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

ASSIGNOR / TRANSFEROR INFORMATION

Assignor/Transferor Name and Type: Select the Assignor/Transferor Type (e.g., Individual, 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 assignor/transferor or assignor/transferor entity. The name of the applicant must be stated exactly in this item. If the assignor/transferor is a corporation, the applicant should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name. If the assignor/transferor is doing business under a fictitious business name or name other than the official name of the entity, enter that in the "Doing Business As" box.

Assignor/Transferor Contact Information: Enter the assignor/transferor's postal address, telephone number, and Email address in the spaces provided. Select the assignor/transferor's Country and State from the drop-down menus.

ASSIGNOR / TRANSFEROR CONTACT REPRESENTATIVES

If the assignor/transferor is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified as Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated. To add a Contact Representative, click the "Add Contact" button at the top right of the screen.

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

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

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

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

ASSIGNOR / TRANSFEROR LEGAL CERTIFICATIONS

Agreements for Sale of Station. The certifications displayed under "Agreements for Sale of Station" will differ depending on whether the applicant selected a voluntary or involuntary assignment or transfer in the "Assignment Type" section, above.

All applicants for **voluntary assignment or transfer** on FCC Form 2100, Schedule 316 must submit to the Commission with this application and place in the online public inspection file of each subject station a complete and final copy of the unredacted contract for the sale of the authorizations that are the subject of this application, including all exhibits and attachments. The application and contracts must be retained in the online public inspection file until final action is taken on this application, with the exception that any application granted pursuant to a waiver of any Commission rule must be retained in the online public inspection file for as long as the waiver is in effect. *See* 47 CFR §§ 73.3526(e)(2) (for commercial stations) and 73.3527(e)(2) (for noncommercial educational stations). Applicants must certify their compliance with these requirements.

Applicants for **voluntary assignment or transfer** are also asked to certify that the documents submitted to the Commission and placed in the station's/stations' online public inspection file(s) embody the complete and final understanding between the assignor/transferor and assignee/transferee. Finally, applicants for a voluntary assignment or transfer must certify that the contracts/agreements for assignment of the subject authorizations "comply fully with the Commission's rules and policies."

All applicants for **involuntary assignment or transfer** on FCC Form 2100, Schedule 316 are required to certify that the court orders or other appropriate documents duly authorizing it to file the instant application have been issued and that certified copies of such court orders, Letters Testamentary, Letters of Administration, or other documents have been submitted with the application. A certified copy of the document(s) must also be placed in the subject station's or stations' online public inspection file(s) and retained until final action is taken on this application, with the exception that any application granted pursuant to a waiver of any Commission rule must be retained in the online public inspection file for as long as the waiver is in effect. *See* 47 CFR §§ 73.3526(e)(2) (for commercial stations) and 73.3527(e)(2) (for noncommercial educational stations).

Character Issues/Adverse Findings. These questions require an evaluation of any unresolved character issues involving the assignor/transferor or any of its principals, as well as any relevant adverse findings by a court or administrative body.

The Character Issues question requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to the Adverse Findings question whether the applicant or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the

Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to these questions, applicants should review the Commission's character qualifications policies, which are fully set forth in *Character Qualifications*, 102 FCC 2d 1179 (1985), *reconsideration denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Note: As used in these questions, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee sufficient to implicate the Commission's multiple ownership rules. *See* Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), *reconsideration granted in part*, 58 RR 2d 604 (1985), *further modified on reconsideration*, 61 RR 2d 739 (1986).

Character Issues: Where the response to either of the Character Issues questions is "No," the applicant must submit an attachment that includes an identification of the party having had the interest, the call letters and location of the station or file number of the application or docket, and a description of the nature of the interest or connection, including relevant dates. The applicant should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

Adverse Findings: In responding to the Adverse Findings question, the applicant should consider any relevant adverse finding. Where that adverse finding was fully disclosed to the Commission in an application filed on behalf of this station or in another broadcast station application and the Commission, by specific ruling or by subsequent grant of the application, found the adverse finding not to be disqualifying, it need not be reported again and the applicant may respond "Yes" to this item. However, an adverse finding that has not been reported to the Commission and considered in connection with a prior application would require a "No" response.

Where the response to the Adverse Findings question is "No," the applicant must provide in an attachment a full disclosure of the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another pending application, or as required by 47 CFR § 1.65(c), the applicant need only provide an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing. The applicant should also fully explain why the adverse finding is not an impediment to a grant of this application.

Auction Authorization. This question requires the assignor/transferor to certify that the proposed assignment/transfer will comply with the "unjust enrichment" provisions of the Commission's broadcast competitive bidding rules, 47 CFR § 73.5007(c). Assignors/transferors must review the instructions for the Auction Authorization question in the Assignee/Transferee Legal Certifications Section before completing this question. *See Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, First Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 09-52, FCC 10-24, in which the Commission established that the unjust enrichment rule provisions should apply in the context of *pro forma* assignment and transfer of control applications.

ASSIGNEE / TRANSFEREE INFORMATION

When you come to this page for the first time, there will be no assignees/transferees listed. To add an assignee(s)/transferee(s), click the “Add Assignee/Transferee” button at the top of the page.

Assignee/Transferee Name and Type: You may enter the assignee/transferee’s FRN in the box provided and, if you wish, may click the “Pre-fill Assignee Details” or “Pre-fill Transferee Details” button to fill the fields with information pertaining to the FRN entered. NOTE: you will see a box warning that continuing to pre-fill the information will delete

any information already in those fields. You may click “Cancel” to go back to fill the fields manually, or “Pre-fill Assignee/Transferee Information” to continue.

Select the Assignee/Transferee Type (e.g., Individual, 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 or applicant entity. The name of the assignee/transferee must be stated exactly in this item. If the assignee/transferee is a corporation, the applicant should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name. If the assignee/transferee is doing business under a fictitious business name or name other than the official name of the entity, enter that in the “Doing Business As” box.

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

When you are finished entering Assignee/Transferee Information, click the Save & Continue button at the bottom of the page. This will take you to a page listing the information that you entered for the assignee/transferee. You can also edit information for an assignee/transferee by clicking the Edit button on the right-hand side of the entry. If there are more assignees/transferees, click the Add Assignee or Add Transferee button at the top of the page and repeat the process for all assignees/transferees. When you are done, click Continue.

ASSIGNEE / TRANSFEREE CONTACT REPRESENTATIVES

If the assignee or transferee is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/electronic mail address may be specified as Contact Representative. Otherwise, a party to the application or another person associated with the applicant may be designated as Contact Representative. This is the person with whom the Commission will communicate regarding the application. At least one Contact Representative must be designated. To add a Contact Representative, click the “Add Contact” button at the top right of the screen.

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

Contact Name: Enter the name of the Contact Representative.

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

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

CHANGES IN INTEREST

This item requires the applicant to set forth a listing of the names, addresses, and citizenship of all parties to this application. This includes all parties with attributable interests in the station(s) to be assigned or transferred who are giving up any portion of that interest, as well as any person who will acquire an attributable interest in the station(s).

This question requires that the applicants specify, for each party with an attributable interest in the subject transaction, the **voting and equity plus debt** percentages held in the licensee/permittee by that party with an attributable interest both before and after the consummation of the transaction.

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 to this item, 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*, FCC 99-207, released August 6, 1999. *See also* Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), *reconsideration granted in part*, 58 RR 2d 604 (1985), *further modified on reconsideration*, 61 RR 2d 739 (1986).

Generally, insulated limited partners or members of a limited liability corporation, certain investors, and certain creditors are not considered parties to the application. However, the holder of such an interest may be deemed a party to the application and, if so, must be listed.

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, 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 also 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 an insulated limited partner in a limited partnership applicant would normally not be considered attributable. However, under the **EDP** standard, that interest would be attributable if the limited partner's interest exceeded 33% of the applicant's total asset value **AND** the limited partner also held a 5% voting interest in a radio or television station licensee in the same market.

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. 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 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 COMPANY 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 question seeking certification that equity and financial interests not set forth are non-attributable.

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 applicant. 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, 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 not insulated, regardless of the partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 5% 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.

ANY 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.

There are two ways in which you may enter changes in interest party information. Option 1 is to manually enter information for each changes in interest 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 changes in interest party information using Option 1, you will be displayed the "Add Changes in Interest as a Result of Assignment" or "Add Changes in Interest as a Result of Transfer" page. Follow these instructions:

ADD CHANGES IN INTEREST AS A RESULT OF ASSIGNMENT / TRANSFER

Name of Party to Application Holding an Attributable Interest. For each applicant and attributable interest holder, the following information must be provided:

- Citizenship: Select from the pull-down menu.
- 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 "Name of Party to Application Holding an Attributable 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

Interest Held Before Assignment/Transfer. In the boxes provided, enter the percentage (0-100) of votes the party held before the proposed assignment or transfer, and the percentage of total assets held by the party before the proposed assignment or transfer. Assets include both equity (e.g., stock, partnership shares, LLC shares) and debt (e.g., loans). You may enter percentages up to two decimal places.

Interest Held After Assignment/Transfer. In the boxes provided, enter the percentage (0-100) of votes the party held after the proposed assignment or transfer, and the percentage of total assets held by the party after the proposed

assignment or transfer. Assets include both equity (e.g., stock, partnership shares, LLC shares) and debt (e.g., loans). You may enter percentages up to two decimal places.

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.”

CHANGES IN INTEREST CERTIFICATION

All applicants must certify that any equity and financial interests not disclosed by the assignee/transferee are nonattributable.

ASSIGNEE / TRANSFEREE LEGAL CERTIFICATIONS

Agreements for Sale of Station. This question requires the assignee/transferee to certify that the written agreement submitted with the application and contained in the licensee/permittee's public inspection file embodies the complete and final agreement between the parties and that the agreement complies fully with the Commission's rules and policies regarding station sales contracts. The assignee/transferee must undertake an independent evaluation of the contract in order to make this certification. The applicant should take particular care in responding to this question if it has an attributable time brokerage or local marketing agreement, or an attributable joint sales agreement, for the stations subject to the application or for any other stations in the same market.

Other Authorizations. If applicable, the assignee/transferee must upload an attachment listing all other broadcast stations in which the assignee/transferee or any party to the application has an attributable interest. The list must include the call sign(s), community(ies) of license, and facility ID number (s) of all such stations.

For a transaction involving only the assignment/transfer of control of a permit or license for an FM or TV translator station or a low-power TV (LPTV) station (i.e., does not include any full-service station), the assignee/transferee should select "N/A" in response to this question.

Acquisition of Control. This question addresses the specific situation in which a single individual or entity, which already has an attributable interest in the station(s) involved in this transaction, seeks to acquire "control" of the station(s). So long as not more than 50 percent of the voting stock is changing hands in the proposed transaction, a single entity may acquire control via Schedule 316, provided that such person or entity previously has been approved as an attributable owner of the station(s) pursuant to a "long form" FCC Form 2100, Schedule 314 or 315 (Form 345 if an FM or TV translator or low power television station is involved); alternatively, the person or entity seeking control in this application could have been approved as a party to the original construction permit application for the station(s) on FCC Form 2100, Schedule 301 (Schedule 318 for Low Power FM Stations, Schedule 346 for TV translator/low power TV stations, or Schedule 349 for FM translator stations). This item asks the assignee/transferee to list the file number and date of grant of the application pursuant to which the Commission approved such person's or entity's qualifications to own the station(s).

For purposes of this question, "control" may be either "positive" (in which case the person or entity will end up with more than 50 percent of the voting rights in the station(s)) or "negative" (in which case the person or entity will have exactly 50 percent of the voting rights in the station(s)).

If qualification for short-form treatment is not based on the acquiring entity's prior approval on FCC Form 2100, Schedule 301, 314, or 315, the applicant should mark the box labeled "N/A."

Character Issues/Adverse Findings. These questions require the assignee/transferee 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 assignee/transferee must disclose whether it 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 qualification policies, which are fully set forth in *Policy Regarding Character Qualifications In Broadcast Licensing, Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to*
Commission Inquiries, and the Making of Misrepresentations to the Commission by Permittees and Licensees, Report, Order and Policy Statement, 102 F.C.C.2d 1179 (1985), *recon. denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Where the response is "No," the assignee/transferee must upload 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 assignee/transferee should also fully explain why the unresolved character issue is not an impediment to a grant of this application.

The assignee/transferee 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 assignee/transferee 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 is "No," the assignee/transferee 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 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 assignee/transferee should also fully explain why the adverse finding is not an impediment to a grant of this application.

Auction Authorization. The competitive bidding rules adopted by the Commission include certain provisions to prevent "unjust enrichment" by entities that acquire broadcast authorizations through the use of bidding credits or other special measures. Specifically, the holder of a broadcast license or construction permit, who successfully utilized a bidding credit to obtain the authorization, is required to reimburse the government for the total amount of the bidding credit, plus interest based on the rate for ten-year U.S. Treasury obligations applicable on the date the construction permit was granted, as a condition for Commission approval of any assignment or transfer of that license or construction permit, if the authorization will be acquired by an entity that does not meet the eligibility criteria for the bidding credit. *See* 47 CFR § 73.5007. The amount of this payment will be reduced over a five-year period. *See* 47 CFR § 73.5007. No payment is required if (1) the authorization is transferred or assigned more than five years after the initial issuance of the construction permit; or (2) the proposed transferee or assignee meets the eligibility criteria for the bidding credit.

In accordance with these provisions, this item requires that the assignee/transferee certifies that either (1) more than five years have passed since the assignor/transferor received its authorization(s) via the competitive bidding process; or (2) the proposed assignee/transferee meets the eligibility criteria for the bidding credit. If such certification cannot be made, then the assignee/transferee must answer "No" and tender the applicable reimbursement payment to the United States Government. *See* 47 CFR §§ 73.5007, 73.5008. *See also Policies to Promote Rural Radio Service and to Streamline*

Allotment and Assignment Procedures, First Report and Order and Further Notice of Proposed Rulemaking, MB Docket No. 09-52, FCC 10-24, in which the Commission established that the unjust enrichment rule provisions should apply in the context of *pro forma* assignment and transfer of control applications.

ASSIGNEE / TRANSFEREE ALIEN OWNERSHIP

All applications must comply with section 310 of the Communications Act, as amended. 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 section 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.*, 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 40percent 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 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*, Report and Order, 31 FCC Rcd 11272, 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-beknown 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 of 1934, as amended, 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). This item asks 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.

APPLICATION SUMMARY

Before certifying and signing the application, you will view the Application Summary page, which displays the information entered in the various sections of Form 2100, Schedule 316, allowing you to review the information before certifying, signing, and submitting the application. In particular, the Application Summary page displays any missing or erroneous information that must be entered or corrected before you can proceed to application certification and signature. If you see a red box near the top of the Application Summary page that reads, "This application is incomplete or contains errors," you will need to make corrections before certifying.

To correct errors or omissions in the application, go to the Application Sections bar on the right side of the page. This lists all of the major application sections. An application section that is complete will have a green checkmark next to its name; a section that is incomplete or that has errors will have a red "X" next to its name. Click on the name of a section that indicates errors, and you will be taken back to that section to complete it and/or to correct any errors.

Once you have corrected all incompletions and errors, the Application Summary page will display green checkmarks next to all application sections in the Application Sections bar. Click the Continue to Certify button at the bottom of the screen to continue to certify and sign the application.

ASSIGNEE / TRANSFEREE – ASSIGNOR / TRANSFEROR CERTIFY AND SIGNATURE

General Certification Statements: The assignee/transferee and assignor/transferor must certify that the statements in this application are true, complete, and correct to the best of their knowledge and belief, and are made in good faith. Assignee/transferee and assignor/transferor must acknowledge that all certifications and uploaded Exhibits are considered material representations. Assignee or transferee must waive 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. Assignee/transferee and assignor/transferor must also certify that neither they nor any party to the application is subject to denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. The assignee/transferee and assignor/transferor, by electronically signing the application, certify that neither they nor any party to this application has been convicted of such an offense or, if they or any party have been so convicted, they are 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 assignee/transferee or assignor/transferor is an individual, that individual; if 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 assignee/transferee or assignor/transferor; all members if a membership association; and if the assignee/transferee or

assignor/transferor 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 assignee/transferee and assignor/transferor must electronically sign the application.** Depending on the nature of the assignee/transferee and assignor/transferor , the application should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the application for his or her client, but only in cases of the applicant's disability or absence from the United States. In such cases, counsel must separately set forth why the application is not signed by the client. In addition, as to any matter stated on the basis of belief instead of personal knowledge, counsel shall separately set forth the reasons for believing that such statements are true. *See* 47 CFR § 73.3513. The electronic signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23,064 (1998), ¶ 17.

Assignee/transferee and assignor/transferor must also check the box to certify that they have submitted with the application all required and relevant attachments.

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

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take from 1.5 to 4.5 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 Email them to **pra@fcc.gov** or send them to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-0009), 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 3060-0009.

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