

INSTRUCTIONS – FORM 2100, SCHEDULE 301-AM - AM STATION CONSTRUCTION PERMIT APPLICATION

The following instructions track the AM Station Construction Permit Application in LMS:

GENERAL INSTRUCTIONS

Form 2100, Schedule 301-AM, is to be used to apply for authority to construct a new AM broadcast station, or to make major or minor changes in the existing facilities of such a station. In the case of new station and major modification proposals, this application is filed by either the successful bidder at a broadcast 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. The form consists of the following sections:

- GENERAL INFORMATION
- FEES, WAIVERS, AND EXEMPTIONS
- APPLICANT INFORMATION
- CONTACT REPRESENTATIVES
- PARTIES TO THE APPLICATION / ADD PARTY TO THE APPLICATION*
- ATTRIBUTABLE INTEREST*
- ALIEN OWNERSHIP*
- LEGAL CERTIFICATIONS
- FREQUENCY AND FACILITY INFORMATION
- ANTENNA DATA SUMMARY TECHNICAL CERTIFICATIONS
- CERTIFICATION

The applicant must complete all sections displayed to it. No section may be omitted. The application sections marked with an asterisk (*) will not be displayed to applicants for modifications to existing facilities or for auxiliary facilities.

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

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

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

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

All previous editions obsolete.

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

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

A copy of the completed application and all related documents shall be made available for inspection by the public in the station's online public inspection file, pursuant to the requirements of 47 CFR § 73.3526(b).

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 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. While applicants are required to review all application instructions, they are not required to complete or retain any documentation created or collected to complete the application.

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

The applicant must electronically sign the application. The signature will consist of the electronic equivalent of the typed name of the individual submitting the application as the applicant or applicant's authorized representative.

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

GENERAL INFORMATION

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

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

FEES, WAIVERS, AND EXEMPTIONS

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

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

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

Payment of any required fee must be made by check, bank draft, money order, credit card, or wire transfer. If payment is made by check, bank draft, money order, or wire transfer, the remittance must be denominated in U.S. dollars, drawn upon a U.S. financial institution, and made payable to the Federal Communications Commission. No postdated, altered, or third-party checks will be accepted. **DO NOT SEND CASH.** Additionally, checks dated six months or older will not be accepted.

FCC Form 159, dated February 2003, must be submitted with any application subject to a fee received at the Commission. All previous editions of this form are obsolete. Failure to use this version of the form or to submit all requested information may delay the processing of the application.

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

Waivers: If any waiver of the Commission’s rules is requested at any part of the application, 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.

APPLICANT INFORMATION

Applicant Name and Type: Select the Applicant 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 applicant must be stated exactly in this item. If the applicant is a corporation, the applicant should list the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person's full legal name.

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

CONTACT REPRESENTATIVES

If the applicant is represented by a third party (such as, for example, legal counsel), that person's name, firm or company, and telephone/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."

PARTIES TO THE APPLICATION

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

These sections require the disclosure of information on the applicant and all parties to the application. As used in this application, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or 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.

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 in response to this item. Worksheet # 2(E) will help to determine Investor Insulation and Non-Party Influence over Assignee/Applicant. Access Worksheet # 2(E), and all worksheets referenced in these instructions, by opening the legacy Form 301, which can be found at <https://transition.fcc.gov/Forms/Form301/301.pdf>, starting at Page 24. In the event that the worksheet indicates that an individual or entity holds an attributable interest in the applicant, complete the information in this section with regard to such individual(s) or entity(ies).

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 a 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 Promoting Diversification of Ownership in the Broadcasting Services*, Report and Order and Third Further Notice of Proposed Rule Making, 23 FCC Rcd 5922, 5936, para. 31 (2008); *2014 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*, Second Report and Order, 31 FCC Rcd 9864, 9976-84, paras. 271-86 (2016) (2014 Quadrennial Review Order).

Additionally, "parties to the application" include 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 non-attributable interests question. 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 limited partner's interest is attributable under the Commission's EDP attribution standard described above; 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 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 non-attributable interest question.

CORPORATE APPLICANT: Each officer, director and owner of stock accounting for 5 percent or more of the issued and outstanding voting stock of the applicant is considered a party to the applicant. Where the 5 percent stock owner is itself a corporation, each of its stockholders, directors and "executive" officers (president, vice-president, secretary, treasurer or their equivalents) is considered a party to this application UNLESS the applicant submits as an exhibit a statement establishing that an individual director or officer will not exercise authority or influence in areas that will affect the applicant or the station. In this statement, the applicant should identify the individual by name and title, describe the individual's duties and responsibilities, and explain the manner in which such individual is insulated from the corporate applicant and should not be attributed an interest in the corporate applicant or considered a party to this application. In addition, a person or entity holding an ownership interest in the corporate stockholder of the applicant is considered a party to this application ONLY IF that interest, when multiplied by the corporate stockholder's interest in the applicant, would account for 5 percent or more of the issued and outstanding voting stock of the applicant. For example, where Corporation X owns stock accounting for 25 percent 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 percent or more indirect interest in the applicant ($.25 \times .20 = .05$) and, therefore, are considered parties to this application. In applying the multiplier in this context, any entity holding more than 50 percent of its subsidiary will be considered a 100 percent owner. Where the 5 percent stock owner is a partnership, each general partner and any limited partner that is non-insulated, regardless of the partnership interest, is considered a party to the application.

Stock subject to stockholder cooperative voting agreements accounting for 50 percent or more of the votes in a corporate applicant will be treated as if held by a single entity and any stockholder holding 5 percent 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 percent 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 percent or more of the votes in the applicant is considered a party to the applicant.

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

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

ADD PARTY TO THE APPLICATION

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

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

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

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

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

ATTRIBUTABLE INTEREST

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

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

Broadcast Incubator Program – Applications (AM and FM stations). The FCC’s broadcast incubator program is designed to support new and diverse entrants in the broadcasting industry by encouraging larger, experienced broadcasters to assist small, aspiring, or struggling broadcasters that lack the financing or operational expertise needed to own and operate a full-service AM or FM station. *See Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, Report and Order, 33 FCC Rcd 7911 (2018) (*Incubator Order*); approved by OMB control number: 3060-1260. Through the incubator program, an established broadcaster (i.e., the incubating entity) will provide a small, aspiring, or struggling station owner (i.e., the incubated entity) with the training, financing, and access to resources that would be otherwise unavailable to the incubated entity. At the end of a successful incubation relationship, the incubated entity will own and operate a full-service AM or FM station independently and the incubated station will be on a firmer footing if the station was struggling at the start of the relationship. In return for successfully incubating a small, aspiring, or struggling broadcaster, the incubating entity will be eligible to apply to receive a waiver of the Commission’s Local Radio Ownership Rule following the successful conclusion of the incubation relationship.

Eligibility. The incubator program is available for full-service AM and FM radio stations. A potential incubated entity must meet the following eligibility requirements and must have met these requirements continuously for the preceding three years:

- (1) Numerical Cap. The potential incubated entity has an attributable interest in no more than three full-service AM and FM radio stations and no TV stations (including licensed stations and unbuilt construction permits); and
- (2) Revenue Cap. The potential incubated entity qualifies as a “small business” under the Small Business Administration’s size standard for the radio industry, as set forth in 13 CFR § 121.201.

The FCC’s attribution standards and policies are set forth in the Notes to 47 CFR § 73.3555. In addition, the potential incubated entity must submit a written statement certifying that it would not be able to acquire a full-service broadcast station or continue operating its struggling station without the support that the proposed incubation relationship will provide.

Filing Requirements. Before commencing a qualifying incubation relationship, the potential incubated entity and the potential incubating entity must first submit an incubation proposal to the Media Bureau for approval. *See Incubator Order*, 33 FCC Rcd at 7941-44. The incubation proposal must demonstrate that the potential incubated entity and the potential incubating entity are both eligible to participate in the incubator program and that their proposed incubation relationship meets FCC requirements for qualifying incubation relationships. The incubation proposal must include the following documents:

- (1) A written incubation contract demonstrating that the proposed incubation relationship meets FCC requirements for the incubator program (*see Incubator Order*, 33 FCC Rcd at 7942-43);
- (2) A certified statement from the potential incubated entity demonstrating that it has the requisite background and qualifications and that it truly needs the incubator program (*see Incubator Order*, 33 FCC Rcd at 7943-44);
- (3) A certified statement from the potential incubating entity demonstrating that it is committed and has the resources and experience necessary to make the incubation relationship successful (*see Incubator Order*, 33 FCC Rcd at 7943-44). This statement should also specify the size tier of the incubated station's market under the Local Radio Ownership Rule and the number of independent owners of full-service, commercial and noncommercial radio stations in that market (*see Incubator Order*, 33 FCC Rcd at 7937-38); and
- (4) A request for a temporary waiver of the Local Radio Ownership Rule if the incubation proposal would cause the proposed incubating entity to exceed the local radio ownership limits (*see Incubator Order*, 33 FCC Rcd at 7940).

Additional filing requirements will apply during the term of an incubation relationship. *See Incubator Order*, 33 FCC Rcd at 7944-46. If the proposed facility is the subject of an incubation proposal, the applicant must respond "Yes" to the Broadcast Incubator Program question, and the incubation proposal must be uploaded by the proposed permittee as an attachment. When uploading the proposal, select "Incubation Proposal" as the Attachment Type.

Approved by OMB control number: 3060-1260. We have estimated that each response to this collection of information will take 4 to 16 hours. Please refer to the notice on the last page of the instructions for additional information required by the Paperwork Reduction Act.

Broadcast Incubator Program – Reward Waiver Requests (AM and FM stations). After successfully completing an approved incubation relationship, the incubating entity will be eligible to apply to receive a waiver of the Commission's Local Radio Ownership Rule. Generally, the waiver request and licensing application must be filed within three years after the date the incubation relationship ends. However, if the incubation relationship required a temporary waiver of the Local Radio Ownership Rule and the incubating entity seeks to use its reward waiver to acquire the incubated station (or to retain an attributable interest in the station), then the reward waiver request and licensing application must be filed contemporaneously with the final joint certified statement. *See Incubator Order*, 33 FCC Rcd at 7945-46; approved by OMB control number: 3060-1260.

The waiver request must demonstrate that the incubated entity completed a successful incubation relationship, *see Incubator Order*, 33 FCC Rcd at 7940-41, and that the incubating entity seeks to use the waiver in the same market as the incubated station or a comparable market, *see Incubator Order*, 33 FCC Rcd at 7937-39. An applicant requesting a reward waiver must respond "Yes" to the Broadcast Incubator Program question, and must also attach a copy of the Bureau document(s) approving the successful incubation relationship, including any document(s) approving an extension of the original term of the relationship. If the incubation relationship was approved in conjunction with an assignment or transfer of a station, or the grant of a new construction permit, the reward waiver request must also include the file number of the relevant licensing application. When uploading, select "Fees, Waivers and Exemptions" as the Attachment Type. Approved by OMB control number: 3060-1260. We have estimated that each response to this collection of information will take 4 to 16 hours. Please refer to the notice on the last page of the instructions for additional information required by the Paperwork Reduction Act.

Multiple Ownership. This item consists of several questions/certifications regarding compliance with the Commission's broadcast ownership rules, including restrictions on investor insulation and participation of non-party investors and creditors.

The applicant must answer "Yes" or "No" as to whether any party to the application holds an attributable Joint Sales Agreement or Time Brokerage Agreement in the same market as the station that is the subject of the application. If answering "Yes," a radio applicant must submit an attachment including a copy(ies) of any such agreement(s) for radio stations. *See Note 2 to 47 CFR § 73.3555.*

The applicant must certify that the proposed facility, if granted, would comply with the Commission's multiple ownership rules, found in the Notes to 47 CFR § 73.3555. Worksheet # 2(A)(I) is designed to assist applicants in determining compliance with the multiple ownership rules. For radio applicants, if selecting "Yes" to this question, you must upload an attachment with the required information, demonstrating compliance with section 73.3555 and the Notes. For all applicants, if selecting "No" to this question, you must upload an attachment containing information relevant to an exemption or waiver from section 73.3555 and the Notes.

The applicant must also certify that the proposed facility (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's policies relating to future ownership interests; and (c) complies with the Commission's restrictions relating to the insulation and non-insulation of non-party investors and creditors. If responding "No" to this question, submit an explanatory attachment. See Worksheets 2(B), 2(C), and 2(E), in connection with these ownership restrictions.

The applicant must also certify whether it is claiming status as an "eligible entity." 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 CFR § 121.201, and holds (1) 30% or more of the stock or partnership interests and more than 50% of the voting power of the corporation or partnership that will own the media outlet; or (2) 15% or more of the stock or partnership interests and more than 50% 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% of the outstanding stock or partnership interests; or (3) more than 50% 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 this question and submit an explanatory attachment demonstrating proof of status as an eligible entity. 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.

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% 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% 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, 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-be-known interest holders, street addresses are not sufficient for this purpose. For more detailed information on identifying and calculating foreign interests, *see 2016 Foreign Ownership Order, paras. 44-72.*

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

LEGAL CERTIFICATIONS

Character Issues/Adverse Findings: The Character Issues question requires the applicant to certify that neither it nor any party to the application has had any interest in or connection with an application that was or is the subject of unresolved character issues. An applicant must disclose in response to the Adverse Findings question whether the applicant or any party to the application has been the subject of a final adverse finding with respect to certain relevant non-broadcast matters. The Commission's character policies and litigation reporting requirements for broadcast applicants focus on misconduct which violates the Communications Act or a Commission rule or policy and on certain specified non-FCC misconduct. In responding to these questions, applicants should review the Commission's character qualifications policies, which are fully set forth in *Character Qualifications*, 102 FCC 2d 1179 (1985), *reconsideration denied*, 1 FCC Rcd 421 (1986), *as modified*, 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Note: As used in these questions, the term "party to the application" includes any individual or entity whose ownership or positional interest in the applicant is attributable. An attributable interest is an ownership interest in or relation to an applicant or licensee which will confer on its holder that degree of influence or control over the applicant or licensee

sufficient to implicate the Commission's multiple ownership rules. *See* Report and Order in MM Docket No. 83-46, 97 FCC 2d 997 (1984), *reconsideration granted in part*, 58 RR 2d 604 (1985), *further modified on reconsideration*, 61 RR 2d 739 (1986).

Character Issues: Where the response to 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.

Program Service Certification. Applicants for broadcast construction permits need no longer file a specific program service proposal. Nevertheless, prior to making the Program Service 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 Request for Declaratory Ruling Concerning Programming Information in Broadcast Applications for Construction Permits, Transfers and Assignments*, Memorandum Opinion and Order, 3 FCC Rcd 5467 (1988). Responding "No" to this question will open a pop-up box prompting the applicant to provide an explanatory attachment.

Local Public Notice. 47 CFR § 73.3580 requires that applicants for construction permits for new broadcast stations and for a major change in existing broadcast facilities (as defined in 47 CFR § 73.3573(a)(1) (FM); 47 CFR § 73.3571(a) (AM); 47 CFR § 73.3572(a) (TV)) give online notice on an applicant-affiliated website or a publicly accessible website. This notice requirement also applies with respect to major amendments as defined in 47 CFR §§ 73.3573(b) (FM), 73.3571(b) (AM), or 73.3572(b) (TV). This notice requirement also applies with respect to applications for minor modification to existing AM and FM facilities in which the applicant seeks to change the existing facility's community of license. For commercial full-service AM or FM radio stations, filing an application for a minor modification to change the station's community of license, local notice is also required to be broadcast over the station, if operating, in accordance with 47 CFR § 73.3580(c)(5)(ii) .

Notice may commence with the release of public notice of acceptance of the application for filing, but not later than five business days following release of the public notice of acceptance. Online notice must occur for at least 30 consecutive days following commencement of notice. Compliance or intent to comply with the public notice requirements must be certified by the applicant. The required content of the online notice is described in 47 CFR § 73.3580(b)(2)(i). Proof of notice need not be filed with this application.

Equal Employment Opportunity. 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 CFR § 73.2080. Pursuant to these requirements, an applicant who proposes to employ five or more full-time employees in its station employment unit must establish a program designed to assure equal employment opportunity for women and minority groups (that is, Blacks not of Hispanic origin, Asian or Pacific Islanders, American Indians or Alaskan Natives, and Hispanics). An “employment unit” is a station or group of commonly owned stations in the same market that share at least one employee. This program is submitted to the Commission as the Model EEO Program Report on the FCC Schedule 396-A, “Broadcast Equal Employment Opportunity Model Program Report,” which should be filed simultaneously with this application. If an applicant proposes to employ fewer than five full-time employees in its station employment unit, an EEO program does not need to be implemented, and Schedule 396-A need not be filed.

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

Auction Authorization. The Commission's Part 1 auction rules require all winning bidders for construction permits or licenses to include certain attachments with their post-auction 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 CFR § 73.5005(a), include an attachment 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 CFR § 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 CFR § 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 CFR § 1.2112(a).

FREQUENCY AND FACILITY INFORMATION

Proposed Community of License: Facility ID Number. If this is an application for a new AM station, LMS will assign a Facility ID Number to the proposed facility. If this is an amendment to a pending application or an application to modify existing facilities, verify that the pre-filled Facility ID Number is correct. Radio Facility ID Numbers can be obtained at the FCC's Licensing and Management System (LMS) Search Page at <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicFacilitySearch.html> or by calling (202) 418-2700. Further, the Facility ID Number is included on all Radio authorizations.

State / City. Select the State from the pull-down menu. Enter the city or community name in the box provided. If the State and City are pre-filled, verify that they are correct.

Facility Information. Frequency. The applicant must enter the proposed frequency. The proposed frequency must be between 540 and 1700 kHz. If pre-filled, verify that it is correct. *See* 47 CFR § 73.14.

Service Type. Select either the “Main” or the “Auxiliary” radio button.

Facility Type. Select either the “Commercial” or “Noncommercial” radio button.

Station Class. Select the radio button responding to the class of station proposed or verify that the pre-filled station class is correct. *See* 47 CFR § 73.21.

Modes/Hours of Operation.

The applicant must indicate whether the Application applies to (check all that apply):

Daytime Operation

Nighttime Operation

Critical Hours Operation (only if different than Daytime)

Unlimited Operation (only if the same facility for Daytime and Nighttime)

See 47 C.F.R. §§ 73.150 and 73.160. No new daytime-only, share time, or specified hours stations are allowed.

ANTENNA DATA SUMMARY

Applicant must enter all antenna data for each of the following selected Modes: DAYTIME, NIGHTTIME, CRITICAL HOURS and UNLIMITED.

After a Mode is selected, i.e., DAYTIME, the applicant is prompted to either “Edit” an existing antenna system or “Add Antenna.” If the applicant clicks the “Edit” button, a series of questions will display and the applicant must fill in the appropriate data for that antenna. If the applicant clicks the “Add Antenna” button, a drop-down appears and the applicant selects the appropriate antenna type -- either “Directional” or “Non-Directional.”

Based on the Mode and antenna type selected, i.e., DAYTIME and “Directional,” sub-sections containing a series of questions will display and the applicant must fill in the appropriate data for that antenna.

The following flow tracks the series of questions pertaining to an applicant’s DAYTIME, “Non-Directional” selection:

DAYTIME-Non-Directional flow.

Antenna Structure Registration. This section contains several questions pertaining to the proposed antenna structure, its registration status, and certain data provided on the registration form. If you have obtained an Antenna Structure Registration (ASR) number, select “Yes” and then enter the ASR number in the text box that opens. Most towers greater than 61 meters (200 feet) in height, or those located near airports require antenna registration numbers. *See* 47 CFR § 17.4. If the tower does not require registration, select “Not applicable”; if the FAA has not yet ruled on a proposed structure, select “Notification Filed with the FAA.” Answering “Yes” and then clicking the “Lookup ASR Number” link will open a new window with the Wireless Telecommunications Bureau’s ASR Registration Search page, which will enable you to locate the ASR number for the station tower.

Nominal Power: The nominal power must be rounded as follows: Nominal Power (kW) Rounded to nearest figure (kW)
0.001 to 0.249 = 0.001; 0.25 to 0.99 = 0.01; 1.0 to 9.9 = 0.1; 10.0 to 50.0 = 1.0

Nominal Power (kW)	Rounded to nearest figure (kW)
0.001 to 0.249	0.001
0.25 to 0.99	0.01
1.0 to 9.9	0.1
10.0 to 50.0	1.0

Coordinates (NAD 83): For this section, if you have an ASR number for the proposed radiator(s), you may click the “Pre-fill Coordinates From ASR” button next to the box in which you entered the ASR number, and LMS will pre-fill the coordinates of the tower as registered. If you are manually completing the coordinates, the proposed antenna site must be specified using North American Datum 83 (NAD 83) coordinates. Please indicate North or South Latitude, and East or West Longitude. **Note: This is a change from past Media Bureau practice, in which latitude and longitude coordinates were specified using North American Datum 27 (NAD 27).** To use prior-specified coordinates, you must convert them from NAD 27 to NAD 83, using the NGS Coordinate Conversion and Transformation Tool (NCAT) available here: <https://www.ngs.noaa.gov/NCAT/>. Degrees and Minutes should be expressed in whole numbers; Seconds should be expressed to one decimal point only.

Parameters. This section contains a series of questions pertaining to the specific elements of the proposed Non-directional antenna.

Theoretical RMS.

Overall Height Above Ground (including obstruction lighting). All heights must be in meters. Overall height refers to the height above ground level (AGL) of the total structure, including any appurtenances (e.g. masts, lighting).

Is the Tower Top-Loaded, Sectionalized, or Neither? If the “Top-Loaded” radio button is selected, fill in the two Tower Parameters data fields, in degrees. Also fill in the appropriate data in the “Height of Radiator Above Base Insulator, or Above Base, if Grounded” field.

If the “Sectionalized” radio button is selected, fill in the four Tower Parameters data fields, in degrees. Also fill in the appropriate data in the “Height of Radiator Above Base Insulator, or Above Base, if Grounded” field.

If the “Neither” radio button is selected, fill in the appropriate data in the “Height of Radiator Above Base Insulator, or Above Base, if Grounded” field. Also fill in the appropriate data in the “Electrical Height of Radiator” field.

For a proposed toploading tower: Applicants must provide electrical heights in A and B, where A is the physical height of the tower, in electrical degrees, and B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the tower and the physical height of the tower.

For a proposed sectionalized tower: Applicants must provide electrical heights in A, B, C, and D, where A is the physical height of the lower section of the tower, in electrical degrees, B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the lower section of the tower and the physical height of the lower section of the tower, C is the physical height of the entire tower, in electrical degrees, and D is the difference between the apparent electrical height of the tower (based on current distribution of the upper section) and the physical height of the entire tower. D will be zero if the sectionalized tower is not top-loaded.

The following flow tracks the series of questions pertaining to an applicant's DAYTIME, "Directional" selection:

DAYTIME, "Directional" flow.

Parameters. This section contains a series of questions pertaining to the specific elements of the proposed Directional antenna.

Power.

Latitude. If you are manually completing the coordinates, the proposed antenna site must be specified using North American Datum 83 (NAD 83) coordinates. Please indicate North or South Latitude, and East or West Longitude. **Note: This is a change from past Media Bureau practice, in which latitude and longitude coordinates were specified using North American Datum 27 (NAD 27).** To use prior-specified coordinates, you must convert them from NAD 27 to NAD 83, using the NGS Coordinate Conversion and Transformation Tool (NCAT) available here:

<https://www.ngs.noaa.gov/NCAT/>. Degrees and Minutes should be expressed in whole numbers; Seconds should be expressed to one decimal point only.

Longitude.

Theoretical RMS.

Standard RMS.

Specified Q.

For a minor modification application, the applicant's current tower data will display in table format. Data for each tower displays in a separate row, indicated by #1, #2, #3 etc., under the column header - Tower.

To change any of this data, click the "Edit" button for the tower that the applicant proposes to modify. After clicking the "Edit" button, the applicant will be directed to a Tower Data page. Applicants must fill in the data fields displayed on the Tower Data page for each tower.

Tower Data page.

Antenna Structure Registration. This section contains several questions pertaining to the proposed antenna structure, its registration status, and certain data provided on the registration form. If you have obtained an Antenna Structure Registration (ASR) number, select "Yes" and then enter the ASR number in the text box that opens. Validate the ASR number. Most towers greater than 61 meters (200 feet) in height, or those located near airports require antenna registration numbers. See 47 CFR § 17.4. If the tower does not require registration, select "Not applicable"; if the FAA has not yet ruled on a proposed structure, select "Notification Filed with the FAA." Answering "Yes" and then clicking the "Lookup ASR

Number” link will open a new window with the Wireless Telecommunications Bureau’s ASR Registration Search page, which will enable you to locate the ASR number for the station tower.

Overall Height Above Ground (including obstruction lighting). All heights must be in meters. Overall height refers to the height above ground level (AGL) of the total structure, including any appurtenances (e.g. masts, lighting).

Overall Height in Meters Above Ground (without obstruction lighting)

Field Ratio.

Phase.

Spacing.

Tower Orientation. If a directional array is proposed, list the coordinates of the center of the array.

Tower Reference Switch. The tower reference switch is set as follows:

Blank or 0	With respect to origin
1	With respect to immediately preceding tower

Is the Tower Top-Loaded, Sectionalized, or Neither? If the “Top-Loaded” radio button is selected, fill in the two Tower Parameters data fields, in degrees.

If the “Sectionalized” radio button is selected, fill in the four Tower Parameters data fields, in degrees.

If the “Neither” radio button is selected, fill in the appropriate data in the “Height of Radiator Above Base Insulator, or Above Base, if Grounded” field. Also fill in the appropriate data in the “Electrical Height of Radiator” field.

Height of Radiator Above Base Insulator, or Above Base, if Grounded.

Electrical Height of Radiator.

For a proposed Toploading tower: Applicants must provide electrical heights in A and B, where A is the physical height of the tower, in electrical degrees, and B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the tower and the physical height of the tower.

For a proposed Sectionalized tower: Applicants must provide electrical heights in A, B, C, and D, where A is the physical height of the lower section of the tower, in electrical degrees, B is the difference, in electrical degrees, between the apparent electrical height (based on current distribution) of the lower section of the tower and the physical height of the lower section of the tower, C is the physical height of the entire tower, in electrical degrees, and D is the difference between the apparent electrical height of the tower (based on current distribution of the upper section) and the physical height of the entire tower. D will be zero if the sectionalized tower is not top-loaded.

Note: Antenna Parameters: The proposed antenna parameters must be submitted according to these specifications:

RMS Values	4 significant digits
Azimuth of augmentation and Span	Nearest 0.1 degree
Augmented radiation	4 significant digits

Array Parameters: The proposed array parameters must be submitted according to these specifications:

Tower height	Nearest 0.1 degree/meters
Field ratio	3 significant digits
Phase	Nearest 0.1 degree
Spacing	Nearest 0.1 degree
Orientation	Nearest 0.1 degree

Augmentation. The first question in this section asks whether the standard pattern is augmented. Applicants answering “Yes” must then enter the Augmented RMS data in the displayed text box. Applicants responding “Yes” must also enter the “Central Azimuth (degrees),” “Span (degrees),” and “Radiation at Central Azimuth (mV/m)” data in the appropriate column in the Augmentation Table that is displayed.

Site Plat and Tower Sketch. Applicants proposing the use of a Directional Antenna must attach an Antenna Site Plat and a Tower Sketch.

The Antenna Site Plat must clearly show the following items: boundary lines, roads, railroads, other obstructions, and the ground system or counterpoise. Number and dimensions of ground radials or height and dimensions of counterpoise. Spacing and orientation of each element in the array with respect to true north. A scale in meters.

The Tower Sketch should include: site elevation, radiator height above base insulator, tower height above ground level, overall tower height above ground without obstruction lighting, and overall height above ground with obstruction lighting.

TECHNICAL CERTIFICATIONS

Environmental Effect: This question requires the applicant to state whether grant of a construction permit for the proposed facility would be an action that may have a significant environmental effect under 47 CFR § 1.1306.

The National Environmental Policy Act of 1969 requires all federal agencies to ensure that the human environment is given consideration in all agency decision-making. Since January 1, 1986, applications for new broadcast stations, modifications of existing stations, and license renewals must contain either an environmental assessment that will serve as the basis for further Commission review and action, or an indication that operation of the station will not have a significant environmental impact. See 47 CFR § 1.1307(b). In this regard, applicants are required to look at eight environmental factors. These factors are relatively self-explanatory, except for the evaluation of whether the station adequately protects the public and workers from potentially harmful radiofrequency (RF) electromagnetic fields. In addition, if the applicant proposes a new tower that will exceed 450 feet in height, it must submit an Environmental Assessment as described below. The Worksheets include both a general environmental evaluation and specific sub-sections for RF exposure analysis. Access Worksheets # 3(A), 3(B), the RF Worksheets, and all worksheets referenced in these instructions, by opening the legacy Form 301, which can be found at <https://transition.fcc.gov/Forms/Form301/301.pdf>, starting at Page 24. These worksheets are designed to facilitate and substantiate the certification called for in Schedule 302. Their use is voluntary, but strongly encouraged.

New RF Exposure Requirements. In 1996, the Commission adopted new guidelines and procedures for evaluating environmental effects of RF emissions. All applications subject to environmental processing filed on or after October 15, 1997, must demonstrate compliance with the new requirements. These new guidelines incorporate two tiers of exposure limits:

- General population/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Members of the general public are always considered under this category when exposure is not employment-related.
- Occupational/controlled exposure limits apply to human exposure to RF fields when persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. These limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above the general populations/uncontrolled limits as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or some other appropriate means.

The new guidelines are explained in more detail in OET Bulletin 65, entitled *Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields*, Edition 97-01, released August, 1997, and Supplement A: Additional Information for Radio and Television Broadcast Stations (referred to here as "OET Bulletin 65" and "Supplement A," respectively). Both OET Bulletin 65 and Supplement A can be viewed and/or downloaded from the FCC Internet site at <https://www.fcc.gov/general/radio-frequency-safety-0#block-menu-block-4>. Additional information may be obtained from the RF Safety Group at rfsafety@fcc.gov or (202) 418-2464 or from the FCC Call Center at 1-888-CALL FCC (225-5322).

Worksheets ## 3(A), 3(B) and RF Worksheet # 2 will enable certain categories of stations to determine whether the proposed facility will have a significant environmental impact as defined by section 1.1307. All applicants can use the General Environmental worksheet (Worksheet # 3(A)). Some, but not all, stations will be able to use the RF Exposure Compliance Worksheets (Worksheets ## 3(B), RF Worksheets ## 2 and 2(a)). Access Worksheets # 3(A), 3(B), the RF Worksheets, and all worksheets referenced in these instructions, by opening the legacy Form 301, which can be found at <https://transition.fcc.gov/Forms/Form301/301.pdf>, starting at Page 24. Generally, the RF Exposure Compliance 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, in order to be eligible to use the RF worksheet, access to AM stations must be restricted by a fence or other barrier that will preclude casual or inadvertent access to the site and warning signs must be posted at appropriate intervals describing the potential for RF exposure.

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

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

Should the applicant be unable to conclude that its proposal will have no significant impact on the quality of the human environment, or if it proposes a new tower exceeding 450 feet in height, it must submit an Environmental Assessment containing the following information:

1. A description of the facilities as well as supporting structures and appurtenances, and a description of the site as well as the surrounding area and uses. If high-intensity white lighting is proposed or utilized within a residential area, the EA must also address the impact of this lighting upon the residents.
2. A statement as to the zoning classification of the site, and communications with, or proceedings before and determinations (if any) by zoning, planning, environmental and other local, state, or federal authorities on matters relating to environmental effects.
3. A statement as to whether construction of the facilities has been a source of controversy on environmental grounds in the local community.
4. A discussion of environmental and other considerations that led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects; and any alternative sites or facilities that have been or reasonably might be considered.
5. If relevant, a statement why the site cannot meet the FCC guidelines for RF exposure with respect to the public and workers.

Note: Even if the applicant concludes that human RF electromagnetic exposure is consistent with the Commission's guidelines, each site user must also meet requirements with respect to "on-tower" or other exposure by workers at the site (including RF exposure on one tower caused by sources on another tower or towers). These requirements include, but are not limited to, the reduction or cessation of transmitter power when persons have access to the site, tower, or antenna. Such procedures must be coordinated among all tower users. *See* OET Bulletin 65 for details. *See also* 47 CFR § 1.1306.

Broadcast Facility: The applicant must certify that the proposed facility complies with the Commission's AM station engineering standards and assignment requirements of: 47 CFR §§ 73.21, 73.23, 73.24, 73.33, 73.37, 73.45, 73.150, 73.152, 73.160, 73.182, 73.186, 73.187, 73.189 and 73.1650.

If responding "Yes," an explanatory attachment is required demonstrating compliance with these rules. In this regard, applicants must submit, as applicable, the following information:

Top loaded or sectionalized antenna: Antenna must be fully described. Apparent electrical height values must be included. *See* 47 CFR §§ 73.150, 73.160.

Non-directional Antenna: The theoretical efficiency (*see* 47 CFR § 73.14) based on Figure 8 of Section 73.190 and adjusted for ground losses must be submitted.

Directional Antenna Specifications: Engineering data specified in Sections 73.150 or 73.152 must be submitted for each proposed directional antenna.

Antenna Site Map: A 7.5 minute U.S. Geological Survey topographic quadrangle map, if available, must be submitted that clearly shows the proposed antenna site accurately plotted, latitude and longitude lines clearly marked and a scale in kilometers.

Aerial Photographs: A sufficient number of aerial photographs taken in clear weather at appropriate altitudes and angles to permit identification of all structures in the vicinity. The photographs must be marked so as to show compass directions, exact boundary lines of the proposed site, and a map showing the proposed 1000 mV/m contour for both the day and night operation. Photographs taken in eight different directions from an elevated position on the ground will be acceptable in lieu of the aerial photographs if the data referred to above can be clearly shown.

Contour Maps: For **daytime operation**, applicants must submit a map or maps having appropriate scales, showing the 1000, 5, 2, and 0.5 (0.1 if Class A) mV/m daytime contours for both existing and proposed facilities. The map showing the 5 mV/m contour must clearly show the legal boundaries of the principal community to be served.

For **critical hours** operation, applicants must submit a map or maps having appropriate scales, showing the 1000, 5, and 0.5 mV/m critical hours contours for both existing and proposed facilities. The map showing the 5 mV/m contour must clearly show the legal boundaries of the principal community to be served.

For **nighttime** operation, applicants must submit a map or maps having appropriate scales, showing the 1000 mV/m and coverage contours (the proposed 5 mV/m nighttime groundwave contour, or the nighttime interference-free contour, whichever is the greater value) for both existing and proposed facilities. The map showing the nighttime coverage contour must clearly show the legal boundaries of the principal community to be served.

See 47 CFR §§ 73.24(e), 73.33, 73.37, 73.45, 73.150, 73.152, 73.182(a)-(i).

Community Coverage Exhibit: The applicant must certify that the proposed facility substantially complies with the Commission's AM community coverage requirements. See 47 CFR § 73.24(i). For all proposals for new **stations**, applications to modify a construction permit for an unlicensed **station**, and all applications to change a **station's** community of license, the daytime 5 mV/m contour must encompass either 80% of the area, or 80% of the **population** of the principal community to be served, and the nighttime 5 mV/m contour or the nighttime interference free contour, whichever value is higher (see Section 73.182(k)), must encompass either 50% of the area or 50% of the population of the principal community.

For all other applications for modification of existing licensed AM stations on a frequency 535 kHz to 1605 kHz, the **daytime** 5 mV/m contour encompasses either 50% of the area, or 50% of the **population**, of the principal community to be served. No nighttime coverage is required for existing licensed AM stations. For **stations** in the 1605-1705 kHz band, the **nighttime** 5 mV/m contour or the nighttime interference-free contour, whichever value is higher, must encompass 50% of the principal community.

Class D stations holding nighttime authorizations do not need to demonstrate nighttime principal community coverage.

Interference Exhibit. An applicant for a station on a frequency between 535 kHz and 1605 kHz must certify that it complies with the Commission's AM interference standards. In order to be approved, the applicant must meet all pertinent interference analyses: groundwave, skywave, and critical hours. While not every AM proposal will need to be analyzed under each mode of interference -- a proposal for or to modify daytime operation only will not need a nighttime skywave study -- the applicant must submit an Exhibit providing specific technical data with respect to each applicable section.

Section 73.37 bars the acceptance of an application for AM facilities if the proposed operation would create overlap of certain specified signal-strength groundwave contours; the signal strengths vary with the frequency separation of the station(s) involved. The technical exhibit for this certification must contain an allocation study that includes the following information:

- 1) Protected and interfering contours for the proposed facility
- 2) Protected and interfering contours of all relevant existing stations and proposed facilities to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.37.
- 3) Transmitter locations, call signs, and file numbers of each existing station and proposed facility included in the above-specified contour overlap analysis.
- 4) Properly labeled longitude and latitude markings and a distance scale.

Any applicant on a frequency between 1605 kHz and 1705 kHz must certify that it complies with the Commission's AM interference standards specified in Section 73.37(f) and the *Review of the Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991).

Section 73.182 Nighttime Allocation Exhibit. Section 73.182 contains general allotment standards, including specified signal strength contours which are to be protected from objectionable nighttime skywave signal interference. If a proposal involves nighttime operation, the applicant must submit a technical Exhibit containing an allocation study that includes the following information:

- 1) *Nighttime Channel Study:* (a) the relevant existing and proposed nighttime limitations which contribute to the 50% "root sum square" (RSS) of the proposed facility, (b) the existing and proposed nighttime limitations which enter into the 25% and 50% RSS nighttime limitation of each existing station and proposed facility. If interference is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.
- 2) *Skywave Study:* The protected groundwave, skywave, and interfering contours of all relevant existing co- and first-adjacent-channel Class A stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.182.
- 3) *Nighttime Groundwave Study:* The protected and interfering groundwave contours of all relevant existing second- and third-adjacent channel stations and proposed facilities, to demonstrate that there is no prohibited contour overlap caused or received by the proposed facility. If prohibited overlap is predicted to occur, the applicant must submit appropriate justification for waiver of Section 73.37.

Section 73.187 Critical Hours Exhibit. Section 73.187 specifies limitations on critical-hour daytime radiation. "Critical Hours" are the two hours after local sunrise and the two hours before local sunset. Applicants that propose critical-hour operation must submit an Exhibit containing an allocation study that includes the following information: the 0.1 mV/m groundwave contour in pertinent arcs in the direction of protected co-channel Class A station and appropriate studies to establish compliance with Section 73.187.

Community of License Change – Section 307(b): Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. § 307(b)) provides that the Commission shall, in considering modifications of licenses, “make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.” If this application is being submitted to change an existing AM facility’s community of license, then the applicant must include an exhibit containing information demonstrating that the proposed change of community of license will result in a preferential arrangement of assignments under Section 307(b), compared to the existing station assignment. The exhibit may include any and all information the applicant deems relevant to the Commission’s consideration, but should include the following:

- (1) If new technical facilities are proposed, the area and population within the proposed 2.0 mV/m and 0.5

mV/m contours of the station.

- (2) If new technical facilities are proposed, the area and population within the proposed nighttime interference-free contour of the station.
- (3) The number of stations licensed to the proposed new community of license.
- (4) The number of stations providing protected service to the proposed community of license.
- (5) The population (according to the latest Census data) of the proposed community of license.
- (6) Where relevant to establish the precondition of a licensable community, a description of the civic, cultural, religious, social and commercial attributes of the proposed community of license.
- (7) In the case of an AM station proposal for first local transmission service under Priority (3), where relevant to demonstrate that the proposed facility at the new community of license “could not be modified” to cover 50% or more of an Urbanized Area, a certification: (a) that there could be no rule-compliant minor modification on the proposed channel to provide a principal community signal over 50% or more of an Urbanized Area, in addition to covering the proposed community of license; and (b) that there are no existing towers in the area to which, at the time of filing, the applicant’s antenna could be relocated pursuant to a minor modification application to serve 50% or more of an Urbanized Area. In making these certifications, the applicant must consider all existing registered towers in the Commission’s Antenna Structure Registration database, in addition to any unregistered towers currently used by licensed radio stations, and must consider widely-used techniques, such as directional antennas and contour protection, when certifying that its proposal could not be modified to provide a principal community signal over the community of license and 50% or more of an Urbanized Area.
- (8) Where (a) the community of license of the proposed facility is located in an Urbanized Area, or (b) the proposed facility places, or could be modified to place (using the criteria listed in (6) above) a principal community signal over 50% or more of an Urbanized Area, and to the extent the applicant wishes to rebut the Urbanized Area service presumption, a showing (a) that the proposed community is truly independent of the urbanized area, (b) of the community’s specific need for an outlet for local expression separate from the Urbanized Area and (c) the ability of the proposed station to provide that outlet. *See Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, 26 FCC Rcd 2556, 2572-74, 2577, paras. 30, 38 (2011) (*Rural Second R&O*).
- (9) In the case of an AM station proposal under Priority (4), a description of all populations gaining or losing third, fourth, or fifth reception service, and the percentage of the population in the station’s current protected contour that will lose third, fourth, or fifth reception service.
- (10) In the case of an AM station proposal under Priority (4), the sizes of the populations gaining and losing service under the proposal, a detailed summary of the numbers of services those populations will receive if the application is granted, and an explanation as to how the proposal advances the revised section 307(b) priorities in the *Rural Second R&O*. For example, an applicant might detail that 50,000 people would receive 20 or more services, 10,000 would receive between 15 and 20 services, 7,000 would receive between 10 and 15 services, etc., under the proposed new service. The showing should state what service the modified facility would represent to the majority of the population gaining new service, e.g., the 16th service to 58% of the population, and the corresponding service that the majority of the population losing service would lose, e.g., 60% of the current coverage population would lose the ninth reception service. New service or service losses to underserved listeners should be detailed. The applicant must also provide a rationale to explain how the service changes described represent a preferential arrangement of allotments or assignments.
- (11) Any other information deemed relevant.

See, e.g., Revision of FM Assignment Policies and Procedures, Second Report and Order, 90 F.C.C.2d 88 (1982).

Dispositive Section 307(b) Preference: An AM auction filing window applicant that receives a dispositive Section 307(b) preference is required to construct and operate technical facilities substantially as proposed in its FCC Form 175 application.

An AM applicant that received a dispositive Section 307(b) preference based on its proposed service to underserved populations (under Priority (1), Priority (2), or Priority (4)), or service totals (under Priority (4)), may modify the facilities originally proposed in its Form 175 application – either in its initial post-auction Schedule 301 long form application, or in a modification to the authorization awarded on the basis of a dispositive Section 307(b) preference - so long as it continues to serve substantially the same number of persons who would have received service under the initial Form 175 auction filing window proposal. The term “substantially” means that any proposed modification must not result in a decrease of more than 20% of any population figure that was a material factor in obtaining the dispositive Section 307(b) preference. An AM applicant that received a dispositive Section 307(b) preference under Priority (3) is prohibited from changing its community of license. *See Rural First R&O*, 25 FCC Rcd at 1597-99, paras. 29-31.

The above Section 307(b)-based restrictions will be applied for the period beginning with issuance of the Section 307(b) disposition letter, until the conclusion of four years of on-air operations. The restrictions do not apply to construction permits that are awarded on a non-comparative basis, such as those awarded to non-mutually exclusive applicants, or through settlement.

The first question requires the applicant to indicate whether the AM facility that is the subject of this application was awarded on the basis of a dispositive Section 307(b) preference. Answer “Yes” if the subject facility received a dispositive Section 307(b) preference under Priority (1), Priority (2), Priority (3), or Priority (4).

The second question applies only, and will appear only, to applicants who answered “Yes” to the first question regarding a dispositive Section 307(b) preference based on proposed service to underserved populations under Priority (1), Priority (2), or Priority (4), or service totals under Priority (4). Applicants that received a dispositive Section 307(b) preference on this basis must certify and demonstrate in an explanatory attachment that the facility proposed in the subject application continues to serve substantially the same number of persons who would have received service under the initial proposal specified in the Form 175 application. *See 47 CFR § 73.3571(k)*.

The second question also applies to, and is only displayed to, applicants who answered “Yes” to the first question, and who received a dispositive Section 307(b) preference under Priority (3), indicating a first local transmission service to the proposed community of license. Applicants that received a dispositive Section 307(b) preference on this basis must certify that the community of license in the subject application is the same community on which the Section 307(b) preference was based.

If the AM facility that is the subject of this application was awarded on the basis of a dispositive Section 307(b) preference under either Priority (1), Priority (2), Priority (3), or Priority (4), and the applicant has already completed four years of on-air operations at the time of filing the subject application, thus satisfying the required four-year holding period for such stations, the applicant should answer “Yes” to the third question. Applicants not meeting the four-year holding period should answer “No” to this question and explain their response in an attachment.

CERTIFICATION

General Certification Statements: Each applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of such frequency(ies) or spectrum, whether by authorization or otherwise.

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

This question also requires the applicant to certify that neither it nor any party to the application is subject to denial of federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Section 5301 of the Anti-Drug Abuse Act of 1988 provides federal and state court judges the discretion to deny federal benefits to individuals convicted of offenses consisting of the distribution or possession of controlled substances. Federal benefits within the scope of the statute include FCC authorizations. The applicant, by electronically signing the application, certifies that neither it nor any party to this application has been convicted of such an offense or, if it has, it is not ineligible to receive the authorization sought by this application because of section 5301.

Note: With respect to this certification, the term "party to the application" includes, if the applicant is an individual, that individual; if the applicant is a corporation or unincorporated association, all officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting and/or non-voting) of the applicant; all members if a membership association; and if the applicant is a partnership, all general partners and all limited partners, including both insulated and non-insulated limited partners, holding a five percent or more interest in the partnership. *See* 47 CFR § 1.2002(b)-(c).

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

Applicant must also check the box to certify that it has submitted with the application all required and relevant attachments.

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

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

We have estimated that each response to this collection of information will take 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 Email 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.

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